

KITIMAT - TERRACE & DISTRICT LABOUR COUNCIL

CONSTITUTION

&

BY-LAWS

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TABLE OF CONTENTS

ARTICLE	PAGE
ARTICLE I - DEFINITION OF COUNCIL.	1
ARTICLE II - PURPOSE OF THE LABOUR COUNCIL.	1
ARTICLE III - MEMBERSHIP.	2
ARTICLE IV - MEETINGS.....	3
ARTICLE V - OFFICERS.....	7
ARTICLE VI - DUTIES OF THE PRESIDENT.....	8
ARTICLE VII - DUTIES OF THE VICE-PRESIDENTS.....	9
ARTICLE VIII - DUTIES OF THE SECRETARY-TREASURER.....	9
ARTICLE IX - DUTIES OF THE RECORDING SECRETARY AND SERGEANT-AT-ARMS.....	10
ARTICLE X - EXECUTIVE COUNCIL.....	10
ARTICLE XI - TRUSTEES.....	11
ARTICLE XII - REVENUE.....	11
ARTICLE XIII - OMBUDSPERSON.....	12
ARTICLE XIV - AMENDMENTS.	12
ARTICLE XV - ORDER OF BUSINESS.....	12

ARTICLE I - DEFINITION OF COUNCIL

- 1.1** This Labour Council shall be known as the "Kitimat-Terrace & District Labour Council, Canadian Labour Congress (CLC)".
- 1.2** It shall consist of organizations affiliated to the Canadian Labour Congress which become affiliated to this Labour Council.
- 1.3** These organizations shall conform to the By-Laws and the rules and regulations of this Council as set forth herewith. This Labour Council shall not be dissolved while there are five (5) organizations remaining in affiliation.
- 1.4** The jurisdiction of this Labour Council shall be the municipalities of Kitimat and Terrace and all those communities within the Kitimat-Terrace area.

ARTICLE II - PURPOSE OF THE LABOUR COUNCIL

The purposes of this Labour Council are:

- 2.1** To support the principles and policies of the Canadian Labour Congress.
- 2.2** To promote the interests of its affiliates and generally to advance the economic and social welfare of workers.
- 2.3** (a) To assist affiliated organizations in extending its benefits of mutual assistance and collective bargaining to workers.

(b) To assist in the organization of the unorganized into unions for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.
- 2.4** To encourage all workers without regard to race, creed, sex, age, colour or national origin, political beliefs or sexual orientation to share in the full benefits of union organization.
- 2.5** To secure legislation which will safeguard and promote the principle of free collective bargaining, the rights of workers and the security and welfare of all people.
- 2.6** To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled and to preserve and perpetuate the cherished traditions of our democracy.

- 2.7 To promote the cause of peace and freedom in the world and to assist and co-operate with free and democratic labour movements throughout the world.
- 2.8 To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labour press and other means of furthering the education of the labour movement.
- 2.9 To protect the labour movement from any and all corrupt influences and from the undermining efforts of all totalitarian agencies which are opposed to the basic principles of our democracy and free democratic unionism.
- 2.10 To safeguard the democratic character of the labour movement and to observe and respect the autonomy of each affiliated union.
- 2.11 While preserving the independence of the labour movement from political control, to encourage workers to vote, to exercise their full rights and responsibilities of citizenship and to perform their rightful part in the political life of the municipal, provincial and federal governments.

ARTICLE III - MEMBERSHIP

- 3.1. This Labour Council shall be composed of:
 - (a) local unions, branches and lodges of national and international unions, regional and provincial organizations affiliated to the Canadian Labour Congress;
 - (b) local unions in the area chartered by the Canadian Labour Congress.
- 3.2. Any organization affiliated with this Labour Council may be expelled from membership in the Council by a majority roll call vote at a meeting. Any decision to expel may be appealed to the Executive Committee of the Canadian Labour Congress within two (2) months. The decision shall be in force and effect during appeal.
- 3.3 Any delegate representing a local union affiliated with this Labour Council may be suspended or expelled, for conduct unbecoming a delegate, from membership in the Council by a majority roll call vote at a meeting. In such cases the local union which the delegate represents will be notified and requested to replace him/her. Any decision to expel may be appealed to the Executive Committee of the Canadian Labour Congress within two (2) months. The decision shall be in force and effect during appeal.
- 3.4. C.L.C. officers, directors and representatives are eligible as delegates and, where credentialed, will have the same rights as delegates, including the right to vote.
- 3.5 Is shall be the duty of each affiliated organization to furnish the Secretary-Treasurer of the Council with the following:

- (a) All official reports which deal with matters within the purview of the Council.
- (b) Such other reports as will facilitate and make more effective the work of the Council.
- (c) A statement of their membership in good standing.

Affiliates are encouraged to file with the Secretary-Treasurer of the Council and the Research Department of the Canadian Labour Congress in Ottawa, copies of their collective bargaining agreements.

ARTICLE IV - MEETINGS

- 4.1. The regular meetings of the Labour Council shall be the governing body of the Council. Except as provided in Article XII, its decisions shall be by majority vote.
- 4.2. The regular meetings of the Council shall be held on the fourth Wednesday of each month. Meetings shall commence at 7:00 p.m. sharp.
- 4.3. (a) Special meetings of the Council may be called by direction of the Executive Council or on request of affiliated organizations representing a majority of the total delegates of the Council as evidenced by the records of the Secretary-Treasurer.
- (b) In the event a majority as provided in subsection (a) requests a special meeting, the Executive Council shall call such meeting within five (5) calendar days and shall give all organizations five (5) calendar days' notice of the time and place for holding the special meeting, together with a statement of the business to be considered at such meeting.

Representation to special meetings shall be on the same basis as regular meetings.

- (d) Except as provided in subsection (b), a special meeting shall exercise the same authority as regular meetings.
- 4.4 Representation at meetings shall be on the following basis:

From affiliated Unions, Branches and Lodges

1 - 100 members.....	two (2) delegates
101- 200 members.....	three (3) delegates
201-300 members.....	four (4) delegates
301- 400 members.....	five (5) delegates
401-500 members.....	six (6) delegates

One (1) additional delegate for each 200 members or major fraction thereof.

- 4.5.** An affiliated union, branch and lodge may have an alternate delegate(s) at meetings with voice and vote when that affiliated organization's delegate(s) is absent. The number of alternate delegates that an organization can select is equal to their regular delegate entitlement. The provisions of Article IV, Sections 7 and 8, Obligation for Delegates, apply.
- 4.6** The number of members of each organization for the purpose of selecting delegates to the Council shall be the average monthly number on which per capita tax is paid.
- 4.7.** The Secretary-Treasurer shall furnish each affiliate with credential blanks which must be attested as required on the blanks and deposited at a regular Council meeting before any new delegates may be seated in Council.
- 4.8** *Obligation for Delegates*

All delegates to this Council, before being seated, shall come forward and clearly and audibly repeat the following obligation:

(With his/her right hand over his/her heart, the delegate repeats after the installing officer):

"I, (name) solemnly promise and declare, that I will support and obey, the By-Laws of this Labour Council and the Canadian Labour Congress. That I will, if within my power to do so, assist my fellow members, and their families, when they are in distress, that I will not purposely, or knowingly, wrong a member of the Council, or assist others in wronging him/her ... that I will not recommend any person to become a delegate to this Council whom I believe unworthy to be a delegate ... I do solemnly promise and declare that I will undertake a faithful performance of this obligation."

- 4.9.** Any organization suspended or expelled by the Canadian Labour Congress or this Council shall not, while under such penalty, be allowed representation in the Council. Any organization which is in arrears to the Council for per capita tax three (3) months or more, shall not be entitled to recognition or representation in the Council.
- 4.10** Any organization controlled or dominated by any totalitarian agency shall not be allowed representation in this Council.
- 4.11** Any person suspended by or expelled from any organization affiliated to this Council shall not be seated as a delegate.

- 4.12** Any delegate being absent from four (4) consecutive meetings of this Council (as per record kept by the Sergeant-at-Arms) without good and sufficient reason, in writing, having been previously presented to the Secretary-Treasurer from the delegate or his or her organization, certifying to the sickness, absence from city or engagement at work, said delegate shall forfeit his/her seat and immediate notice sent to his/her organization by the Secretary-Treasurer requesting a new credential for the vacant seat. The Secretary-Treasurer shall also revise the official roll call book and attendance card file for accurate use by the Sergeant-at-Arms.
- 4.13** The President in consultation with the Executive Council, shall appoint such committees as are necessary to conduct the affairs of the Council. Such committees may include Legislative, Municipal, Organization, Education, Political Education, Welfare and Community Services, Labour Day and Social, Union Label and such other communities as the Council shall at other times appoint. The Executive Council may request any such committee to meet for the purpose of considering matters placed before it and such committee shall prepare reports of its activities for presentation to Council meetings.
- 4.14** A registered delegate from each of five (5) affiliated unions shall constitute a quorum for the transaction of business.
- 4.15** The rules and order of business governing meetings shall be:
- (a) The President, or in his/her absence or at his/her request the Vice-President, shall take the chair at the time specified at all regular and special meetings. In the absence of both the President or the designated representative, a Chairperson shall be chosen by the Executive Council.
 - (b) No questions of a sectarian character shall be discussed at meetings.
 - (c) When a delegate wishes to speak, he/she shall be recognized by the Chairperson and shall give his/her name and the organization he/she represents and shall confine the remarks to the question at issue.
 - (d) A delegate shall not speak more than once for more than three (3) minutes upon a subject until all who wish to speak have had an opportunity to do so. This provision may be lifted at the discretion of the Chair.
 - (e) A delegate shall not interrupt another except it be to call to a point of order.
 - (f) If a delegate is called to order, he/she shall, at the request of the Chair, take his/her seat until the question of order has been decided.
 - (g) Should a delegate persist in unparliamentary conduct, the Chairperson will be compelled to name him/her and submit the conduct to the judgment of the meeting. In such case, the delegate whose conduct is in question should explain and then withdraw and the meeting will determine what course to pursue in the matter.

- (h) When a question is put, the Chairperson, after announcing the question, shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
- (i) Questions shall be decided by a show of hands, but a roll call vote may be demanded by thirty percent (30%) of the delegates present. In a roll call vote, each delegate shall be entitled to one (1) vote.
- (j) Two (2) delegates may appeal the decision of the Chair. The Chairperson shall then put the question thusly: "Shall the decision of the Chair be sustained?" The question shall not be debatable except that the Chairperson may make an explanation of his/her decision.
- (k) The Chairperson shall have the same right as other delegates to vote on any questions. In case of a tie vote, he/she shall cast the deciding vote.
- (l) When the previous question is moved, no discussion or amendment of either motion is permitted. If the majority vote that "the question be now put," the original motion has to be put without debate. If the motion to put the question is defeated, discussion will continue on the original motion.
- (m) A motion may be reconsidered provided the mover of the motion to reconsider voted with the majority, and notice of motion is given for consideration at the next meeting and said notice of motion is supported by two-thirds (2/3) of the delegates qualified to vote.
- (n) In all matters not regulated by these rules of order, Bourinot's Rules of Order shall govern.

4.16 There shall be no smoking by any person attending a general meeting or special meeting of the Council.

4.17 In the event officers of the Council fail to call meetings or otherwise fail to carry out their duties and responsibilities, the Congress shall take whatever measures are necessary to reorganize the Council.

ARTICLE V - OFFICERS

5.1 The officers shall consist of a President, first Vice-President, Second Vice-President, Secretary-Treasurer, Recording Secretary, Sergeant-At-Arms, and three (3) Executive Councillors.

5.2 Each officer shall be a member in good standing of an affiliated organization. A delegate who has been required to forfeit his/her seat in accordance with Section 12 at any time during the twelve (12) months prior to the election of officers shall not be eligible to stand for election.

- 5.3 The officers shall be elected by the Council at the annual meeting for a 2-year term. The AGM will be held during the month of May in each odd numbering year.
- 5.4 Election of officers shall be by secret ballot. A majority of votes cast shall be required before any candidate can be declared elected and second and subsequent ballots shall be taken, if necessary, to obtain such a majority. On the second and subsequent ballots, the candidate receiving the lowest of votes in the previous ballot shall be dropped. In the case of a final tie vote, the presiding officer may cast the deciding vote.
- 5.5 The election of each office shall be completed before nominations may be accepted for any subsequent office.
- 5.6 Nominees allowing their names to go forward for the offices of President, First Vice-President, Second Vice-President, Secretary-Treasurer, Recording Secretary, Sergeant-at-Arms and Executive Councillors, shall, upon acceptance of nomination, come forward and clearly and audibly speak the following lines to the assembled delegates:
- "In accepting nomination, I swear and affirm that I will faithfully support the constitution, principles and policies of the Canadian Labour Congress and the By-Laws of this Labour Council".
- 5.7 The terms of officers of the Council shall commence upon the completion of elections.
- 5.8 In the event of a vacancy in the office of President, a Vice-President shall perform the duties of the President until a successor is elected. If a Vice-President is unable to act in this matter, the Secretary-Treasurer shall perform this duty.
- 5.9 In the event of a vacancy of the First or Second Vice-President or Secretary-Treasurer, the President shall perform the duties of the vacant office until a successor is elected.
- 5.10 In the event of a vacancy in any office of the Council, the vacancy shall be filled at the next regular meeting.
- 5.11 The Executive Officers shall hold title to any real estate of the Council as trustees for the Council. They shall have no right to sell, convey or encumber any real estate without first submitting the proposition to a meeting and such proposition is approved.
- 5.12 ***Obligation for Officers***

After being elected, each Officer, before assuming his/her duties, shall be required to take the following obligation:

"I, do hereby, sincerely pledge my word and honour to perform my duties as an Officer of this Labour Council. I will attend, when able to do so, all meetings of the Council of which I shall

be a member, and at the end of my term of office, I shall turn over to the Council or to my successor, all properties or funds in my possession that belong to the Council."

ARTICLE VI - DUTIES OF THE PRESIDENT

- 6.1** The President shall be the chief executive officer of the Council; he/she shall exercise supervision over the affairs of the Council, sign all official documents and preside at regular and special meetings of the Executive Council.
- 6.2** Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret these By-Laws and his/her interpretation shall be conclusive and in full force and effect, unless reversed or changed by the Executive Council, or a meeting of the Canadian Labour Congress.

ARTICLE VII - DUTIES OF THE VICE-PRESIDENTS

- 7.1** The Vice-Presidents shall aid the President in his/her duties as chief Executive Officer of the Council and act on his/her behalf when required to do so.

ARTICLE VIII - DUTIES OF THE SECRETARY-TREASURER

- 8.1** The Secretary-Treasurer shall have charge of the seal and records of the Council. He/she shall conduct all correspondence on behalf of the Council. He/she shall conduct all correspondence on behalf of the Council, acknowledge all communications promptly and write all letters as directed by Council meetings. Along with the President, he/she shall sign the "authorization to pay" form known as the "Order on the Treasurer", in all cases where disbursements are to be made. He/she shall inform the Director of the Department of Federations and Labour Councils of the Canadian Labour Congress of all changes of officers of the Council, and the time and place of meetings. He/she shall also forward copies of all proceedings to the Canadian Labour Congress and the BC Federation of Labour.
- 8.2** The Secretary-Treasurer shall be the financial officer of the Council.
- 8.3** The Secretary-Treasurer shall be in charge of books, documents, files and effects of the Council which shall be at all times subject to the inspection of the President and Executive Council. He/she shall maintain a list of all affiliates of the Council and the reported number of members of each one.

- 8.4** The Secretary-Treasurer shall prepare a financial statement of the Council for a monthly report to the Council.
- 8.5** The Secretary-Treasurer shall have the books of the Council audited semi-annually by the trustees elected under the provisions of Article XI. A copy of the audit report shall be forwarded to the Canadian Labour Congress and the B.C. Federation of Labour.
- 8.6** The Secretary-Treasurer shall, subject to the approval of the Executive Council, invest surplus funds of the Council in securities or deposit them in banks or credit unions.
- 8.7** The Secretary-Treasurer is empowered to require affiliated organizations to provide statistical data in their possession relating to the membership of their organizations.

ARTICLE IX - DUTIES OF THE RECORDING SECRETARY AND SERGEANT-AT-ARMS

- 9.1** It shall be the duty of the Recording Secretary to assist the Secretary-Treasurer in the carrying out of his/her duties and to keep a full and impartial account of the proceedings of each meeting of the Council in a bound minutes book.
- 9.2** It shall be the duty of the Sergeant-at-Arms to receive the name of each delegate upon entering the room, and shall record his/her attendance. He/she shall perform such duties as may be assigned to him/her by the President.

ARTICLE X - EXECUTIVE COUNCIL

- 10.1** The Executive Council shall consist of the President, Vice-Presidents, Secretary-Treasurer, Recording Secretary, Sergeant-at-Arms and three (3) Executive Councillors.
- 10.2** The Executive Council shall be the governing body of this Council between meetings. It shall take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Council meetings and to enforce the provisions contained in these By-Laws.
- 10.3** The Executive Council shall meet upon the call of the President. It shall also be necessary for the President to call a meeting upon the request of three (3) other officers.
- 10.4** The Executive Council shall have power to conduct an investigation of any situation in which there is reason to believe that any affiliated organization may be dominated, controlled or substantially influenced in the conduct of its affairs by any corrupt influence, or that its policies or activities are contrary to the principles or policies of the Council. Upon the completion of such an investigation, including a hearing if requested,

the Executive Council shall have the authority to make recommendations to the organization involved, and the Canadian Labour Congress. It shall have the further authority upon a two-thirds (2/3) vote of the Executive Council to suspend any organization. Any action of the Executive Council may be appealed to the next meeting of the Council.

10.5 Quorum for Executive Council shall consist of five members of the Executive, including the President or designate.

10.6 The Executive Council is authorized to reimburse members of the Council for necessary expenses in performing their duties for the Council.

ARTICLE XI - TRUSTEES

11.1 Three (3) Trustees shall be elected by the Council, in the same manner as the officers. Initially, the trustee receiving the largest number of votes shall be elected for three (3) years. The trustee receiving the second largest number of votes shall be elected for two (2) years and the trustee receiving the third largest number of votes shall be elected for one (1) year. Subsequently, one (1) trustee shall retire each year as the term for which such trustee was elected expires, and succeeding trustees shall be elected for three (3) years. The retiring trustees shall be eligible for re-election.

11.2 The trustees shall not be members of the Executive Council.

11.3 The trustees shall conduct an audit of the books and accounts of the Council semi-annually as of June 30th and December 31st, based on actual verification of the Treasurer's records as outlined on the Canadian Labour Congress Audit Report (form 34 LC). They shall see that all audit reports are posted for the information of all delegates and copies forwarded to the Canadian Labour Congress and the B.C. Federation of Labour.

11.4 Should the trustees be unable or otherwise fail to audit the books of the Council, it shall be the duty of the Executive Council or the President to have the books checked and properly audited by a firm of chartered accountants or some equally qualified party.

11.5 All financial officers of the Council shall be bonded in an amount to be determined by the Council, but in no case shall the amount be less than the annual income of the Council.

11.6 Where Council officers are not bonded through the Congress, the trustees shall certify to the Congress that all financial officers of the Council are bonded in accordance with the provisions of these By-Laws.

ARTICLE XII - REVENUE

- 12.1** A per capita tax shall be paid upon the full paid-up membership of each organization.
- 12.2** Each affiliated local union, branch or lodge shall pay, before the last day of each month, for the preceding month, a per capita tax of thirty cents (0.30¢) per member including five cents (\$0.05) earmarked for political action..
- 12.3** Any organization which does not pay its per capita tax on or before the time specified shall be notified of that fact by the Secretary-Treasurer of the Council. Any organization three (3) months in arrears in payment of per capita tax may become suspended from membership in the Council and can be reinstated only after arrears are paid in full.

ARTICLE XIII - OMBUDSPERSON

- 13.1** If a member has a complaint or grievance against any officer or member of the Labour Council which cannot be dealt with by the procedures set forth in these By-Laws, the aggrieved member shall have the right to submit the case with all relevant material to the Secretary-Treasurer of the Canadian Labour Congress who shall immediately refer the case with all documentation to the Ombudsperson appointed by the Canadian Labour Congress. The Ombudsperson will, under the authority vested in the office of the Ombudsperson by the Congress, undertake such inquiries, hearings or meetings as deemed advisable and report on the findings, conclusions and recommendations as soon as possible to the parties to the complaint and to the Secretary-Treasurer of the Canadian Labour Congress.

ARTICLE XIV - AMENDMENTS

- 14.1** Proposed amendments to these By-Laws must conform with the Constitution and principles and policies of the Canadian Labour Congress and must be submitted to the Council by notice of motion at least thirty (30) days before the proposed amendment is to be considered. Such amendments may be adopted by a two-thirds (2/3) majority vote of those present and voting. However, amendments shall only become effective after approval by the Executive Council of the Canadian Labour Congress.

ARTICLE XV - ORDER OF BUSINESS

The business of the Council in each regular meeting shall be conducted in the following order:

1. Adoption of Agenda
2. Roll Call of Officers
3. Delegates Attendance - New Delegates Obligated
4. Minutes of the Previous Meeting
5. Old Business/Business Arising
6. Financial Report
7. Correspondence
8. Committee Reports
9. Nominations and Election and Installation
10. Local Union Reports
11. Reports from Council Representatives serving on Boards and Commissions
12. New Business
13. Good and Welfare
14. Adjournment

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