

BY-LAWS

OF THE

OAKVILLE AND DISTRICT

LABOUR COUNCIL

CLC

(Chartered by the Canadian Labour Congress)

Motion to amend passed—September 14, 2017
Approved by CLC Canadian Council
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CANADIAN LABOUR CONGRESS

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ARTICLE 1—DEFINITIONS AND OBLIGATIONS

Section 1. This Labour Council shall be known as “**The Oakville and District Labour Council**” and is chartered by the Canadian Labour Congress. It shall consist of organizations affiliated to this Labour Council. 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 in affiliation.

Section 2. The jurisdictional boundary of this Labour Council shall begin at Lake Ontario and proceed north on No. 10 Highway to No. 5 Highway; west on No. 5 Highway to the Halton-Peel County Line; north on the Halton-Peel County Line to the Fifth Side Road of Esquesing Township; west on this Fifth Side Road and the Campbellville Side Road to the 401 Highway; west on the 401 Highway to the Guelph Line; and south on the Guelph Line to Lake Ontario.

Section 3. Obligation for Delegates

“I sincerely promise and declare that I shall be faithful to the duties of a delegate to this Labour Council; that I shall attend all meetings of this Council if possible, and work at all times for, and in the interest of, the Council and the Canadian Labour Congress.”

Section 4. Obligation for Officers

“In accepting office, I make oath and say that I will faithfully support the By-Laws, principles and policies of the Oakville and District Labour Council and the Constitution of the Canadian Labour Congress. I also promise that I will deliver to my successor in office everything that is the property of the Oakville and District Labour Council at the close of my official term.”

ARTICLE 2—OBJECTIVES

Section 1. The purposes of this Labour Council are:

1. To support the principles and policies of the Canadian Labour Congress.
2. To promote the interest of its affiliates and generally to advance the economic and social welfare of workers.
3.
 - (a) To encourage unionization.
 - (b) To assist affiliated organizations by extending Labour Council's benefits of mutual assistance and collective bargaining to workers.
4. To encourage all workers without regard to race, ancestry, colour, ethnic origin, citizenship, gender identity, gender expression, sexual orientation, ability, age, marital status, family status (including pregnancy), political or religious affiliation, place of national origin or record of offences, or any other protection as contained in the Ontario Human Rights Code, to share in the full benefits of union organization.
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.
6. To protect and strengthen our democratic, public institutions to secure full recognition of the rights and freedoms to which we are justly entitled.
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.
8. To aid and encourage the sale and use of union-made goods and 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.
9. To protect the labour movement from any and all corrupt influences and any agencies which are opposed to the basic principles of our democracy and free democratic unionism.
10. To safeguard the democratic character of the labour movement and to observe and respect the autonomy of each affiliated union.
11. 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 3—MEMBERSHIP

- Section 1.** The Labour Council shall be composed of local unions, branches and lodges of national and international, regional and provincial organizations affiliated to the Canadian Labour Congress and local unions in the area chartered by the Canadian Labour Congress.
- Section 2.** Affiliates must provide the Oakville and District Labour Council with a current list of delegates.
- Section 3.** 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 decisions shall be in force and effect during appeal.

ARTICLE 4—MEETING PROCEDURES AND COMMITTEE STRUCTURES

- Section 1.** The regular meetings of this Labour Council shall be the governing body of this Council.
- Section 2.** The regular meetings of this Labour Council shall be held on the second (2nd) Thursday of each month commencing at 6:00 P.M. and shall adjourn not later than 8:30 P.M., unless extended by a majority vote of those present.
- Section 3.** For the regular transaction of business, eight (8) delegates shall constitute a quorum, provided not less than two (2) affiliated organizations are represented by such delegates.
- Section 4.**
- (a) Special meeting of this Labour Council may be called by the Council Executive or at the written request of any two (2) affiliated locals.
 - (b) In the event subsection (a) is complied with, the Executive shall call such meeting within ten (10) calendar days, and shall give all organizations five (5) calendar days' notice of the time and place the special meeting will be held, together with a statement of the business to be considered at such meeting.
- Section 5.** Representation at all Labour Council meetings shall be on the following basis—from affiliated local unions, branches and lodges, two (2) delegates for each one hundred (100) or fewer members, and one (1) additional delegate for each additional five hundred (500) members or major fraction thereof.
- Section 6.** The number of members of each organization, for the purpose of selecting delegates to the Labour Council, shall be the average monthly number on which per capita tax was paid over the previous three (3) month period.

Section 7. Any organization suspended or expelled by the Canadian Labour Congress or this Labour Council shall not, while under such penalty, be allowed representation on this Council. Any organization which is in arrears to this Council for per capita tax, three (3) months or more, shall not be allowed recognition or representation on this Council.

Section 8. Any person suspended by, or expelled from, or resigned from any organization affiliated to this Labour Council shall not be seated as a delegate.

Section 9. Any delegate being absent from three (3) consecutive meetings of this Labour Council (as per record kept by the Sergeant-at-Arms) without notification to the Sergeant-at-Arms, said delegate's absences shall be reported to his or her local union by the Secretary.

Section 10.

(a) The following standing committees shall be established:

- (i) By-Laws Committee
- (ii) Special Events Committee:
 - Labour Day
 - Day of Mourning
 - Activists' Dinner
- (iii) Social Media Committee
- (iv) Education and Training Committee
- (v) Health and Safety Committee
- (vi) Social Justice Committee
- (vii) Labour and United Way Committee
- (viii) Persons with Disabilities Committee
- (ix) Political Action Committee
- (x) Resolutions Committee
- (xi) Women's Committee

(b) Chairs shall be elected at a January meeting for a term of two (2) years.

(c) An appropriate number of representatives shall be selected at the May meeting, for a term of two (2) years, to attend the meetings of the:

- (i) Community Development Halton;
- (ii) Peel-Halton Workforce Development Group
- (iii) United Way; and
- (iv) Halton Poverty Roundtable.

ARTICLE 5—RULES OF ORDER

- Section 1.** The President, or in his or her absence or at his or her request, a Vice-President, shall take the Chair at the time specified at all meetings. In the absence of both the President and the Vice-Presidents, the Secretary shall call the meeting to order and call for nominations for a temporary Chair.
- Section 2.** A delegate wishing to speak shall first be recognized by the Chair, then the delegate shall give a suitable identification, including the organization represented and shall confine all remarks to the question at issue.
- Section 3.** A delegate may not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
- Section 4.** A delegate shall not interrupt another except to call a Point of Order.
- Section 5.** A delegate who has been called to order shall, at the request of the Chair, be seated until the question of order has been decided.
- Section 6.** A delegate persisting in unparliamentary conduct shall be named by the Chair, and the conduct shall be submitted to the judgement of the meeting. In such case, the delegate whose conduct is in question shall explain and then withdraw while the meeting determines what course to pursue in the matter.
- Section 7.** When a members calls the question, the Chair will say: “Are you ready for the question?” A vote is then taken on whether or not to cease debate.
- Section 8.** No discussion or amendment is permitted. If the majority vote that the question now be called, 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.
- Section 9** Two (2) delegates may appeal the decision of the Chair stating their reasons for appeal. The Chair shall put the question thus: “Shall the decision of the Chair be sustained?” The question shall not be debatable except the Chair may make an explanation of the decision.
- Section 10.** The Chair shall have the same right as other delegates to vote on any question. In case of a tie, the Chair shall cast the deciding vote.
- Section 11.** 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.
- Section 12.** In all matters not regulated by these Rules of Order, *Bourinot's Rules of Order* shall govern.

ARTICLE 6—OFFICERS

- Section 1.** The Officers of the Labour Council shall consist of a President, two (2) Vice-Presidents, Secretary, Treasurer, Sergeant-at-Arms, two (2) Executive Members-at-Large and three (3) Trustees. Each Officer shall be a member in good standing of an affiliated organization.
- Section 2.** The Officers shall be elected by the Labour Council at the bi-annual election meeting which will be held at the December meeting. All delegates running for office at the bi-annual elections shall have attended at least fifty percent (50%) of the Council meetings held in the previous twelve months. The fifty percent (50%) attendance rule can be waived if there is no eligible candidate.
- Section 3.** Election of Officers shall be by secret ballot. A majority of ballots cast shall be required before any candidate can be declared elected.
- Section 4.** The election of each office shall be completed before nominations may be accepted for any subsequent office.
- Section 5.** Delegates elected to the office of President, Vice-President, Secretary, Treasurer, Sergeant-at-Arms, Trustees and Executive Members-at-Large shall take the Officer's Oath, Article 1, Section 4.
- Section 6.** The term of the Officers of the Labour Council shall commence upon the completion of elections.
- Section 7.** In the event of a vacancy in any office of the Executive of the Labour Council, the vacancy shall be filled at the next regular meeting.
- Section 8.** In the event of a vacancy in the office of the President, a Vice-President shall perform the duties of the President until a successor is elected.
- Section 9.** The Executive Officers shall hold title to any real estate of the Labour 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 after such proposition is approved.

ARTICLE 7—DUTIES OF THE PRESIDENT

- Section 1.** The President shall function as the chief executive officer of the Labour Council. The President shall exercise supervision over the affairs of the Council, sign all official documents (including cheques) and preside at regular and special meetings and at meetings of the Executive Council.
- Section 2.** Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret these By-Laws and such interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Council, or a membership meeting, or the Canadian Labour Congress.

Section 3. The President, or his or her nominee, shall be the delegate to the Executive Council of the Ontario Federation of Labour and a delegate to the Ontario Federation of Labour and Canadian Labour Congress conventions.

ARTICLE 8—DUTIES OF THE VICE-PRESIDENTS

Section 1. The Vice-Presidents shall aid the President in the duties as chief executive officer of the Labour Council and act on behalf of the President when requested to do so.

Section 2. Both Vice-Presidents shall be cheque signing officers.

Section 3. Both Vice-Presidents shall be Human Rights Officers at regular Council meetings. Training will be provided.

ARTICLE 9—DUTIES OF THE TREASURER

Section 1. The Treasurer shall be the chief financial officer of the Labour Council and shall be a cheque signing officer.

Section 2. The Treasurer shall prepare a financial statement of the Labour Council for a monthly report to Council. A copy of this statement shall be forwarded to the Canadian Labour Congress Regional Office and the Ontario Federation of Labour.

Section 3. The Treasurer shall have the books of the Labour Council audited annually by the Trustees by the end of June. A copy of the Audit Report shall be forwarded to the Canadian Labour Congress Regional Office.

Section 4. The Treasurer shall, subject to the approval of the Executive Council, invest surplus funds of the Labour Council in securities or deposit them in unionized financial institutions where possible.

Section 5. The Treasurer shall be bonded in such amount as may be determined by the Executive Council.

Section 6. The Treasurer is empowered to require affiliated organizations to provide statistical data in their possession relating to the membership of their organizations.

Section 7. The Treasurer shall receive expenses of one hundred twenty dollars (\$120.00) per month and be allowed up to eight (8) hours per month to conduct Labour Council business.

ARTICLE 10—DUTIES OF THE SECRETARY

Section 1. The Secretary shall:

- (i) keep a correct record of the proceedings of the Labour Council and Executive Council minutes,
- (ii) shall forward copies to the Canadian Labour Congress Regional Office,
- (iii) list the name and residence of each delegate, and of the name and address of the Secretary of each organization represented,
- (iv) report on all correspondence connected with the business of the Council,
- (v) call all special meetings of the Council when so directed by the President,
- (vi) check the attendance of delegates recorded by the Sergeant-at-Arms,
- (vii) send official notice to the various unions as provided in Article 4, Section 10, whose delegates have failed to attend meeting of this Council,
- (viii) notify all delegates in good standing of the time and place of the election of delegates to the Canadian Labour Congress Convention,
- (ix) notify all delegates in good standing of the bi-annual election of Officers,
- (x) provide copies of the recorded proceedings of all Council meetings to all delegates to the Council, and
- (xi) perform such other duties as may pertain to the office.

Section 2. The Secretary shall cause the proceedings of all Labour Council meetings and all sessions of the Executive Council to be recorded. Copies of all Council minutes shall be forwarded to the Canadian Labour Congress Regional Office and the Ontario Federation of Labour. Copies of the proceedings of all Council meetings shall be provided to all delegates to Council.

Section 3. The Secretary shall receive expenses of one hundred twenty dollars (\$120.00) per month and be allowed up to eight (8) hours per month to conduct Labour Council business.

ARTICLE 11—DUTIES OF THE SERGEANT-AT-ARMS

Section 1. The Sergeant-at-Arms shall keep a correct record of attendance at all meetings and report same to the Secretary.

Section 2. The Sergeant-at-Arms shall perform such other duties as may be assigned by the President.

ARTICLE 12—DUTIES OF THE TRUSTEES

Section 1. The Trustees shall be in charge of books, documents, files and effects of the Labour Council which shall at all times be subject to the inspection of the President and Executive Council.

Section 2. The Trustees will audit the books of the Labour Council annually and any two (2) Trustees can carry out an audit if necessary.

ARTICLE 13—EXECUTIVE COUNCIL

- Section 1.** The Executive Council shall consist of the President, two (2) Vice-Presidents, Secretary, Treasurer, Sergeant-at-Arms, three (3) Trustees and two (2) Executive Council Members-at-Large. The Canadian Labour Congress Representative and Workers' Health and Safety Centre Representative shall attend in a non-voting capacity.
- Section 2.** The Executive Council shall be the governing body of this Labour 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.
- Section 3.** Executive Council meetings shall be limited to the members listed in Article 13.1, except when the Executive Council deems it necessary to approve a guest.
- Section 4.** The Executive Council shall meet upon the call of the President, but at least once each month prior to the regular meeting of the Labour Council. It shall also be necessary for the President to call a meeting upon the request of three (3) other Officers.
- Section 5.** The Executive Council shall have the 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 Labour 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 further authority, upon a two-thirds (2/3) vote of the Executive Council, to suspend any organization. Any action of the Executive Council under this Section may be appealed to the next meeting of the Labour Council.
- Section 6.** A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Executive Council.
- Section 7.** The Executive Council is authorized to reimburse members of the Labour Council for necessary expenses in performing their duties for the Labour Council.

ARTICLE 14—REVENUE

- Section 1.** A per capita tax shall be paid upon the full, paid-up membership for each organization.
- Section 2.** Each affiliated local union, branch or lodge, shall pay a per capita tax of twenty-eight (\$0.28) per dues paying member, per month, with a minimum of \$20.00 per annum.

Section 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 Treasurer of the Labour 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 15—AMENDMENTS

Section 1. The By-Laws may be amended by a two-thirds (2/3) majority vote of the delegates present at a regularly convened meeting of the Labour Council, providing “Notice of Amendment” has been presented in writing, at the immediately preceding meeting and provided it does not conflict with the Constitution of the Canadian Labour Congress.

Section 2. A review of these By-Laws shall occur before the end of the By-Law Committee’s two (2) year term.

ARTICLE 16—FINANCIAL

Section 1. Any member of the Oakville and District Labour Council, required by the Labour Council to perform duties of the Council, shall be entitled to receive an amount for the lost time equal to his or her earning capacity, should such work opportunity be presented to him or her, by the company where he or she is regularly employed. All lost time is subject to the discretion of the Executive Council.

Section 2.

- (a)** Transportation will be paid for rail, economy airfare, or by car. While on authorized business, except for regular meetings of the Labour Council, delegates travelling by car will be allowed fifty cents (\$0.50) per kilometer.
- (b)** Per diem, while on authorized business outside the jurisdiction of the Labour Council and when overnight lodging is required, shall be eighty dollars (\$80.00) plus reasonable expenses for overnight accommodations.
- (c)** When no overnight lodging is required for performing authorized business outside the jurisdiction of the Labour Council, per diem shall be sixty dollars (\$60.00).
- (d)** When no overnight lodging is required for performing authorized business outside the jurisdiction of the Labour Council, a half day per diem shall be thirty dollars (\$30.00).

Section 3. Any member performing duties of the Labour Council, within the jurisdiction of the Council, shall be entitled to fifteen dollars (\$15.00) per day for expenses, plus lost time.

Section 4.

- (a)** A standard donation shall be seventy-five dollars (\$75.00).
- (b)** Donations to a strike fund within the Labour Council area (Article 1, Section 2) shall be two hundred dollars (\$200.00), and to other strike funds, shall be one hundred fifty dollars \$150.00).
- (c)** Notwithstanding (a) and (b) above, donation amounts can be determined by a majority vote of the Labour Council delegates.

ARTICLE 17—ELECTION PROCEDURES

Section 1. A Notice of Motion shall be given at the meeting preceding the election meeting.

Section 2. A written letter of intent accepting nomination shall stand.

Section 3. After delegates have accepted their nominations, they will be allowed up to a maximum of three (3) minutes to address their fellow delegates. The order of speakers shall be established by alphabetical order of surname.

Section 4. Due to the procedural nature of the elections, proxy voting is not applicable.

ARTICLE 18—HARASSMENT POLICY STATEMENT

Section 1.

- (a)** The Canadian Labour Congress takes seriously its responsibility to ensure that all union functions are free of harassment. Discrimination and harassment are against the law and in violation of the Constitution of the Canadian Labour Congress and the protected grounds within the Ontario Human Rights Code.
- (b)** As a labour movement, we stand proudly together when we claim that an injury to one is an injury to all; when we sing “Solidarity Forever”; when we refer to one another as “Sister” and “Brother.”
- (c)** We must ensure that our words are not empty, not defeated through any action which embarrasses, insults, humiliates or degrades. For that is what harassment is all about. It is an expression of power and superiority by the harasser(s) over another, because of race, ancestry, colour, ethnic origin, citizenship, sex (including pregnancy), sexual orientation, handicap/disability, age, marital status, family status, political or religious affiliation, place of national origin or record of offences.
- (d)** Harassment stems from inequality, discrimination—both systemic and individual—and intolerance in our society.

- (e) Harassment may be verbal, physical or psychological. It is comment or conduct that is known, or ought reasonably to be known, as unwelcome and unsolicited. It may be one (1) incident or a series of incidents. It is coercive.
- (f) Harassment consists of any vexatious comment or conduct that is known, or ought reasonably to be known as unwelcome and unsolicited.
- (g) Harassment includes, but is not limited to:
 - (i) Unwelcome remarks, jokes, innuendos or taunts about a person's body, clothing, race, ancestry, colour, ethnic origin, citizenship, gender identity, expression, sexual orientation, ability, age, marital status, family status (including pregnancy), political or religious affiliation, place of national origin or record of offences, or any other protected rights as contained in the Ontario Human Rights Code.
 - (ii) Insulting gestures and practical jokes; for example, of a sexist, racist or homophobic nature.
 - (iii) Displaying of pornographic or racist pictures, graffiti or material.
 - (iv) Leering.
 - (v) Refusing to talk to or work with a person because of their race, ancestry, colour, ethnic origin, citizenship, gender identity, gender expression, sexual orientation, ability, age, marital status, family status (including pregnancy), political or religious affiliation, place of national origin or record of offences, or any other protected rights as contained in the Ontario Human Rights Code.
 - (vi) Unwanted physical contact, such as patting, touching, pinching.
 - (vii) Sexual overtures.
 - (viii) Sexual assault.
 - (ix) Physical assault.
- (h) Complaints of harassment at all Oakville and District Labour Council functions will be taken seriously and will be investigated immediately.

Section 2. Conflict Resolution Policy

(a) Stage 1

- (i) On a Point of Privilege, the complainant must address the offender directly to explain what has offended them.

- (ii) On the first (1st) instance of a complaint being made by a member about a member of the Labour Council, the President or a Human Rights Officer will meet with the offender and explain the inappropriateness of their comments/ actions and the related violation of the Ontario Human Rights Code/Harassment Policy and the possible consequences of further complaints.

(b) Stage 2

On the second (2nd) instance of a complaint being made by a member about the same member of the Labour Council, the President, the Human Rights Officers and the Canadian Labour Congress Representative will:

- (i) investigate the complaint(s) by interviewing witnesses to the event;
- (ii) explain again the inappropriateness of his or her comments/actions and the related violation of the Ontario Human Rights Code, the Harassment Policy, and the consequences of further complaints;
- (iii) request a letter of apology to the complainant for the behaviour and seek a commitment from the offender to refrain from the behaviour in the further; and
- (iv) send a letter to the offender's local advising them of the behaviour of their Representative.

(c) Stage 3

If the behaviour continues, a letter from the President, a Human Rights Officer and the Canadian Labour Congress Representative will be sent to the Local affiliate advising that the representative be replaced.

Section 3. The complete policy on harassment and discrimination must be available at each Labour Council meeting together with a copy of the Ontario Human Rights Code.

Section 4. All members of the Oakville and District Labour Council must be given a copy of the By-Laws of the Council, which includes the Harassment Policy Statement.