



BYLAWS

of the

Nanaimo, Duncan & District Labour Council

(Chartered by the Canadian Labour Congress)

March 2010

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Revised March 18, 2010

Article I – Name and Location

- Section 1:** This Labour Council shall be known as the NANAIMO, DUNCAN & DISTRICT LABOUR COUNCIL, and is chartered by the Canadian Labour Congress.
- Section 2:** It shall consist of organizations affiliated to the Canadian Labour Congress which become affiliated to this Labour Council, and which are situated in the area south of a line from Qualicum Beach to Cathedral Grove to Nitinat Lake then south to a line north of Jordan River, thence east on a line north to Cobble Hill on the mainland and those islands north of Saltspring Island on a line north to Qualicum Beach.
- Section 3:** These organizations shall conform to the By-Laws and rules set forth herewith. This Labour Council shall not be dissolved while there are five (5) organizations remaining in affiliation.

Article II – PurposesLocation:

The purposes of this Labour Council are:

1. To support the principles and policies of the Canadian Labour Congress.
2. To promote the interests of its affiliates and generally to to advance the economic and social welfare of workers.
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 principal that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.
4. To encourage all workers without regard to race, creed, sex, age, colour or national origin 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 institutions, to secure full recognition and enjoyment of the rights and liberties to which workers are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.
7. To promote the cause of peace and freedom in the world and to assist and cooperate

with free and democratic labour movements throughout the world.

8. To aid and encourage the sale and use of union made goods and union services through 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 from 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. While preserving the independence of the labour movement from political control, to encourage 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

Section 1: The Labour Council shall be composed of (1) local unions, branches and lodges of national and international unions, regional and provincial organizations affiliated to the Canadian labour Congress. (2) local unions in the area chartered by the Canadian Labour Congress.

Section 2: Any organization affiliated with the Labour Council may be expelled from membership in the Council by a majority roll call vote at a meeting, provided notice of motion has been served at the previous regular meeting together with written charges. 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 full force and effect during appeal.

Section 3: A 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. Any decision to expel may be appealed to the Executive Committee of the Canadian Labour Congress within two (2) months. The decision shall remain in force and effect during appeal.

Section 4: (a) CLC officers, directors and representatives shall be accorded all rights and privileges of delegates except the right to vote when they attend meetings of this Council.

(b) CLC officers, directors and representatives are eligible as delegates and where credentialed, will have the same rights as delegates, including the right to vote.

Section 5: The BC Federation of Retired Union Members shall be entitled to membership as an affiliated organization upon application by BC Forum and payment of a

\$10.00 annual application fee, and shall be entitled to two delegates. BC Forum delegates shall have the right to speak, but not to vote or run for office as an officer or executive member of this Council.

Section 6: It shall be the duty of each affiliated organization to furnish the Secretary 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, including names, addresses and telephone numbers of International, National and local and accredited delegates to the Council.

(c) A statement of their membership in good standing.

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

ARTICLE IV - MEETINGS

Section 1: The regular meetings of this Labour Council shall be the governing body of the Council. Except as provided in Article XV, its decisions shall be by majority vote.

Section 2: The regular meetings of the Council shall be held on the third Thursday of each month excepting July and August, which will not have meetings. Meetings shall commence at 7:00 p.m. sharp.

Section 3: (a) Special meetings of the Council may be called by direction of the Executive Council or on the request of affiliated organizations representing a majority of the total delegates of the Council as evidenced by the records of the Treasurer.

(b) In the event a majority as provided in sub-section (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.

(c) 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.

Section 4: 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 re-organize the Council.

Section 5: Representation at meetings shall be on the following basis:

From affiliated Local Unions, Branches and Lodges:

1 to 100 members 2 Delegates
Delegates 101 to 250 members3 Delegates
Delegates 251 to 450 members 4 Delegates
Delegates 451 to 700 members 5 Delegates

and for each five hundred (500) members, or major fraction thereof, affiliated local unions would be entitled to one (1) delegate.

Section 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.

Section 7: The 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 new delegates may be seated in Council.

Section 8: OBLIGATION FOR DELEGATES

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

"I pledge my word to this Council that I will faithfully and truly represent the organization which has sent me here as a delegate, and that I will at all times, advance and maintain the principles of unionism as defined by the Canadian Labour Congress, and abide by the By-Laws of this Council."

Section 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.

Section 10: Any person suspended by or expelled from any organization affiliated to this Council shall not be seated as a delegate or allowed representation in this Council.

Section 11: 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 from the delegate or their organization, certifying to the sickness, absence from city, or engagement at work, said delegate shall forfeit their seat, and immediate notice sent to their organization by the Council requesting a new credential for the vacant seat. The Secretary shall also revise the official roll call book, and attendance card file, for accurate use by the Sergeant -at-Arms.

Section 12: 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, audit, organization, education, political education, welfare and community services, labour day and social, union label, and such other committees as the Council shall at other times appoint. The Executive Council may request any such committee to meet for the purpose of considering matters before it and such committee shall prepare reports of its activities for presentation to Council meetings.

Section 13: Fifteen (15) registered delegates and representation from at least five (5) unions shall constitute a quorum for the transaction of business.

Section 14: The rules and order of business governing meetings shall be:

1. The President, or in the absence or at the request of the President, a Vice-President shall take the chair at the time specified, at all regular and special meetings. In the absence of both the President and a Vice-President, a chairperson shall be chosen by the Executive Council.
2. No question of a sectarian character shall be discussed at meetings.
3. Any delegate wishing to speak shall be recognized by the Chair and shall give their full name and the organization they represent, and shall confine all remarks to the question at issue.
4. A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
5. A delegate shall not interrupt another except to call a point of order.
6. A delegate, upon being called to order at the request of the Chair shall take their seat until the question of order has been decided.
7. Should a delegate persist in unparliamentary conduct, the Chair will be compelled to name the delegate and submit their 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.
8. When a question is put, the Chair, after announcing the question shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
9. Questions may be decided by a show of hands, or a standing vote, but a roll call vote may be demanded by 30 per cent (30%) of the delegates present. In a roll call vote each delegate shall be entitled to one (1) vote.
10. Two (2) delegates may appeal the decision of the Chair. The Chairperson shall then put the question thus: "Shall the decision of the chair be sustained?" The question shall not be debatable except that the Chair

may make an explanation of the decision.

11. The Chair shall have the same right as the other delegates to vote on any question. In case of a tie vote, the Chair shall cast the deciding vote.
12. 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.
13. 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.
14. In all matters not regulated by these rules of order, Bourinot's Rules of Order shall govern.

ARTICLE V - OFFICERS

- Section 1:** The officers of the Council shall consist of a President, Three (3) Vice-Presidents, Secretary, Treasurer, Sergeant-at-Arms, Four (4) Members-at-Large, and One (1) Youth Member-at-large. A candidate for Youth Member-at-Large shall be Thirty (30) years of age or less at time of election.
- Section 2:** Each officer shall be a delegate in good standing of an affiliated organization. No one shall be eligible for election unless they have attended more than 50 per cent (50%) of the meetings of the Council in the previous twelve (12) months as a delegate.
- Section 3:** The officers shall be elected by the Council at the Annual Meeting which will be held in the month of December as close as practical to the third Thursday of December.
- Section 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 number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer shall cast the deciding vote.
- Section 5:** The election of each office shall be completed before nominations may be accepted for any subsequent office.
- Section 6:** The term of officers of the Council shall commence upon the completion of elections.
- Section 7:** 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 shall perform this duty.

In the event of a vacancy in the office of either Vice-President or Secretary, the President shall perform the duties of the vacant office until a successor is elected.

Section 8: In the event of a vacancy in any office of the Council, the vacancy shall be filled at the next regular meeting.

Section 9: 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 proposal is approved.

Section 10: No delegate to this council, while simultaneously employed by the council, shall be eligible to stand for the office of President, Vice President, Secretary or Treasurer.

Section 11: Obligation of Officers

After being elected, each officer before assuming their 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

Section 1: The President shall be the Chief Executive Officer of the Council and shall exercise supervision over the affairs of the Council, sign all official documents and preside at regular and special meetings of the Executive Council.

Section 2: Subject to appeal to the Canadian Labour Congress, the President shall have the 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 meeting of the Canadian Labour Congress.

ARTICLE VII - DUTIES OF THE VICE-PRESIDENT(S)

Section 1: The Vice-President(s) shall aid the President in the duties of Chief Executive Officer of the Council and act on behalf of the President when required to do so.

ARTICLE VIII - DUTIES OF THE SECRETARY

Section 1: The Secretary shall keep a correct, full and impartial account of the proceedings

of each meeting in a minute book; shall ensure that the seal and the records of the Council are stored at the Offices of the Council; ensure that all correspondence conducted on behalf of the Council is written and acknowledged promptly, and as directed by Council meetings. The Secretary shall ensure that the Director of the Department of Federations and Labour Councils of the Canadian Labour Congress is informed of all changes of the Council; of time and place of meetings; and that copies of all proceedings are forwarded to the Canadian Labour Congress representative for the Council.

ARTICLE IX - DUTIES OF THE TREASURER

- Section 1:** The Treasurer shall be the Chief Financial Officer of the Council.
- Section 2:** The Treasurer shall be in charge of books, documents, files and effects of the Council which shall at all times be subject to the inspection of the President and Executive Council and shall maintain a list of affiliates of the Council and the reported number of members of each one.
- Section 3:** The Treasurer shall prepare a financial statement of the Council for a monthly report to Council.
- Section 4:** The Treasurer shall have the books of the Council audited semi-annually by the trustees elected under the provisions of Article XII. A copy of the audit report shall be forwarded to the Canadian Labour Congress at Ottawa and the CLC Regional Office.
- Section 5:** The Treasurer shall, subject to the approval of the Executive Council, invest surplus funds of the Council in securities, or deposit them in a Bank, Credit Union or Trust Company.
- 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 ensure that all cheques drawn on accounts of the Council shall be authorized by signatures of any two of the following officers; the Treasurer, the President, a Vice-President, as designated from year to year by the Council.

ARTICLE X - DUTIES OF THE SERGEANT-AT-ARMS

- Section 1:** It shall be the duty of the Sergeant-at-Arms to receive the name of each delegate upon entering the room, and shall record their attendance and perform such duties as may be assigned by the President.

ARTICLE XI - EXECUTIVE COUNCIL

- Section 1:** The Executive Council shall consist of the President, Treasurer, Vice-President(s), Secretary, Sergeant-at-Arms and Members-at-Large.

- Section 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.
- Section 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.
- Section 4:** 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, 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 under this section may be appealed to the next meeting of the Council.
- Section 5:** A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Executive Council.
- Section 6:** The Executive Council is authorized to reimburse members of the Council for necessary expenses in performing their duties for the Council.
- Section 7:** Expenses for delegates on Council business shall be as per Council policy.

ARTICLE XII - TRUSTEES

- Section 1:** Three (3) Trustees shall be elected by the Council in the same manner as the officers.
- Section 2:** The Trustees shall not be members of the Executive Council.
- Section 3:** The Trustees shall conduct an audit of the books and accounts of the Council semi-annually as of June 30 and December 31 based on actual verification of the Treasurer's records as outlined on the Canadian Labour Congress Audit Report form (Form 34LC). They shall see that all audit reports are posted for the information of all delegates and copies forwarded to the Canadian Labour Congress at Ottawa and the CLC Regional Office.
- Section 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.
- Section 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.

Section 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 XIII - REVENUE

Section 1: A per capita tax shall be paid upon the full paid up membership of each organization.

Section 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-five cents (35) per member.

Section 3: Any organization three {3} months or more in arrears of per capita to the Council shall be notified by the Treasurer. Such organization shall not be entitled to seat delegates at Council meetings until all arrears are paid in full.

ARTICLE XIV - OMBUDSPERSON

Section 1: If a delegate to the Council has a complaint or grievance against an officer or delegate to the Council, and no procedure for redress of the complaint or grievance is set out in these By-laws, the delegate shall have the right to submit the case, with all relevant material, to the Ombudsperson appointed by the Canadian Labour Congress.

Section 2: The Ombudsperson will, under the authority vested in the Ombudsperson by the Congress, undertake such inquiries, hearings, or meetings, as deemed advisable, and report the findings as soon as possible to the parties to the complaint.

ARTICLE XV - AMENDMENTS

Section 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 XVI - RECOMMENDED ORDER OF BUSINESS

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

1. Roll call of Officers
2. Reading of Credentials (if any)
3. Obligation and seating of new delegates
4. Minutes of the previous meeting
5. Executive Committee report
6. Bills and Communications
7. Sergeant-at-Arms report
8. Nominations for office (if any)
9. Election and installation
10. Union Reports - report of delegates
11. Standing Committee reports
12. Special Committee reports
13. Reports from Council representatives serving public and private boards and commissions
14. Unfinished business
15. New business
16. Good and Welfare for the Council
17. Adjournment

