



Chartered by
Canadian Labour Congress
April 11, 1958

West Kootenay Labour Council

Constitution and Bylaws

Revised December 15, 2015

Reviewed and approved in full Oct 11, 2016

By-Laws of the West Kootenay Labour Council – Amended December 15, 2015

Constitution

Article 1 – NAME AND AREA

- 1.1 The Labour Council will be known as the **WEST KOOTENAY LABOUR COUNCIL** and is chartered by the Canadian Labour Congress (CLC) which and shall hereafter be referred to as The Council. It shall consist of organizations affiliated to the Canadian Labour Congress which become affiliated to this Council. These organizations shall conform to the Constitution and the rules and regulations of this Council as set forth herewith. This Council shall not be dissolved while there are five (5) organizations remaining in affiliation.
- 1.2 The jurisdiction of the Council shall be all Cities, Municipalities, Villages, incorporated and unincorporated within the area of the West Kootenays from the city of Grand Forks north to Arrowhead, east to the Selkirk Mountains then south (including Creston) to the United States border.

Article 2 – PURPOSE

The purposes of this 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 including those who are unemployed or retired
- 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, colour or national origin to share in the full benefits of union organization
- 2.5 To secure legislation that will guarantee the basic rights of workers including free collective bargaining and the right to strike, and the security and welfare of all people
- 2.6 To protect and strengthen our democratic institutions, to ensure full recognition and enjoyment of our rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of democracy
- 2.7 To help create and participate in coalitions with groups which share our aims and principles in the pursuit of social and economic justice

- 2.8 To promote the cause of peace and freedom throughout the world, and to work to that end with labour movements and peace groups in other countries
- 2.9 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
- 2.10 To promote the labour media and other means of informing and educating union members
- 2.11 To protect the labour movement from any and all corrupt influences and from the undermining efforts of fascist and all other totalitarian agencies which are opposed to the basic principles of our democracy and free democratic unionism.
- 2.12 To safeguard the democratic character of the labour movement and to observe and respect the autonomy of each affiliated union
- 2.13 To preserve the independence of the labour movement from political control while encouraging workers to vote, exercise their full rights and responsibilities of citizenship and to perform their rightful part in the political system at the federal, provincial and community government levels.

By-Laws

Article 3 – MEMBERSHIP

- 3.1 The 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 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 Council of the CLC within two (2) months. The decision shall be in force and effect during the 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 this 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 the delegate. Any decision to expel may be appealed to the Executive Council of the CLC within two (2) months. The decision shall be in force and effect during the appeal.
- 3.4 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
- 3.5 It shall be the duties 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
- (c) A statement of their membership in good standing
- (d) Affiliates shall file with the Secretary of the Council copies of their collective agreements

Article 4 – MEETINGS

4.1 The regular meetings of this Council shall be the governing body of the Council except as provided for in Article 8. Its decision shall be by majority vote. The regular meetings of this Council shall be the 3rd Tuesday of each month excluding July and August. In those months, meetings will be called at the discretion of the Board. Meetings shall commence at 7:00 pm and adjourn no later than 9:00 pm unless a motion to extend time is adopted by two thirds vote of those present. Board meetings will be held monthly at a time established by the Board.

4.2 Special meetings of the Council may be called by direction of the Board or on the request of the affiliated organizations representing a majority of the total membership of the Council as evidenced by the records of the Secretary.

4.3 In the event a majority as provided in Article 4.2 requests a special meeting, the Board 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.

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

4.5 Except as provided in Article 4.3, a special meeting shall exercise the same authority as regular meetings

4.6 Representation at meetings shall be on the following basis:

From affiliated local unions, branches and lodges – 2 delegates for 100 or less members, and one additional delegate for each additional 100 up to 500, and one additional delegate for each 1600 additional members or major fraction

4.7 The number of members of each organization for the purpose of:

- (a) selecting delegates to the Council shall be the average monthly membership
- (b) Number of which per capita is paid

4.8 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

4.9 Any person suspended by or expelled from any organization affiliated to this Council shall not be seated as a delegate nor allowed representation in this Council

4.10 Any delegate being absent from four (4) consecutive meetings of this Council (as per records kept by the Sergeant at Arms) without sending communication of the intended absence and reason for such shall forfeit their seat and immediate notice sent to their organization by the Secretary requesting a new credential for the vacant seat. Communication regarding the absence shall be presented to the meeting from the delegate or their organization certifying to the sickness, absence from city, engagement at night work or union business in order to be excused. The Secretary shall revise official roll call book and attendance card file for accurate use by the Sergeant at Arms.

4.11 The President in consultation with the Board shall appoint such committees as are necessary to conduct the affairs of the Council subject to ratification by regular meeting. Such committees may include legislative, municipal, organization, education etc. The Board may request any committee to meet for the purpose of considering matter placed before it and such committees shall prepare reports of their activities for presentation to the Council meetings.

4.12 Quorum: Seven (7) of the registered delegates comprising of three (3) different affiliated union locals including at least (3) members of the Executive Board shall constitute a quorum for the transaction of business.

4.13 The rules and order of business governing the meeting shall be:

1. The President or in their absence or at their request, the 1st Vice President shall take the chair at the time specified, at all regular and special meetings. In the absence of both the President and 1st Vice President, the 2nd Vice President or in their absence the 3rd Vice President shall take the chair. In the absence of the President and all Vice Presidents, the Secretary Treasurer shall take the chair.

2. When a delegate wishes to speak, they shall be recognized by the Chair and shall state their name, the organization they represent and confine their remarks to the question at issue.

3. A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.

4. A delegate shall not interrupt another except on a point of order

5. If a delegate be called to order, they will take their seat on the request of the Chair until the question of order is decided

6. Should a delegate persist in unparliamentary conduct, the Chair will be compelled to name them and submit their conduct to the judgement of the meeting. In such case, the delegates whose conduct is in question should explain and then withdraw and the meeting will determine what course to pursue in the matter

7. 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.

8. Questions may be decided by a show of hands or a standing vote, or by secret ballot. A secret ballot may be demanded by 30% of the delegates present.

9. Two delegates may appeal the decision of the Chair. The Chair shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debateable except that the Chair may make an explanation of their decision.

10. The president shall attend all meetings of the Council, preserve order, decide all questions and cast a vote when a tie occurs, except when the vote is given by ballot, when they shall have the same privilege of voting as other members.

11. When the previous question is moved, no discussion or amendment of either motion is permitted. If the majority vote that “the question now be 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.

12. 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 of the delegates qualified to vote.

13. In all matters not regulated by these rules of order, Bourinot’s rules of order shall govern.

Article 5 – THE BOARD AND OFFICERS

5.1 The Board shall consist of a President, 1st VP, 2nd VP, 3rd VP, Treasurer, Secretary, Sergeant at Arms and three (3) Members at Large. The Members at Large shall be considered:

(a) One from each of the cities of Castlegar, Nelson and Trail or

(b) Any combination thereof

5.2 Each Board member shall be a member in good standing of an affiliated organization. No one shall be eligible for election unless they have attended half of the regularly scheduled meetings in the past year or was excused as per Article 4.10.

5.3 The Board shall be elected by the Council at the Annual meeting which will be held in January of each year or at a time convenient on a Notice of Motion.

5.4 Election of the Board shall be by secret ballot. A majority of votes cast shall be required before any candidate can be declared elected, and a 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 will cast the deciding vote.

5.5 The election of each office shall be completed before nomination may be accepted for any subsequent office.

5.6 Nominees allowing their names to go forward for the offices of President, Vice President(s), Treasurer, Secretary, Sergeant at Arms and Members at Large shall upon election come forward and clearly, audibly speak the following lines to the assembled delegates:

“I _____ do hereby sincerely pledge my word and honour to perform my duties as a Board member of the West Kootenay Labour Council and abide by its Constitution, Bylaws and Policies. 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”.

5.7 The term of the Board shall commence upon the completion of the elections and shall continue until the next Annual Meeting

5.8 In the event of a vacancy in the office of the President, the 1st Vice President shall perform the duties of the President until an election is called. If the 1st VP is unable to act in this matter, the 2nd Vice President shall perform this duty. If the 2nd VP is unable to act in this matter the 3rd VP shall perform this duty. If no Vice President is able to act in this matter, notice of motion shall be given for the election of President at the next regular meeting.

5.9 In the event of a vacancy of the 1st Vice President, the 2nd Vice President shall perform the duties of 1st VP until an election can be called. In the event of a vacancy of the 2nd Vice President, the 3rd Vice President shall perform the duties of the 2nd VP until an election can be called. In the event of a vacancy of the 3rd VP or Members at Large, an election shall be called. In the event of a vacancy in the position of either Secretary or Treasurer, a Notice of Motion shall be given for election of either position at the next regular meeting.

5.10 The Board 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.

Article 6 – DUTIES OF THE PRESIDENT

6.1 The President shall function as the Chief Executive Officer of the Council. The President shall exercise supervision over the affairs of the Council, sign all official documents, sign all warrants on the treasury whenever possible, and preside at regular and special meetings and at meetings of the Board. They shall perform such other duties as their position may require and be an ex-officio member of all committees.

6.2 Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret this constitution and their interpretation shall be conclusive and in full force and effect unless reversed by the Executive Board or a meeting or the Canadian Labour Congress.

Article 7 – DUTIES OF THE VICE PRESIDENTS

7.1 The Vice Presidents shall aid the President in their duties as chief executive officer of the Council and act on the President's behalf when requested to do so.

7.2 The Vice Presidents shall each chair one or more committees of the Council

Article 8 – DUTIES OF THE TREASURER

8.1 The Treasurer shall be the chief financial officer of the Council

8.2 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 the Officers

8.3 The Treasurer shall prepare a financial statement of the Council for a quarterly report to Council. A copy of the statement shall be forwarded to the Canadian Labour Congress and the BC Federation of Labour

8.4 The Treasurer shall have the books of the Council audited annually by the Trustees. A copy of the audit report shall be forwarded to the Canadian Labour Congress and the BC Federation of Labour.

8.5 The Treasurer shall, subject to the approval of Officers invest surplus funds of the Council in securities or deposit them in a credit union, bank or banks as approved by the Officers

8.6 The Treasurer shall prepare and submit a budget for the upcoming year, at the Annual General Meeting

Article 9 – DUTIES OF THE SECRETARY

9.1 The Secretary shall ensure the proceedings of all Council meetings and all sessions of the Board are recorded and such minutes to be kept in such form as to preserve a permanent record. Copies of all proceedings shall be made available to the Canadian Labour Congress and the BC Federation of Labour.

9.2 The Secretary shall be responsible for all correspondence as instructed by the Council, including sending out of notices of meetings to be held by the Council.

9.3 The Secretary shall retain file copies of agreements submitted to the council

9.4 The Secretary shall furnish credential blanks and affiliation forms to unions when requested.

9.5 The Secretary shall inform affiliated unions of vacancies arising in their representation of delegates.

Article 10 – DUTIES OF MEMBERS-AT-LARGE

10.1 Members at Large shall perform duties as delegated by the President when requested to do so

10.2 Members at Large shall each chair one or more committees of the Council

Article 11 – DUTIES OF THE SERGEANT-AT-ARMS

11.1 It shall be the duty of the Sergeant at Arms to receive the name of each delegate upon entering the room and shall record that delegate's attendance.

11.2 The Sergeant at Arms shall perform such duties as may be assigned to them by the President

Article 12 – EXECUTIVE OFFICERS

12.1 The Executive Officers shall consist of the President, Vice Presidents, Treasurer and Secretary

12.2 The Executive Officers shall be the governing body of this Council between meetings. They shall take such action and render such decisions as may be necessary to carry out fully the decisions and instruction of the Council meetings and to enforce the provisions contained in the Constitution.

12.3 The Executive Officers 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.

12.4 The Executive Officers 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 Council. Upon the completion of such investigation, including a hearing if requested, the Executive Officers 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 Council to suspend any organization. Any action of the Executive Officers under this section may be appealed to the next meeting of the Board.

12.5 A majority of the members of the Officers shall constitute a quorum for the transaction of business of the Officers

12.6 The Executive Officers are authorized to reimburse members of the Council for necessary expenses in performing their duties for the Council as per Article 15.

Article 13 – TRUSTEES

13.1 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 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 trustee shall be eligible for re-election.

13.2 The Trustees shall not be Board members of the Council

13.3 The Trustees shall conduct an audit of the books and accounts of the Council annually as of December 31, based on actual verification of the Treasurer's records as outlined on the Canadian Labour Congress Audit Report Form (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 at Ottawa and the CLC Regional Office.

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

13.5 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.

13.6 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 14 – REVENUE

14.1 A per capita tax shall be paid upon the full paid up membership of each organization

14.2 Each affiliated local union, branch or lodge shall pay before the last day of each month, for the proceeding month a per capita tax of twenty cents (.20) per member

14.3 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 Council. Any organization three months in arrears in payment of per capita tax may become suspended from the membership in the Council and can be reinstated only after the arrears are paid in full.

Article 15 – EXPENSES

15.1 Expenses for Council members elected to represent the Labour Council or to participate on the Labour Council's behalf to any authorized event shall include reimbursements to affiliate/employer for loss of regular scheduled hours of work.

15.2 Per diem, mileage and airfare will be in accordance with the CLC Constitution

15.3 Accommodation at a reasonable going rate and unionized where possible will be paid by the Council

15.4 Out of pocket expenses incurred for Council business should be presented to the Executive Officers with supporting documents for payment approval

15.5 The Council may subsidize reasonable childcare expenses for those delegates elected by the Labour Council to represent the Council at authorized events where that delegate provides written verification that such childcare was required and paid for.

Article 16 – DONATIONS

16.1 Donation requests will be handled in the following way:

16.2 Out of Province requests will receive a letter of support

16.3 In Province, but not local requests will receive financial support up to but not exceeding one hundred dollars (100.00)

16.4 Local requests will be as per the recommendation of the Executive Officers

Article 17 – AMENDMENTS

17.1 Proposed amendments to these Bylaws must conform to 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 amendments are to be considered. Such amendments are subject to approval by the Executive Council of the Canadian Labour Congress.