

CONSTITUTION

Amended at the
25th Constitutional Convention
May 2008, Toronto

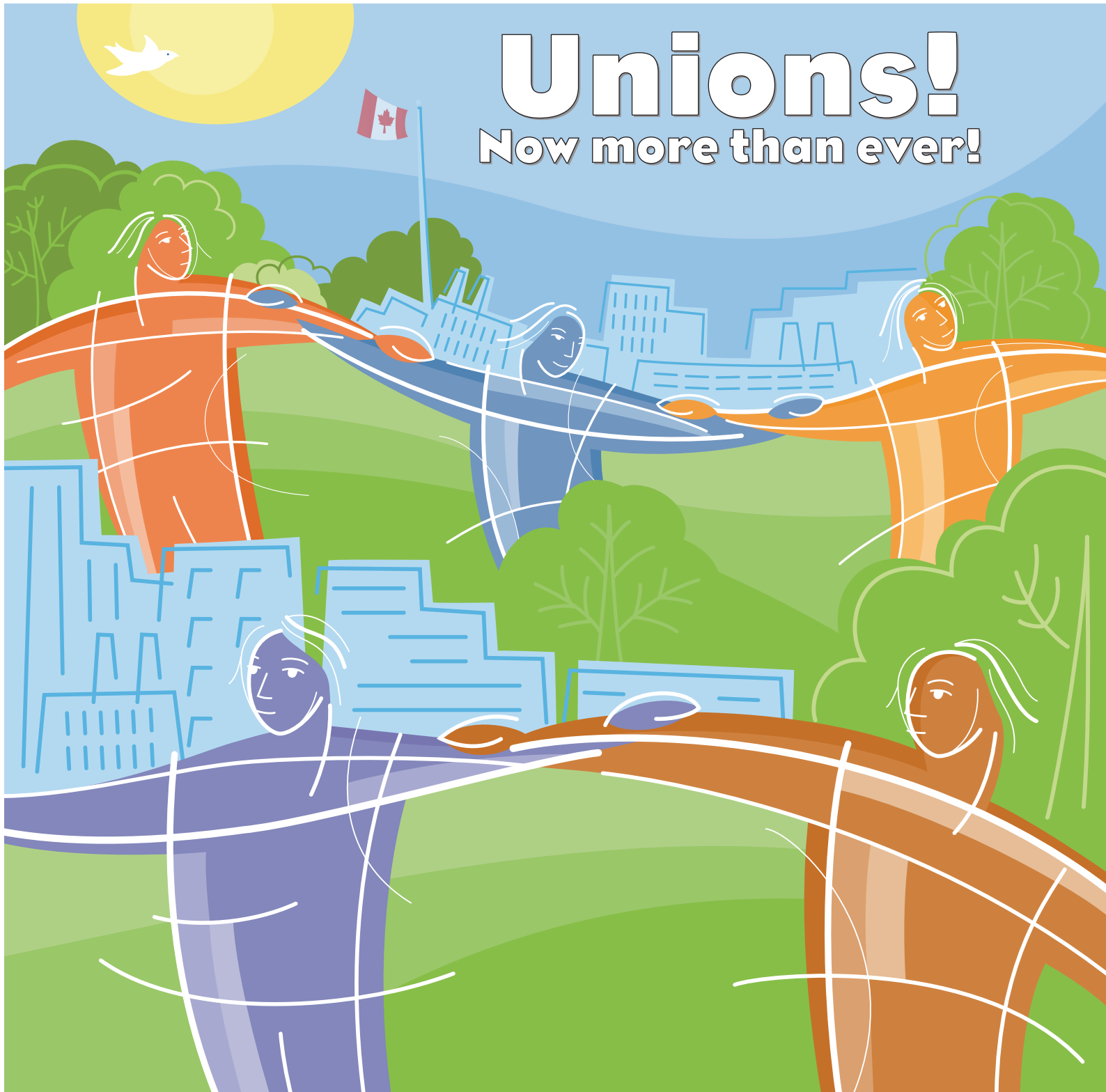


Canadian Labour Congress

Congrès du travail du Canada

Unions!

Now more than ever!





Canadian Labour Congress

Congrès du travail du Canada

Constitution

Amended at the 25th Constitutional Convention
held in Toronto from May 26 - 30, 2008

CONSTITUTION
OF THE
CANADIAN LABOUR CONGRESS

Amended at the 25th Constitutional Convention
held in Toronto from May 26 - 30, 2008

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Terms

affiliate

any national, international, regional or provincial union that pays membership dues to the CLC

chartered body

directly chartered locals, provincial and territorial federations of labour, labour councils, and trade departments

chartered local or directly chartered local

local union that has received its charter directly from the CLC

federations

provincial and territorial federations of labour

labour councils

local labour councils, district labour council

locals

includes locals, units, branches, lodges or other subdivisions of affiliates

policies

includes rules and regulations

PREAMBLE

Preamble

The strength of the labour movement is built on solidarity and respect among workers. We commit ourselves to the goals of worker democracy, social justice, equality and peace. We are dedicated to making the lives of workers and their families safe, secure and healthy.

We believe that every worker is entitled, without discrimination, to a job with decent wages and working conditions, union representation, free collective bargaining, a safe and healthy workplace, and the right to strike.

We believe that we, as members of society, are entitled to basic human rights, political freedom, quality public services, good democratic government, a safe and sustainable environment, a just and equitable society, and a peaceful world.

We believe that diversity in our society must be protected, promoted and celebrated. We believe that every worker is an equal member of the human family, regardless of gender, gender identity, colour, creed, ethnic origin, disability, sexual orientation or age. We stand for inclusiveness. We stand against abuses of human rights in our workplaces, our communities, our country, and around the world.

The Canadian Labour Congress, as the voice of working women and men, promotes their interests in the community and at national and international forums. We speak out forcefully for our affiliates and their members to employers, governments and the public to ensure the rights of workers are protected and expanded.

The Congress provides inspiration and leadership to its affiliates and guidance to its provincial and territorial federations of labour and local labour councils. Working with the federations and councils, the Congress mobilizes resources, coordinates the efforts of affiliates, and joins with other progressive organizations in mounting national campaigns.

In all its work, the Congress defends and promotes the principles of democracy and equality and holds true to the ideal of human rights for all.

We are sisters and brothers who, in solidarity, always pursue social, economic and political justice – the goals on which the labour movement was founded.

CHARTER OF LABOUR RIGHTS

Charter of labour rights

All workers have the right to:

1. Assemble peacefully and picket.
2. Bargain collectively on all matters arising from technological change.
3. Strike during the term of an agreement if bargaining cannot resolve a dispute about a matter not covered in the agreement.
4. Have a meaningful say on all vital economic and social questions affecting workers and have union representation on all government boards that administer social programs.
5. Be trained or retrained at employer and government expense.
6. Take all measures necessary to protect the safety and health of workers on the job.
7. Enjoy leisure through extended vacations and paid holidays.
8. Take a comfortable, secure retirement at age 60 if they wish it.

Article 1

Name and headquarters

1. This Congress is known as the Canadian Labour Congress (CLC) and in French as the Congrès du travail du Canada (CTC).
2. The headquarters are in Ottawa, Ontario.

Article 2

Purposes

The Congress exists to:

1. Promote the interests of its affiliates and advance the economic and social welfare of Canadian workers, including those who are unemployed or retired.
2. Affiliate national, international, regional and provincial labour unions.

3. Respond to requests from affiliates and chartered bodies to help them extend the benefits of collective bargaining to workers not yet in unions.
4. Set up and assist provincial and territorial federations of labour and local labour councils.
5. Work for laws that protect workers' rights, such as free collective bargaining and the right to strike, and the security and welfare of all Canadians.
6. Protect and strengthen our democratic institutions and ensure full recognition and enjoyment of the rights and liberties to which we are entitled.
7. Safeguard the democratic nature of the labour movement and respect the autonomy of every affiliate.
8. Help create and participate in coalitions with groups that share our goals and principles.
9. Promote peace and freedom throughout the world and work with labour movements and peace groups in other countries.
10. Provide an efficient and orderly method for settling disputes between affiliates.
11. Actively encourage mergers between compatible affiliates to create stronger, more effective unions and reduce conflict and duplication.
12. Speak for labour on national and international issues, explain union policies and represent the labour movement with national and international agencies.
13. Keep the labour movement independent of political control while encouraging workers to exercise their full rights and duties as citizens and play their rightful part in the political system at every level.
14. Promote labour media and other means of informing and educating union members.
15. Encourage the sale and use of union-made goods and union services through the use of the union label and other symbols.

Article 3

Membership

1. Members of the Congress are:
 - affiliated national, international, regional and provincial unions

- directly chartered local unions; and
 - chartered provincial and territorial federations of labour and local labour councils.
2. The executive council can issue charters or certificates of affiliation.
 3. Affiliates and chartered bodies must abide by this constitution.
 4. A majority vote at convention may expel an affiliate or revoke a charter.
 5.
 - a. The Congress and its subordinate bodies will not recognize an affiliate or chartered body that has left the Congress or been suspended or expelled.
 - b. The Congress and its subordinate bodies will not recognize a local union or person that has been suspended or expelled by an affiliate or chartered body. A body that violates this provision will be suspended.
 - c. A union that has left an affiliate cannot affiliate to the Congress without the consent of the union it left.
 6. Any suspended or expelled union cannot reaffiliate unless the executive council is satisfied that the causes of the suspension or expulsion no longer exist and that the applicant will abide by the constitution, principles and policies of the Congress.
 7. Each affiliate and subordinate body must give the secretary-treasurer a copy of all their official reports and a statement of their membership numbers.

Article 4

Disputes procedures

1. This article does not apply to affiliates and chartered locals in the Province of Quebec. They are governed by the Quebec Federation of Labour Protocol.
2. The interests of unorganized workers can be served best when they join a union that has proven itself by representing workers in the same industry, service (public or private) or trade. Therefore, the Congress encourages affiliates to organize mainly in the jurisdictions they have occupied in the past, where they have the resources and abilities to provide high standards of servicing. This applies equally to the public and private sectors. Following this guideline promotes trust and goodwill, builds cooperation and solidarity, and conserves scarce union resources.

If there is an organizing dispute, the Congress is prepared to help resolve it in a fair way that satisfies the parties involved.

- 3. a.** Settlements under this article are limited to the specific dispute and do not determine the general work or trade jurisdiction of any affiliate.
- b.** The terms of this article are the sole and exclusive method for settling any disputes described in this article or enforcing any settlement made under this article.

No affiliate will use court or legal proceedings to settle such disputes or enforce any settlement.

- 4. a.** Each affiliate is responsible for any action of any of its subordinate bodies that is contrary to this article.
- b.** Affiliates must make sure that the Congress does not lose members to an unaffiliated union because of a dispute.
- c.** Affiliates must support the decision of the executive committee when it denies a claim for justification and assist the affiliate that is being raided.

- 5. a.** Each affiliate respects the established collective bargaining relationships of every other affiliate. No affiliate will try to organize or represent employees who have an established bargaining relationship with another affiliate or otherwise seek to disrupt the relationship.
- b.** An established collective bargaining relationship is any situation in which an affiliate or any of its subordinate bodies:
 - is recognized by the employer as the bargaining representative for the employees involved for at least one year, or
 - is certified under any federal, provincial or territorial labour law, or
 - is under a government bargaining procedure.

- 6. a.** Affiliates must respect the established work relationships of other affiliates. An “established work relationship” exists where work that members of a union have customarily performed is being done at a particular plant, office, institution or work site, whether the employer is the plant operator, a contractor or other employer.

- b.** No affiliate shall agree or collude with an employer or use economic pressure to seek work for its members that is already being done by another affiliate, except with the consent of that affiliate.
 - c.** Affiliates shall refer directly to the president cases involving the merger or reorganization of plants or companies that will eliminate or combine bargaining units.
- 7.** No affiliate shall circulate any information designed to publicly discredit another affiliate or the Congress or any information that results in such discredit.
- 8.**
 - a.** If an affiliate believes that another affiliate is raiding its members in violation in whole or in part of sections 5, 6 or 7 of Article 4, it shall refer the matter directly to the president.
 - b.** The president shall immediately inform the affected affiliates of the allegations and shall initiate an investigation to determine the validity of the allegations. The president, or designate, shall meet with the affiliates involved and shall attempt to mediate and resolve any disputes as part of the investigation. If it is determined that an affiliate is raiding or interfering with the members of another affiliate, the president will immediately direct that all raiding and interfering cease.
 - c.** The president may also make additional recommendations for resolution of the dispute or may submit the dispute to an impartial umpire or ombudsperson.
 - d.** If any of the affiliates involved refuse to abide by the decision of the president, the executive committee shall be immediately advised of the decision. The executive committee shall determine what sanctions are to be imposed, which may include withdrawal of affiliation.
- 9.**
 - a.** An affiliate can claim justification for a planned action that could be seen as a raid (section 5), by filing a claim with the president. The claim will outline the reasons for planning the action, including any allegations that an other affiliate is violating the Constitution.
 - b.** The president will notify the ranking officer in Canada of the concerned affiliate of the alleged offence and give the affiliate a chance to resolve the matter. The time for this step will not exceed 30 days.
 - c.** During this period if the matter is not resolved and a Congress investigation shows there may be a case for justification, the

change their choice of union, each affiliate shall abide by the following procedure:

- a.** In the event that a majority of members in either a certified or recognized bargaining relationship under federal, provincial or territorial labour legislation, who belong to an affiliate, wish to claim justification for leaving their parent affiliate, the claim may be filed with the president of the CLC.
- b.** The president shall advise the affected affiliate and shall initiate an investigation as soon as possible.
- c.** The president, or designate, shall meet with the affiliate and the members, and encourage them to resolve their problems within their parent affiliate.
- d.** The president may make recommendations for actions to be taken by the affiliated union and/or the affected members to address any problems identified during the investigation.
- e.** If there is no resolution of the issues that gave rise to the application and a majority of the members still wish to leave their union, the president will decide upon a course of action, which may include one or more of the following:
 - i)** appointment of a CLC monitor to work with the affiliate
 - ii)** granting of a CLC direct charter for a maximum of 3 years
 - iii)** allow another union(s) to recruit members under terms established by the CLC
 - iv)** conducting a vote of the members to determine their wishes, and
 - v)** submit the matter to an ombudsperson.
- f.** The ombudsperson has two priorities:
 - that the members resolve their complaints and remain with their parent affiliate
 - that the members not join a union outside the CLC.
- g.** The ombudsperson will report to the president within 30 days. Recommendations are limited to the following:
 - members remain with the affiliate, or
 - members form a directly chartered local for a maximum of three years; during this time the members must vote, using a ballot that includes the names of any affiliates interested

in representing them; the affiliate to whom the members originally belonged will be on the ballot if the affiliate wishes.

- h.** If the ombudsperson recommends the members form a directly chartered local and the parent affiliate disagrees, the case proceeds to a justification hearing as in section 9.
 - i.** Where a majority of members have exercised their rights under the CLC Constitution to seek a change in unions, all parties involved in the process shall conduct themselves in a manner which is designed to bring a fair resolution of the claim for justification and in accordance with the Constitution of the CLC. Affiliates will consult with the president of the CLC before implementing provisions for trusteeship or disciplinary action.
- 14.**
- a.** If a bargaining unit leaves its affiliate before the disputes procedure is finished, the unit must apply to the president to become a directly chartered local. If granted, the charter will be issued for a maximum of three years. Then the existing transfer procedure would take place.
 - b.** Any affiliate that seeks to take members from a directly chartered local without following the transfer procedure is subject to sanctions in section 15.
- 15.** Any affiliate found in violation of section 5 will be placed under sanctions.
- a.** The affiliate will immediately lose the following:
 - the right of any representative to vote on the executive council
 - the right to take part in Congress committees
 - access to all Congress services, such as attending education functions, conferences and the Labour College
 - access to the justification and transfer procedures.
 - b.** After three months if the dispute is not settled, the affiliate will also lose the following:
 - right of any representatives to vote at executive councils or boards of federations of labour and labour councils
 - right to take part in federation and labour council committees
 - access to services of federations and labour councils.

- c.** After another three months if the dispute is not resolved, the affiliate will also lose the following:
 - any seat it holds on the Congress executive council
 - access to their disputes procedures
 - any seat it holds on an executive council or board of a federation of labour or labour council
 - right to participate in these chartered bodies.
 - d.** If the affiliate continues to violate section 5 or refuses to pay its per capita tax, the president, subject to executive committee approval, may apply all sanctions prior to the set time.
 - e.** When applying sanctions, the president will notify the executive council and the affiliates.
- 16.** Sanctions can be applied to an affiliate in a situation where it is part of a joint certification or a multi-union bargaining unit.
- 17. a.** An affiliate that is under sanctions may apply to the president to have the sanctions lifted. The president will notify the affiliates involved. If these affiliates consent, the executive council will remove the sanctions.
- b.** If any of these affiliates opposes the application, the matter comes before the next meeting of the executive council. The sanctions are lifted only under these conditions:
- i)** the non-complying affiliate says, in writing, that it will comply with the provisions of this article
 - ii)** the non-complying affiliate does what is necessary and feasible to remedy the situation
 - iii)** the non-complying affiliate pays all per capita taxes owing to the Congress
 - iv)** two thirds of those present and voting at the executive council or a majority at a convention approve the application.
- 18.** Where two or more affiliates of the Congress are seeking to organize the same members, and the unions involved cannot come to an agreement in order to allow only one union to proceed, the CLC may intervene at the request of one of the unions or the members involved in the organizing drive. The procedure followed shall be the same as that in Article 4, section 12. In these situations, the president shall base his decision on the following criteria:

- a. the chronology of contacts clearly established by the unions involved
 - b. the type of members the unions generally represent and whether or not a successorship is involved
 - c. the ability of the unions to provide adequate service to the workers being organized
 - d. the possibility that the unions involved can carry out a successful organizing campaign, and
 - e. the union ethics of the affiliates involved.
- 19.** Where it is determined that another affiliate has attempted to influence or interfered with an affiliate's membership, in any matter covered by this Protocol, the offending affiliate will not be entitled to be on any ballots or to exercise rights under this Protocol or Article 4 of the Constitution with respect to the application. Where the president determines that the interference may make it difficult to determine the wishes of the members, the president may consider the appointment of a CLC monitor to work with the affiliate and the members.
- 20.** A majority vote at convention can amend this article.

Article 5

Federations of labour and labour councils

- 1.** The executive council can set up and charter provincial and territorial federations of labour and local labour councils.
- 2.** Such a chartered body is composed of the locals of affiliates and directly chartered locals.
- 3.**
 - a.** Under special circumstances, a provincial union in a jurisdiction not predominantly represented by Congress affiliates may affiliate to a federation for three years. During that time the union does not have to pay per capita to the Congress and is not entitled to representation on the executive council or at conventions. After these three years, the union must affiliate to the Congress or lose its affiliation with the federation.
 - b.** If more than one such union in a jurisdiction has affiliated to a federation in that three years, these unions can affiliate to the Congress in one of three ways:

- by joining an existing affiliate
 - by joining an existing national organization in their jurisdiction and having that organization affiliate to the Congress, or
 - by forming a new national organization with the other compatible unions affiliated to a federation and having that new organization affiliate to the Congress.
- c.** After the three years, if only one union in a jurisdiction has affiliated to a federation and that union chooses to join the Congress, it then represents that jurisdiction. After that, other unions representing similar groups will affiliate through the first one, either by merging or forming a new national union.
- 4. a.** All affiliates must require their local unions to join federations and labour councils where such exist.
- b.** All directly chartered locals must affiliate with their federation and labour council.
- c.** All labour councils must affiliate with their provincial or territorial federation.
- 5.** The executive council must issue rules governing the affairs, finances and property of federations and labour councils and provide discipline procedures. The rules must provide for appeals to the executive council and the convention, but decisions remain in effect until the appeal is settled.
- 6.** If a federation or labour council is dissolved or suspended or has its charter revoked, all its funds and property revert to the Congress to be held in trust until it is reorganized and able to conform with this constitution. The officers of such a federation or labour council must deliver all funds and property to the Congress secretary-treasurer or designate. If the funds and property are not delivered, all expenses the Congress incurs in recovering them are a lawful charge. When they are recovered, the Congress will reimburse itself.

Article 6

Directly chartered local unions

- 1.** The Congress, through the executive council, may issue charters directly to local unions.

2. The executive council must issue rules governing the affairs, finances and property of these locals and their suspension, expulsion and termination. The rules must define the powers of the Congress president, or designate, to take disciplinary action against such locals or their officers. The rules must also provide for appeals to the council and the convention, but decisions remain in effect until the appeal is settled.
3.
 - a. The executive council may combine locals in related fields or assign them to affiliates when appropriate. Any local or group of locals may ask the executive council to authorize such a combination.
 - b. When grouped into a council, they remain directly chartered local unions.
4. If a directly chartered local is dissolved or suspended or has its charter revoked, all its funds and property revert to the Congress to be held in trust until it is reorganized and able to conform with this constitution.

The officers of such a local must deliver all funds and property to the Congress secretary-treasurer or designate. If the funds and property are not delivered, all expenses the Congress incurs in recovering them are a lawful charge. When they are recovered, the Congress will reimburse itself.

Article 7

Revenue

1. Each affiliate and directly chartered local must pay a per capita tax on their entire paid-up membership.
2. Each affiliate must pay before the last day of each month, for the preceding month, a per capita tax of 70 cents per dues-paying member. When remitting their per capita tax for September, affiliates must report the location of and number of members in each local.
3.
 - a. Each directly chartered local must pay on or before the fifteenth of each month, for the preceding month, a per capita tax equal to 0.5 per cent of the members' regular monthly earnings. Each local must also pay a portion, set by the executive council, of the initiation fee received from its members. This payment must be no less than one dollar per member.
 - b. One dollar and fifty cents of the per capita tax paid by chartered locals must go into a defence fund. The executive committee administers this fund and reports on it to convention.

4. The secretary-treasurer notifies any body that has not paid its per capita tax by the deadline. The Congress may suspend any body three months in arrears and reinstate that body only after arrears are paid in full.
5. Each application for a local union charter must include a fee of \$25.

Article 8

Trade departments

1. The Congress can set up and charter trade departments.
2. Departments have their headquarters in the Congress headquarters unless permitted to locate elsewhere.
3. Each department is subordinate to the Congress and manages and finances its own affairs.
4.
 - a. Affiliation to the departments is open to all appropriate Congress affiliates.
 - b. To be affiliated to a local department council, a local union must be part of a Congress affiliate or a directly chartered local. The local must also be an affiliate of its local labour council.
5. The constitution and policies of each department must conform to the constitution and policies of the Congress.
6. A body affiliated with one or more departments pays per capita tax to each department based on the number of members whose occupation comes under that department.
7. Department officers submit a report of the work of their department to the executive council.

Article 9

Congress administration

The Congress can set up the departments needed to carry out constitutional requirements, convention and executive council decisions, and to provide services.

Article 10

Regular conventions

- 1.** The convention is the supreme governing body of the Congress.
- 2.** Regular conventions are held every three years prior to May 31. In special circumstances, a convention can be held as late as June 30.
- 3.** The executive council chooses the time and place, sets the convention hours and gives at least 120 days' notice.
- 4.** There are five categories of delegates: local, affiliate, youth, federations and labour councils, and ex-officio.

- a.** Local unions in Canada of affiliates and directly chartered local unions get one delegate for 1,000 or fewer members and one additional delegate for each additional 500 members or major fraction thereof.

Delegates must belong to the local they represent. The exception is that an affiliate member who is on full-time staff may represent a local.

Locals may combine to send a delegate.

- b.** Affiliates that affiliate their entire Canadian membership directly from headquarters can send two delegates from Canada.
- c.** The four largest private sector and four largest public sector unions get four youth delegates each.

The remaining affiliates on the executive council each get two youth delegates.

Each affiliate not on executive council gets one youth delegate.

Youth delegates are 30 or younger.

- d.** Federations and labour councils shall be entitled to a maximum of two delegates plus a youth delegate aged 30 or younger. These delegates must be members in good standing of an affiliated or directly chartered local.
- e.** The Congress president, secretary-treasurer, and two executive vice-presidents are delegates.

- 5.** The executive council sets the registration fee for delegates and guests.
- 6.** By 120 days before the convention, the secretary-treasurer sends out duplicate credentials blanks.

The credential form has space for the name of an alternate delegate.

The delegate keeps the original, signed form. The copy must be returned to the secretary-treasurer 30 days before the convention.

All delegates must be registered by 5:00 pm on the day preceding the elections scheduled in the Convention Program of Business.

7. A body is not entitled to representation if, by convention opening:
 - it is in arrears for per capita tax for three months or more, or
 - it has had its certificate of affiliation or charter for less than one month.

Article 11

Convention committees

1. The president, consulting with the executive council, appoints committees to prepare the work of the convention.
2. Each committee has at least five members and meets before the convention for as long as they need to complete their work. The Congress pays the members' wages and expenses for these extra days as the executive council decides.
3.
 - a. The credentials committee examines the credentials received and registers those they approve.
 - b. The committee may consider incomplete or late credentials, but their recommendation must be approved by a two-thirds vote of the convention.
 - c. The committee reports to the convention on the first day and subsequent days if needed.
 - d. When a majority of the delegates approve the first committee report, the convention may start its official business.
 - e. Appeals are made to the convention.
4.
 - a. The executive council, an affiliate, a local of an affiliate, or a chartered body can submit a resolution. It must be signed by the presiding officer and secretary. The resolution must deal with one subject, include an action, and contain no more than 150 words.
 - b. The secretary-treasurer must receive all resolutions in Ottawa at least 75 days before convention.

- c. Resolutions are sorted and referred to an appropriate convention committee.

Committees may combine resolutions into a composite resolution or prepare a substitute resolution that covers the intent.

The committees report to the convention before the delegates consider the matter.

- d. Copies of the resolutions in English and French are sent to the delegates at least 30 days before the convention.
- e. The executive council receives any resolutions that are late or not in the proper form and may bring them to the convention. Two thirds of delegates must agree before these resolutions can be considered.

Article 12

Convention conduct and rules

1. A quorum is one quarter of the registered delegates.
2. The president or a member of the executive council chairs the convention. In the absence of the president and the designate, the council chooses a chairperson.
3. The chairperson has the same rights as other delegates.
4. Solidarity delegates (special guests) may not propose motions, vote or stand for office.
5. Delegates must respect, in word and deed, the Congress policy against harassment.
6. Delegates wishing to speak go to a microphone. When recognized by the chairperson, delegates state their name and the organization they represent and confine their remarks to the issue being discussed.
7. Speakers to a resolution are limited to three minutes.
8. Delegates do not speak more than once on a subject until all who wish to speak have done so.
9. Delegates do not interrupt except for a point of order.
10.
 - a. Each delegate has one vote.
 - b. If there is a tie, the chairperson casts the deciding vote.

- 11.** A majority vote is needed to make decisions. The exceptions to this, which need a two-thirds vote, are:
 - constitutional amendments
 - notice of motion for reconsideration.
- 12.** When the convention is ready to vote, the chairperson describes the matter to be voted on and says, “Are you ready to end debate and vote on the motion?” If no delegate wishes to speak, the delegates vote.
- 13.** Votes can be indicated by a show of hands or by standing. One third of the delegates may demand a roll call vote (in which each delegate goes to a microphone to vote when their name is called).
- 14.** When a delegate moves to end debate (previous question), there can be no discussion. If the majority votes that “the question be now put,” then delegates vote on the original motion with no more debate. If the motion to end debate is defeated, discussion continues on the original motion.
- 15.** Committee reports cannot be amended except when the change is acceptable to the committee. However, a delegate can move to refer something back to the committee for reconsideration.
- 16.** If a committee report is adopted it becomes the decision of the convention. If a report is defeated it then may be referred back to the committee.
- 17.** When the convention is discussing a motion, the only other motions that are permitted (in order) are:
 - to end debate (put the previous question)
 - to refer the motion
 - to postpone (table) for a definite time.

If the delegates defeat any of these motions, no one can bring them up again until the next session of the convention.
- 18.**
 - a.** A motion to refer is not debatable and is immediately put to a vote.
 - b.** A delegate cannot make a motion to refer after speaking on the motion.
- 19.** After delegates have voted on a motion, they may reconsider it under these conditions:
 - the delegate who wants the matter to be reconsidered voted with the majority

- the delegate gives notice of motion, (moves) to reconsider the matter at the next sitting, and
 - two-thirds of the delegates vote for the notice of motion.
- 20.** Two delegates may appeal a decision of the chair. The chairperson says, “Shall the decision of the chair be upheld?”
- The chairperson can explain the decision but the appeal is not debatable.
- 21.** If the chairperson calls a delegate to order, the delegate sits down until the convention decides on the question of order.
- 22.** If the delegate persists in unparliamentary conduct, the chairperson names the delegate. The delegate may explain his or her conduct to the convention and then must leave the floor, and the convention decides how to pursue the matter.
- 23.** Unless otherwise specified, any convention decision takes effect immediately after the convention adjourns.
- 24.** *Bourinot’s Rules of Order* governs in matters not discussed in these rules.

Article 13

Special conventions

- 1.** Special conventions can be called by:
 - a regular convention
 - executive council, or
 - a group of affiliates representing a majority of the Congress membership, according to the records reported at the last convention.
- 2.** If the convention is a result of a request from affiliates, the executive council will issue the convention call within 30 days. In any case, the council will give all affiliates and chartered bodies 60 days’ notice of the time and place of the convention and a statement of the matters to be discussed.
- 3.** Representation to special conventions is the same as regular conventions.
- 4.** A special convention has the same authority as a regular convention.

5. These deadlines apply for special conventions:
 - 60 days for the secretary-treasurer to provide credential blanks
 - 15 days for copies of credentials to be returned.

Article 14

Congress officers

1. The Congress officers are:
 - a. the president
 - b. secretary-treasurer
 - c. two executive vice-presidents.
2. An officer must be a member of an affiliate or chartered body.
3. No delegate who has reached age 65 may be nominated for an officer position.
4. Delegates elect the officers on Thursday of the convention week. The convention can change the election day.
5. Nominees who let their names stand agree to the following: “In accepting this nomination, I give my word that I will uphold the constitution, principles and policies of the Canadian Labour Congress.”
6.
 - a. The vote is by secret ballot.
 - b. The winning candidate must receive a majority of votes cast. If needed, subsequent votes are taken. On these votes, the candidate who got the least votes in the previous round is dropped.
 - c. In case of a final tie, the chairperson may cast the deciding vote.
7. When more than one candidate is to be elected to an office, delegates must vote for the full number or the ballot will be declared spoiled.
8. The election of each office is completed before nominations are accepted for the next office.
9. The term of the officers and executive council members starts within 60 days of convention adjournment.
10.
 - a. If the office of the president becomes vacant, the secretary-treasurer performs the president’s duties until a successor is elected.

Within 15 days of the vacancy, the secretary-treasurer will call an executive council meeting, giving 30 days' notice, to fill the vacancy. If the secretary-treasurer is unable to do this, the executive vice-presidents will do it.

- b.** If there is a vacancy in the offices of executive vice-president or secretary-treasurer, the president performs the duties of the office until a successor is elected.

Within 15 days of the vacancy, the president will call an executive council meeting, giving 30 days' notice, to fill the vacancy.

- c.** If an executive council meeting or convention is scheduled within 60 days of the vacancy, a majority of council members may agree to postpone the decision until that meeting.
- 11.** The Congress provides the officers an equitable pension plan as approved by the executive council.
 - 12.** The officers, as trustees for the Congress, hold title to the Congress real estate. They have no right to sell, convey or encumber any real estate without the approval of the executive council.
 - 13.** The executive council recommends to the convention, as necessary, changes in the salary of officers.

Article 15

Duties of the president

- 1.** The president is the chief executive officer of the Congress. The president:
 - a.** supervises the affairs of the Congress
 - b.** signs all official documents
 - c.** presides at conventions and meetings of the executive council and executive committee
 - d.** assigns departments and duties to the executive vice-presidents
 - e.** calls meetings of the executive council and executive committee.
- 2.** The president has the authority to interpret the constitution. That interpretation is conclusive and remains in effect unless the executive council or a convention changes it.

3. The president hires staff and sets their compensation, subject to executive committee approval. The president or a designate direct all staff.
4. The president must work full time in the interests of the Congress. As of January 1, 2008, the president receives a salary of \$134,324.46 a year plus expenses. The salary is adjusted twice a year by the change in the national consumer price index.

The first adjustment takes effect July 1, 2008.
5. The president reports on the administration of that office and on Congress affairs to the convention through the executive council report.

Article 16

President emeritus

On their retirement, presidents become president emeritus in recognition of their service to the Congress.

Article 17

Duties of the secretary-treasurer

1. The secretary-treasurer is the chief financial officer of the Congress. The secretary-treasurer:
 - a. has charge of books, documents, files and effects of the Congress. At all times, these are subject to inspection by the president, executive vice-presidents and executive council
 - b. prepares a financial statement for each executive council meeting
 - c. has the books audited each year by a firm of chartered accountants selected by the president and approved by the executive council
 - d. presents the audits to executive council and convention
 - e. issues the call for and acts as secretary at conventions
 - f. sees that the proceedings of all conventions and executive council meetings are recorded.
2. The secretary-treasurer, subject to executive council approval, invests surplus funds in securities or deposits them in the name of the Congress.

3. The executive council decides the amount for which the secretary-treasurer is bonded.
4. The secretary-treasurer can require affiliates and subordinate bodies to provide statistical data on their membership.
5. The secretary-treasurer, with approval of the president, hires, directs and sets compensation for all administrative help.
6. The secretary-treasurer must work full time in the interests of the Congress and as of January 1, 2008, receives a salary of \$122,113.34 a year plus expenses. The salary is adjusted twice a year by the change in the national consumer price index. The first adjustment takes effect July 1, 2008.
7. The secretary-treasurer reports on the administration of that office to the convention.

Article 18

Duties of executive vice-presidents

1. The executive vice-presidents aid the president in the duties of chief executive officer and act on behalf of the president when asked. Each administers the departments and responsibilities the president assigns.
2. The executive vice-presidents must work full time in the interests of the Congress. As of January 1, 2008, each receives a salary of \$122,113.34 a year plus expenses. This is adjusted twice a year by the change in the national consumer price index. The first adjustment takes effect July 1, 2008.
3. Each executive vice-president reports to the convention through the executive council report.

Article 19

Council and officers' oath

Before taking office, all officers and executive council members take this oath: "In becoming a member of the executive council of the Canadian Labour Congress, I give my word that I will carry out my duties to the best of my abilities. I promise to uphold the constitution, principles and policies of the CLC. I will be guided by the Preamble to the constitution and its Purposes as outlined in Article 2."

Article 20

Executive council

- 1.** The executive council is the governing body of the Congress between conventions. It takes action and makes decisions as needed to carry out convention decisions and to enforce the provisions of this constitution.
- 2.** The council initiates legislative action in the interests of working people.
- 3.** The council consists of:
 - a.** the president
 - b.** the secretary-treasurer
 - c.** the two executive vice-presidents
 - d.** 12 vice-presidents who are the presidents of the provincial and territorial federations of labour
 - e.** 22 vice-presidents representing the 22 largest affiliates. These are the ranking Canadian officers in their union
 - f.** four vice-presidents representing all other affiliates. These are the ranking Canadian officers in their union
 - g.** six female affirmative action vice-presidents designated by the six largest affiliates
 - h.** two vice-presidents representing workers of colour who are endorsed by their affiliate and elected at the appropriate caucus at convention
 - i.** one vice-president representing Aboriginal workers who is endorsed by his or her affiliate and elected at the appropriate caucus at convention
 - j.** one vice-president representing workers with disabilities who is endorsed by her or his affiliate and elected at the appropriate caucus at convention
 - k.** one vice-president representing young workers who is endorsed by his or her affiliate and elected at the appropriate caucus at convention
 - l.** one vice-president representing gay, lesbian, bisexual and transgender workers who is endorsed by her or his affiliate and elected at the appropriate caucus at convention, and
 - m.** one vice-president representing retired workers who is elected at the convention of the Congress of Union Retirees of Canada.

- 4.** The workers-of-colour caucus at the convention also elects two alternates. The other caucuses (Aboriginal workers; workers with disabilities; young workers; and gay, lesbian, bisexual and transgender workers) elect one alternate each. An alternate will serve on the council if the first nominees are unable to complete their term.
- 5.** Vice-presidents hold office as long as they maintain the endorsement of their union.
- 6.**
 - a.** The number used for representation on the executive council and executive committee is the affiliate's average monthly dues-paying membership in the year prior to the convention.

If a union only started paying per capita during this year, then the number is the average for the months that it has paid.
 - b.** An affiliate must be in good standing with the Congress at the time of the convention to be eligible to have a representative on the council.
 - c.** Between conventions, if a union that would qualify as one of the 22 largest affiliates joins the Congress, the council can add a representative of that union. This does not affect the position of any current vice-president.
 - d.** Between conventions, if one or more of the 22 largest affiliates merge, the newly created union is entitled to one representative on the council, effective on the date of the merger. Representatives of the merged unions who lose their seats on the council are immediately replaced by representatives of the next largest affiliates. This process also applies if one the 22 largest unions disaffiliates.
- 7.** If an affiliate's vice-president position becomes vacant, the affiliate represented can name a replacement.
- 8.** The council meets at least three times each year.
- 9.** A quorum is a majority of the members of the council.
- 10.** The council presents a printed report in English and French of Congress activities to each convention.
- 11.** The council has the power to investigate any situation in which there is reason to believe that a Congress affiliate or chartered body is controlled or substantially influenced by any corrupt influence or that its activities are contrary to Congress principles. After the investigation, including a hearing if requested, the council can make recommendations. Upon a

two-thirds vote, the council can suspend the affiliate or chartered body. Any action under this section may be appealed to the convention.

12. The council can reimburse its members for necessary expenses in performing their Congress duties.
13. The council can set up advisory committees.

Article 21

Executive committee

1. The executive committee is responsible for the administration of the affairs and activities of the Congress.
2. It meets at least four times a year.
3. These members of executive council make up the committee:
 - a. the four officers
 - b. the eight vice-presidents from the four largest private sector unions and four largest public sector unions
 - c. two other vice-presidents from affiliates chosen by the executive council
 - d. two vice-presidents from the building and construction trades unions, one from the largest and one selected by a caucus of these unions on executive council
 - e. two female affirmative action vice-presidents, one chosen by the female affirmative action vice-presidents from private sector unions and one chosen by the female affirmative action vice-presidents from public sector unions
 - f. one worker of colour vice-president, and
 - g. the president of the Quebec Federation of Labour.
4. The committee members, other than the four officers, are called general vice-presidents.
5. If a general vice-president position becomes vacant, it is filled in the same way that the previous incumbent was chosen.

Article 22

Economic development

When they are asked or when they think it advisable, the officers will hold meetings of all affiliates involved to develop common approaches to keep abreast of and respond to the changing economic and technological structure of industry.

Article 23

Amendments

- 1.** A two-thirds vote of convention may amend this constitution. The exceptions, which need a simple majority, are Article 4 and those sections dealing with officers' salaries.
- 2.** The procedure for submitting amendments is the same as for resolutions.
- 3.** All amendments take effect immediately unless otherwise specified.

Article 24

Code of union citizenship

The affiliates of the Canadian Labour Congress vary substantially in their size, internal structures and geographic distribution. All unions develop in a way that fits their industries and their collective bargaining situations. Within those differences, all affiliates serve their members and promote union principles and practices according to this constitution.

Affiliates strive to:

- 1.** Fully protect workers' rights and make sure they are applied at work and in the community.
- 2.** Conduct union business and provide services to all members without regard to race, colour, creed, sex, age or national origin in an environment free of harassment.
- 3.** Provide whatever help is needed to ensure members get all the social insurance benefits that may be available for lay-off, unemployment, disability, retirement or any other legitimate cause.
- 4.** Provide all possible help to members who are injured or disabled at work or suffer from industrial disease.

5. Provide the best available facts on wage levels, benefits and contract language and other negotiating services to get the best possible contract.
6. Coordinate bargaining or other activities with other unions where such cooperation will benefit the members of each union.
7. Press for changes in the law to protect and enhance their members' welfare and rights.
8. Educate their members about union principles and practices, the duties of officers and representatives, their union structure, and the important issues in their own union, the Canadian Labour Congress and the labour movement.
9. Ensure that all their members can exercise their union rights.
10. Provide the means for all their members to have an equal opportunity to participate actively and effectively in their own union.
11. Encourage their members to participate actively in local labour councils and federations of labour.
12. Encourage their members to participate fully in the political life of this country.

Article 25

Code of ethics

The overwhelming majority of unions both preach and practise the principles of democracy. Still, too often members forfeit their union citizenship through their own indifference.

The record of union democracy, like the record of our country's democracy, is not perfect. A few constitutions do not adequately set out the elements of democratic practice. A few unions do not practise the principles in their constitutions.

All unions try to get as many of their members as possible to take part in union meetings and affairs. The answer is not so much setting out new principles as using present rights. Just as eternal vigilance is the price of liberty, so is the constant exercise of union citizenship the price of union democracy.

All free and democratic unions abide by these principles:

1. All members have the right to take part fully and freely in their union. This includes the right to:

- a.** vote regularly in honest elections for their local, national and international officers, either directly or through delegated bodies
 - b.** stand for and hold office, subject only to fair qualifications uniformly imposed
 - c.** voice their views about how their union conducts its affairs
 - d.** attend local membership meetings, which are held regularly with proper notice of time and place.
- 2.** All members use their rights as union citizens. They also loyally support their union. Their right to criticize the policies and personalities of union officers does not include the right to undermine the union as an institution, to advocate dual unionism, to destroy or weaken the union as a collective bargaining agent, or to carry on slander and libel.
- 3.** All members are treated fairly under union rules. Union disciplinary procedures contain all the elements of fair play. No particular formality is required. No lawyers need be used. However, the basic requirements – notice, hearing and judgment based on evidence—are observed. A method of appeal to a higher body exists to ensure that judgment at the local level is impartial.
- 4.** Unions hold regular conventions, not more than four years apart. The convention is the supreme governing body of the union.
- 5.** All conventions are open, except for needed closed sessions. Convention proceedings or an accurate summary are published and open to the members.
- 6.** The officials and bodies that govern between conventions are elected. They abide by and enforce the union’s constitution and carry out the decisions of the convention.
- 7.** The term of office of all officials is stated in the constitution or bylaws and is for a reasonable period.
- 8.** To ensure democratic, responsible, and honest administration of their locals and other subordinate bodies, unions have the power to start disciplinary proceedings, including the power to set up trusteeships. Such powers are used rarely and only under the union’s constitution. Autonomy is restored promptly.
- 9.** Unions ensure, through appropriate constitutional or administrative measures, that anyone who exercises a corrupt influence or engages in corrupt practices does not hold union office.

10. Unions ensure that no person can hold office or appointed position who has been proven guilty through union procedure or court of law of preying on the labour movement for corrupt purposes.
11. If changes to a constitution or procedures are needed to comply with this code, the union will make these changes as soon as practical.

Article 26

Self-government standards

Members of affiliates exercise their rights as citizens of a sovereign nation and govern the affairs of the union within this right.

1. Canadians elect Canadian officers.
2. Canadian members and elected officers set policies that deal with national affairs.
3. Canadian elected representatives have authority to speak for the union in Canada.
4. Where an international union is affiliated to a global union federation, the Canadian section of the union affiliates separately.
5. International unions ensure that no constitutional requirements or policy decisions prevent Canadian members from participating in the social, cultural, economic and political life of Canada.

Article 27

Code of ethical organizing

One major goal of the labour movement is to extend the benefits of collective bargaining to workers who are not yet members of unions. Public attacks by one affiliate on another result in publicity that gravely injures the labour movement. More serious is the fact that jurisdictional disputes, boycotts, and the resulting bad publicity give rise to restrictive laws.

1. Where two or more affiliates seek to organize the same employees, each affiliate campaigns so as to increase the respect of the workers involved for the union movement. No affiliate attacks the motives or character of any competing affiliate, its officers or locals.
2. Affiliates do not, directly or indirectly, issue any propaganda that:
 - a. alleges or implies that another affiliate is guilty of undemocratic practices, corruption, or any other improper conduct

- b.** attacks the principles of international, national, provincial or regional unionism
 - c.** attacks the craft or industrial structure of other affiliates, or
 - d.** criticizes the benefits received from or the dues paid to another affiliate.
- 3.** Affiliates do not organize boycotts against products or services produced under the collective agreement of another affiliate.
- 4.** An affiliate having a complaint about a violation of this code will send it to the ranking official of the other affiliate, requesting that the spirit and intent of this code be observed.
- 5.** If the other affiliate does not comply promptly, the complainant may file a complaint with the Congress. After investigating, the Congress will try to obtain compliance. If that fails, the complaint will go to the executive council. The council will report its decision to the parties and act as it thinks appropriate to enforce compliance.

Appendix

Terms of reference for ombudsperson

In carrying out the duties the Congress assigns, the ombudsperson has the power to:

- 1.** Receive inquiries about the rights of members and advise them on the procedures for the redress of complaints.
- 2.** Receive complaints, investigate them, hold hearings if needed, and issue written reports or findings on the individual cases.
- 3.** Decide if allegations are serious enough to justify a hearing and, if not, to dismiss a complaint.
- 4.** Where the decision favours the complainant, order remedies to redress the injustice.
- 5.** Recommend changes in constitutions that would eliminate the causes of the complaints.
- 6.** Publicize any decision, award, or other findings if orders or recommendations are not acted on and grievances settled within 30 days after the report is submitted.

- 7.** Submit to the Congress before March 31 each year a statistical report of the cases handled during the previous year and their disposition, including any comments and recommendations that may help the Congress set policy for the office of ombudsperson.
- 8.** Recommend for Congress approval:
 - procedures for handling correspondence and written records
 - procedures for meetings, hearings and inquiries, including the appearance and testimony of individuals
 - procedures for obtaining relevant files and other documents
 - procedures for reimbursing complainants, defendants and witnesses for travel and other expenses.

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