

This Constitution is dedicated to the men and women who have worked to make British Columbia a better place to live and to those Trade Unionists that spent time and effort in making this Labour Council over the past 100 years, 1889 to 1989—an advocate for peace and social progress.

## **CONSTITUTION AND BY-LAWS**

OF THE

# **VANCOUVER AND DISTRICT LABOUR COUNCIL**

[VDLC]

*(Chartered by the Canadian Labour Congress - May 15th, 1956)*

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Congrès du travail du Canada



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## **ARTICLE 1 - JURISDICTION**

**Section 1.** This Labour Council shall be known as the “**Vancouver and District Labour Council**” and is chartered by the Canadian Labour Congress. 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.

**Section 2.** This Labour Council shall not be dissolved while there are organizations remaining in affiliation representing at least fifteen (15) national unions, international unions, regional, or provincial organizations affiliated to the Canadian Labour Congress, or chartered locals of the Canadian Labour Congress.

The geographic jurisdiction of the Vancouver and District Labour Council, CLC, now covers the area west of Boundary Road, south to the Fraser River, including Lulu Island, Sea Island, Vancouver, North Vancouver, the Corporation of the District of North Vancouver, and West Vancouver.

## **ARTICLE 2 - DECLARATION OF PRINCIPLES**

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 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 principle 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, colour, national origin, sex, sexual orientation, or disability 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 we 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 co-operate with free and democratic labour movements throughout the world.
8. To aid and encourage the sale and use of union-made goods and union services through the use of the Union Label and other symbols; to promote the labour press and other means of furthering the education of the labour movement.
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 workers to vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the municipal, provincial, and federal governments.
12. To promote safety and health for workers in all types of employment, and to initiate and support programmes designed to reduce injuries, disease and deaths in all industries.

### **ARTICLE 3 - AFFILIATION AND DUTIES**

- Section 1.** The Labour Council shall be composed of:
- (a) local unions, branches, units, or lodges of national and international unions, regional, and provincial organizations affiliated to the Canadian Labour Congress; and
  - (b) local unions in the area chartered by the Canadian Labour Congress.

- Section 2.** Any trade union desiring admission to this Labour Council shall forward its application, accompanied by a copy of its Constitution and By-Laws, to the President.
- Section 3.** Any organization suspended or expelled by the Canadian Labour Congress or this Labour Council, shall not, while under such penalty, be allowed representation in the Council.
- Section 4.** Any organization affiliated with this 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.
- Section 5.** It shall be the duty of such affiliated organization to furnish the President of the Labour Council with the following:
- (a) All official reports which deal with matters within the purview of the Labour *Council*.
  - (b) Such other reports as will facilitate and make more effective the work of the Labour Council.
  - (c) A statement of their membership in good standing.
- Section 6.** BC Federation of Retired Union Members (BC FORUM) shall be entitled to membership as an affiliated organization upon application by BC FORUM and payment of a \$10.00 application fee, and shall be entitled to two (2) delegates.

#### **ARTICLE 4 - DELEGATE REPRESENTATION**

- Section 1.** The number of members of each organization for the purpose of selecting delegates to the Labour Council shall be the average monthly number on which per capita tax is paid for the last six (6) months.
- Section 2.** The President shall furnish each affiliate with credential blanks which must be attested as required on the blanks. Any delegate selected to represent an affiliated organization must fill in and present to the President the proper credential form at least twenty-four (24) hours prior to the first (1<sup>st</sup>) meeting the delegate wishes to attend. The credential must be signed

by the delegate as well as the Secretary of her or his organization.

**Section 3.** Each affiliated union shall be entitled to seat delegates as follows:

1 to 100 members..... 2 delegates

101 to 250 members..... 3 delegates

251 to 450 members..... 4 delegates

451 to 700 members..... 5 delegates

701 to 1,000 members..... 6 delegates

and for each additional 500 members, affiliated local unions shall be entitled to one (1) delegate.

**Section 4.** All delegates must be in good standing and in possession of the current working card of their respective unions. Before a member can become a delegate, she or he shall have been a member of an affiliated union at least twelve (12) months, except in the case of new locals. Delegates to retain their seats until new credentials are received from their organization.

**Section 5. Obligation**  
Delegates whose credentials have been accepted shall be conducted to the presiding Officer, who shall administer the following obligation:

*“I, \_\_\_\_\_, pledge my word to this Labour 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 Constitution and By-Laws of this Council.”*

**Section 6. Alternate Delegates**  
Affiliated local unions shall be entitled to have alternate delegates attend Labour Council meetings for the purpose of substituting for regular delegates when such regular delegates are unable to attend. The names of such alternates shall be sent to the President. An alternate attending in place

of a regular delegate shall fill in the form supplied by the Credentials Committee and mark thereon the word "Alternate". Alternates shall not be eligible for election to any office of the Council nor as members of committees. They shall not be eligible for election as delegates to Conventions, nor as delegates to outside bodies on which the Council maintains representation. As the alternate is substituting in place of a regular delegate for a specific meeting, the alternate shall be entitled to all rights and privileges of the regular delegate, except as heretofore stated.

#### **ARTICLE 5 - REGULAR AND SPECIAL MEETINGS**

- Section 1.** The regular meetings of this Labour Council shall be the governing body of the Council; its decisions shall be by majority vote, unless otherwise provided for.
- Section 2.** Registered delegates representing at least twenty (20) of the affiliated unions shall constitute a quorum at a meeting of the Labour Council for the transaction of business.
- Section 3.** The regular meetings of the Labour Council shall be held on the third (3<sup>rd</sup>) Tuesday of each month. Meetings shall commence at 7:30 p.m. sharp, or such other regular hour as the Vancouver and District Labour Council might deem to be appropriate.
- Section 4.** (a) Special meetings of the Labour Council may be called by the direction of the Executive Board or on written request of fifteen (15) or more delegates representing at least fifteen (15) affiliated organizations.
- (b) In the event a majority as provided in subsection (a) requests a special meeting, the Executive Board shall call such a 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.

## **ARTICLE 6 - ELECTION OF OFFICERS**

**Section 1.** The Officers of the Labour Council shall consist of a President, 1<sup>st</sup> (First) Vice-President, 2<sup>nd</sup> (Second) Vice-President, Recording Secretary, Treasurer, and twelve (12) Executive Board Members.

**Section 2.** Each Officer shall be a member in good standing of an affiliated organization. No delegate shall be eligible for election to office, unless they have at least twelve (12) months' previous experience as a delegate, and have attended at least fifty percent (50%) of the Labour Council meetings in the twelve (12) months up to and including the meeting where the election will be conducted.

However, if a candidate did not attend fifty percent (50%) of the meetings during the previous twelve (12) months because they have been absent due to a prohibited ground for discrimination in the BC Human Rights Code, their eligibility will be determined by the period one year prior.

**Section 3.** If no eligible candidate accepts nomination, candidates who have attended fewer than fifty percent (50%) of the Labour Council meetings in the period described above may be accepted as eligible.

**Section 4.** The Executive Board shall consist of the elected Officers of the Labour Council.

**Section 5.** The Officers of this Labour Council shall be nominated at the regular meeting in January. Nominations will be reopened and Officers will be elected at the regular meeting in February. The election for each office shall be completed before nominations are reopened for any subsequent office.

All Officers elected shall hold office for a period of one (1) year.

In the event that it is deemed that the meetings for nominations and/or elections are to fall on inappropriate dates, the Labour Council shall have the right to change such

meeting dates provided notice is served at the first (1<sup>st</sup>) meeting in December that the change is contemplated and provided that a Motion to so change is carried by a majority vote of the delegates, at the said December meeting.

**Section 6.** 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 (2<sup>nd</sup>) and subsequent ballots shall be taken if necessary to obtain such a majority. In case of a final tie vote, the presiding Officer may cast the deciding vote.

**Section 7.** All elected Officers shall, at the first opportunity following their election, take the following oath:

*“I, \_\_\_\_\_, most solemnly promise, on my honour, to perform the duties of my office faithfully and impartially, and to the best of my ability until my successor is duly elected and installed, and will support the Constitution, principles, and policies of the Vancouver and District Labour Council and the Canadian Labour Congress.”*

**Section 8.** A potential candidate for office who finds she or he shall be absent from the nominating and election meeting due to sickness, accident, work, or absence from the city, must:

- (a) submit a letter to the Labour Council President prior to the nomination, signifying that she or he will accept should their name be placed in nomination; and
- (b) acquire from the Labour Council office and have delivered to the President thereof, prior to the said meeting, a form letter bearing the oath of nomination duly executed with the nominee’s personal signature signifying allegiance to the oath contained therein.

**Section 9.** The term of the Officers of the Labour Council shall commence upon the completion of elections.

**Section 10.** In the event of a vacancy through death or resignation, or for any other reason, in the Office of President, the Vice-Presidents, in order of precedence, shall perform the duties of President until a successor is elected.

In the event of a vacancy in any other office, the Executive Board shall appoint a delegate of the Labour Council to fill the position until the next regular meeting when nominations for the vacated office shall take place, and at the next succeeding meeting, nominations shall be reopened and the election held.

- Section 11.** When two (2) or more nominees are to be elected to any office by ballot, each delegate voting shall be required to vote for the full number of candidates to be elected or the delegate's ballot will be declared spoiled.

### **ARTICLE 7 - DUTIES OF OFFICERS**

- Section 1.** The President shall function as the Chief Executive Officer of the Labour Council. The President shall be the primary public spokesperson for the Council, attend all meetings of the Council, sign all official documents, and receive and answer all communications.

The President shall be a full-time Officer of the Labour Council. Starting January 1, 2007 and each January thereafter, the annual wage for the position of President shall be increased by the same percentage increase as the average wage increase for unionized workers in the province of British Columbia for the previous twelve (12) months. The amount of the wage increase shall be calculated and applied as soon as the wage increase data for the previous year becomes available and shall be retroactive to the first (1<sup>st</sup>) of January.

The President, in consultation with the Executive Board, will appoint such committees as are necessary to conduct the affairs of the Labour Council, and shall be an ex-officio member of all committees. The President shall be a Labour Council delegate to conventions.

The President shall assist the Recording Secretary to keep a correct record of proceedings of all Labour Council meetings and shall report the delegate attendance at meetings twice yearly to the Local Unions. The Recording Secretary shall have a copy of the minutes of the previous Council meeting available for all accredited delegates attending meetings.

The President, in conjunction with the Treasurer, following the regular meeting in January, shall have prepared an annual audit on the financial standing of the Labour Council by a reputable auditing firm. A copy of the audited report shall be provided to all affiliated organizations and to the Canadian Labour Congress. The audited report shall list monthly per capita payments of all affiliated organizations, the number of delegates each organization has seated in the Council, and all other information required in a financial report.

The President shall be a signing Officer and shall sign all cheques issued by the Labour Council. The President shall be bonded for an amount determined by the Executive Board and the premium paid for by the Council.

The President shall, upon vacating office, deliver to the Labour Council all books, papers, and monies belonging to the Council that may or should be in her or his possession.

The President shall receive an amount designated by the Labour Council as remuneration for service.

**Section 2.** The 1<sup>st</sup> (First) Vice-President shall Chair all meetings of the Labour Council, shall decide all questions of order, and shall have the authority to interpret this Constitution. The 1<sup>st</sup> (First) Vice-President's interpretation shall be conclusive and in full force unless reversed by the Executive Board or by a meeting of this Labour Council or by the Canadian Labour Congress.

The 2<sup>nd</sup> (Second) Vice-President shall perform the duties of the 1<sup>st</sup> (First) Vice-President when she or he is unavailable.

**Section 3.** The Recording Secretary, working with the President, shall be responsible for keeping correct minutes of all Executive Board and Labour Council meetings. The Recording Secretary shall have access to all minutes, records, and correspondence of the Council and shall report in this regard to the Executive Board and Council.

**Section 4.** The Treasurer shall be a signing Officer and shall have access to all books, receipts, and disbursements and other finances that come within the jurisdiction of the Labour Council. In conjunction with the President, the Treasurer shall have

prepared an annual audit on the financial standing of the Labour Council by a reputable auditing firm and report the results to the Executive Board. The Treasurer shall be bonded for an amount determined by the Executive Board and the premium paid by the Council. The Treasurer may receive a stipend in an amount to be determined by the Council.

- Section 5.** The resignation of an Officer holding Labour Council funds shall not be accepted until the books and accounts have been audited and proper returns made.

### **ARTICLE 8 - EXECUTIVE BOARD**

- Section 1.** The Executive Board shall be the governing body of this Labour Council between meetings. It shall take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Council meetings and to enforce the provisions contained in this Constitution.

- Section 2.** The Executive Board 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 3.** A majority of the members of the Executive Board shall constitute a quorum for the transaction of the business of the Labour Council.

- Section 4.** Executive members who are absent for three (3) consecutive meetings shall be deemed to have vacated their positions, unless:
- (a) a reasonable explanation is provided and accepted by vote of the executive, and
  - (b) on-going regular attendance is expected for the remainder of their term.

- Section 5.** The Executive Board is authorized to reimburse members of the Labour Council for necessary expenses in performing their duties for the Council.

- Section 6.** The Executive Board is authorized to employ such staff as it deems necessary for the efficient administration of all departments of the Labour Council and fix salaries therefore.

- Section 7.** The Executive Board shall hold title to any real estate of the Labour Council as Trustees for the Council. They shall have no right to sell, convey, or encumber any real estate without first submitting the proposition to a meeting and such proposition is approved.

### **ARTICLE 9 - 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, unit, or lodge shall pay, before the last day of each month, for the preceding month, a per capita tax as follows:

October 1, 2013 - forty-six cents (\$0.46) per member  
October 1, 2014 - forty-seven cents (\$0.47) per member  
October 1, 2015 - forty-eight cents (\$0.48) per member

- Section 3.** Any organization which does not pay its per capita tax on or before the time specified shall be notified of that fact by the President of the Labour Council. Any organization three (3) months in arrears in payment of per capita tax may become suspended from membership in the Council and can be reinstated only after arrears are paid in full.

- Section 4.** Revenues other than those herein before mentioned may be provided in such manner as the Labour Council may devise.

- Section 5.** No individual expenditure of monies for a specific purpose in excess of five-hundred dollars (\$500.00) shall be authorized at any meeting of this Labour Council except that two weeks' prior notice has been given, together with the object of the expenditure, as well as the amount to be expended.

No money shall be paid out except by the President and countersigned by the Treasurer or the 1<sup>st</sup> (First) Vice-President. All receipts with stubs, and cheques, shall be numbered consecutively.

### **ARTICLE 10 - RULES OF ORDER**

- Section 1.** The 1<sup>st</sup> (First) Vice-President, or in her or his absence the 2<sup>nd</sup> (Second) Vice-President or another Executive Board Member,

shall take the Chair at the hour specified in the Constitution for regular meetings, or in the call for a special meeting. In the absence of said Officers, a Chair *pro tempore* shall be chosen by the Labour Council.

**Section 2.** *Robert's Rules of Order* shall be the authority to decide all questions of order not provided for in the Constitution, By-Laws or Rules of Order.

**Section 3.** All regular meetings shall commence at 7:30 p.m., or such regular hour as the Vancouver and District Labour Council might deem to be appropriate, and adjourn at 9:30 p.m. A Motion to extend the time must have a two-thirds (2/3) vote.

**Section 4. Order of Business**

1. Reading of Minutes.
2. Report of Credential Committee.
3. Obligation of new delegates.
4. Report of Executive Board.
5. Communications read and disposed of.
6. Reports of Unions.
7. Reports of Officers and Committees.
8. Unfinished business.
9. Election and installation of Officers.
10. New business.
11. Questions by members.
12. Notices of Motion.
13. Good and welfare of the Labour Council.
14. Adjournment.

**Section 5.** Delegates from twenty percent (20%) of the unions affiliated, if dissatisfied with the decision of the Labour Council on any

subject before them, may have the matter referred to a referendum vote of the affiliated local unions. The Secretary of each union to notify the Council of the votes, for and against, within two (2) months. A favourable decision from a majority of the membership voting shall sustain the decision of the Council.

### **ARTICLE 11 - OMBUDSPERSON**

**Section 1.** If a delegate to the Labour 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.

The Ombudsperson will, under the authority vested by the Canadian Labour Congress, undertake such enquiries, hearings or meetings, as deemed advisable, and report the findings as soon as possible to the parties to the complaint.

**Section 2.** In carrying out the duties assigned the Ombudsperson by the Canadian Labour Congress, the Ombudsperson is empowered:

- (a) To receive complaints concerning the rights of members and to advise them for the redress of complaints.
- (b) To receive complaints, to investigate them, to hold hearings if she or he decides the complaint warrants it, and to issue written reports, determinations, or findings on the individual cases.
- (c) To decide whether or not allegations are sufficiently serious and substantial to justify a hearing, and if not, to dismiss a complaint without a hearing.
- (d) To order, in cases where the decision favours the complainant, such remedies as in the opinion of the Ombudsperson are warranted.

(e) To recommend, based upon the cases handled, changes in the constitution of bodies concerned which, in the judgement of the Ombudsperson, would eliminate the cause of the complaints.

(f) To submit to the Canadian Labour Congress, before March 31<sup>st</sup> of each year, a statistical report of the cases handled during the previous calendar year, and the disposition thereof, including such comments and recommendations as may be of assistance to the Congress in determining future policy with respect to the functions of his office.

(g) To recommend, for the approval of the Canadian Labour Congress:

- i. procedures for the handling of correspondence and written records relative to complaints received;
- ii. procedures to be followed at meetings, hearings, and inquiries including the appearance and testimony of individuals;
- iii. procedures for obtaining access to relevant files and other documentation; and
- iv. procedures for reimbursement of complainants, defendants, and witnesses for travel and other expenses.

In addition to the foregoing, the Ombudsperson would, if her or his recommendations were not acted upon and grievances settled within a period of thirty (30) days after the report has been submitted to the parties, have the authority to publicize any decision, or other findings she or he has made.

## **ARTICLE 12 - AMENDMENTS**

- Section 1.** Amendments to this Constitution, so long as they do not conflict with the Constitution of the Canadian Labour Congress, nor its principles and policies, may be adopted. Any amendments shall only become effective after approval by the Canadian Council of the Canadian Labour Congress.

**Section 2.** An amendment or alteration of any kind to this Constitution and By-Laws shall first be submitted to the Labour Council, in writing, and lie upon the table or be referred to Committee till the next regular meeting, when it shall be voted upon, and if two-thirds (2/3) of the members present vote in favour of the amendment or alteration, it shall be declared adopted. The President shall keep a book in which shall be recorded all amendments or alterations of the Constitution and By-Laws.

Delegates to this Labour Council should use their influence at all times to secure support for the Union Label, shop card, and button of affiliated unions.

Delegates are not to patronize firms, persons, organizations, and functions that have been placed on the “Non-Patronage” list of this Labour Council and request their membership and friends to take like action.