



WEST KOOTENAY LABOUR COUNCIL CONSTITUTION & BYLAWS

**Chartered by
CANADIAN LABOUR CONGRESS
April 11th, 1958**

Revised March 21, 2006

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 have spent time and effort in making this Labour Council an advocate for workers and social progress.

Constitution

ARTICLE 1 - NAME & AREA

- 1.1 This Labour Council shall be known as **THE WEST KOOTENAY LABOUR COUNCIL** and is chartered by the Canadian Labour Congress (CLC) and shall be hereafter referred to as The Council. It shall consist of organizations affiliated to the Canadian Labour Congress which became affiliated to this Council. These organizations shall conform to the Constitution and the rules and regulations of this Council as set forth here-with. 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 to and including Creston and the United States border.

ARTICLE 2 - PURPOSES

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 the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our 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 communists, 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, to exercise their full rights and responsibilities of citizenship and to perform their rightful part in the political system at the federal, provincial, regional, 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 full force and effect during 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 Canadian Labour Congress 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 bargaining agreements.

ARTICLE 4 - MEETINGS

- 4.1** The regular meetings of this Council shall be the governing body of the Council, except as provided in Article 8 its decision shall be by majority vote. The regular meetings of this Council shall be held on the Tuesday, following the third Sunday of each month excluding July and August, and those months, meetings will be called at the discretion of the Board. Meetings shall commence at 7:00 P.M. sharp and adjourn not later than 9:30 P.M., unless a motion to extend time is adopted by a two-thirds vote of those present. (The Board meetings are 7:00 P.M. of the preceding Tuesday).
- 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:
- 4.7** 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.
- 4.8** 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.
- 4.9** Any organization suspended or expelled by the Canadian Labour Congress or this Council shall not, while under such penalty, be allowed representation in the Council. Any organization which is in arrears to the Council for per capita tax three (3) months or more shall not be entitled to recognition or representation in the Council.
- 4.10** 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.
- 4.11** Any delegate being absent from four (4) consecutive meetings of this Council (as per records kept by the Sergeant-At-Arms) without sending an electronic communication of the intended absence and reason for such. Such communication shall be presented to the meeting from the delegate or his or her organization, certifying to the sickness, absence from city, engagement at night work, or union business, said delegate shall forfeit his or her seat, and immediate notice sent to their organization by the Secretary requesting a new credential for the vacant seat. The Secretary shall also revise official roll call book, and attendance card file, for accurate use by the Sergeant-At-Arms.

4.12 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 such committee to meet for the purpose of considering matters placed before it and such committees shall prepare reports of their activities for presentation to the Council meetings.

4.13 Quorum

One-Tenth of the registered delegates of the affiliated unions and including at least three (3) Board members shall constitute a quorum for the transaction of business.

4.14 The rules and order of business governing meeting shall be:

1. The President, or in his absence or at his request, the Vice-President shall take the chair at the time specified, at all regular and special meetings. In the absence of both the President and the 1st Vice-President, the 2nd Vice-President shall take the chair. In the absence of all the aforementioned 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 he shall be recognized by the Chair and shall give her/his name, the organization she/he represents and shall confine her/his 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, she/he shall, at the request of the Chair, take her/his seat until the question of order has been decided.
6. Should a delegate persist in un-parliamentary conduct, the Chair will be compelled to name her/him and submit her/his conduct to the judgment of the meeting. In such case the delegate whose conduct is in question should explain and then withdraw, and the meeting will determine what course to pursue in the matter.
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 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 debatable except that the Chair and the Challenger may make an explanation of their decision.
10. The President shall attend all meetings of the council, preserve order, decide all questions of order, and cast a vote when a tie occurs, except when the vote is given by ballot, when she/he 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 be now put", the original motion has to be put without debate. If the motion to put the question is defeated, discussion will continue on the original motion.
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 Vice-President, 2nd Vice-President, 3rd Vice-President, Treasurer, Secretary, Sergeant-at-Arms, and five 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 she/he has attended half of the regularly scheduled meetings in the past year or unless she/he is excused as per Article 4.11
- 5.3 The Board shall be elected by the Council at the Annual meeting which will be held at the January meeting, 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 shall 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, Treasurer, Secretary, Sergeant-at-Arms and Members - At - Large shall upon election, come forward and clearly and audibly speak the following lines to the assembled delegates:
 - i. "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 can be called. If the 1st Vice-President is unable to act in this matter the 2nd Vice-President shall perform this duty. If the 2nd Vice-President is unable to act in this matter the 3rd Vice-President 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 the Vice-President until an election can be called. In the event of a vacancy in the position of 2nd Vice-President, the 3rd Vice-President shall perform the duties of the 2nd Vice-President until an election can be called. In the event of a vacancy of the 3rd Vice-President 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 -THE OFFICERS

- 6.1 The Officers shall consist of: a President, 1st Vice-President, 2nd Vice-President, 3rd Vice-President, Treasurer, and the Secretary.
- 6.2 The Officers shall be the governing body of this Council between meetings. It shall take such action and render such decisions as may be necessary to carry out fully the decisions and instructions of the Council meetings and to enforce the provisions contained in this Constitution.
- 6.3 The 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 other Officers.
- 6.4 The 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 it's affairs by any corrupt influence, or that it's policies or activities are contrary to the principles or policies of the Council. Upon the completion of such an investigation, including a hearing if requested, the 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 vote of the Council to suspend any organization. Any action of the Officers under this section may be appealed to the next meeting of the Board.
- 6.5 A majority of the members of the Officers shall constitute a quorum for the transaction of business of the Officers.
- 6.6 The Officers is authorized to reimburse members of the Council for necessary expense in performing their duties for the Council. (see Article 15).

ARTICLE 7 - DUTIES OF THE PRESIDENT

- 7.1 The President shall function as the Chief Executive Officer of the Council. She/He 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. She/he shall perform such other duties as her/his position may require, and shall be an ex-officio member of all committees.
- 7.2 Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret this Constitution and his interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Council or a meeting, or the Canadian Labour Congress.

ARTICLE 8 - DUTIES OF THE VICE-PRESIDENTS

- 8.1 The Vice-Presidents shall aid the President in his duties as chief executive officer of the Council and act on his behalf when requested to do so.
- 8.2 The Vice-Presidents shall each chair one or more committees of the Council.

ARTICLE 9 - DUTIES OF THE TREASURER

- 9.1 The Treasurer shall be chief financial officer of the Council.
- 9.2 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.
- 9.3 The Treasurer shall prepare a financial statement of the Council for a quarterly report to Council. A copy of this statement shall be forwarded to the Canadian Labour Congress and the BC Federation of Labour.
- 9.4 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.
- 9.5 The Treasurer shall, subject to the approval of the Officers, invest surplus funds of the Council in securities or deposit them in a credit union, bank or banks as approved by the Officers.
- 9.6 The Treasurer shall prepare and submit a budget, for the upcoming year, at the Annual General meeting.

ARTICLE 10 - DUTIES OF THE SECRETARY

- 10.1 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.
- 10.2 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.
- 10.3 The Secretary shall retain file copies of agreements submitted to the council.
- 10.4 The Secretary shall furnish credential blanks and affiliation forms to unions when requested.
- 10.5 The Secretary shall inform affiliated unions of all vacancies arising in their representation of delegates.

ARTICLE 11 - DUTIES OF MEMBERS – AT – LARGE

- 11.1 Members - At - Large shall perform duties as delegated by the President when requested to do so.
- 11.2 The Members - At - Large shall each chair one or more committees of the Council.

ARTICLE 12 - DUTIES OF SERGEANT-AT-ARMS

- 12.1 It shall be the duty of the Sergeant-at-Arms to receive the name of each delegate upon entering the room and shall record his attendance.

12.2 He shall perform such duties as may be assigned to him by the President.

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 number of votes 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 34LC). They shall see that all audit reports are posted for the information of all delegates and copies forwarded to the Canadian Labour Congress at Ottawa and the CLC Regional Office.

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 thirty (30¢) cents 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 capital tax may become suspended from the membership in the Council and can be re-instated only after arrears are paid in full.

ARTICLE 15 - EXPENSES

15.1 General

Individuals seeking reimbursement for expenses incurred while traveling on Council business must submit an Expense Claim Form and the necessary receipts.

Expenses in addition to those detailed below are not reimbursed unless they are authorized in advanced by the President.

15.2 Transportation

The most direct and efficient mode of transportation is used unless otherwise improved in advance by the President.

Airfare

(Receipts required.) Actual costs for airfare are reimbursed. Whenever possible, airplane tickets are to be booked in advance to take advantage of any special airfares which may be available.

Ferry, Train, Bus

(Receipts required.) Actual costs are reimbursed.

Taxi

(Receipts required.) Actual costs, including tips are reimbursed.

Auto

(No receipts required.) Use of personal vehicles is reimbursed at the rate of (40¢) per kilometer.

Parking

The actual cost of parking will be reimbursed

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

Accommodation

(Receipts required.) Commercial overnight accommodation is reimbursed at the single room rate for those nights reasonably necessary to carry out Council business.

(No receipts required.) An allowance of \$15.00 per night is paid when private accommodation is arranged by an individual.

15.4 Meals (No receipts required).

Breakfast	\$12.00
Lunch	\$17.00
Dinner	\$27.00

The per diem meal allowance is reduced when meals are provided at the event.

15.5 Childcare

(Receipts required) Childcare is reimbursed at the minimum wage or the actual cost of childcare, whichever is greater.

15.6 Telephone

The actual cost of one telephone call home per day and actual costs of calls made on WKLC business.

ARTICLE 16 - DONATIONS

16.1 Any 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 recommendation of the Executive Committee.

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 may be adopted by a two-thirds majority vote of those present and voting. However, amendments are subject to approval by the Executive Council of the Canadian Labour Congress.