

CONSTITUTION

OF THE

HAMILTON AND DISTRICT LABOUR

COUNCIL

(CLC)

(Chartered by the Canadian Labour Congress - June 1956)

Motion to amend passed – June 20, 2024
Approved by CLC Canadian Council – November 28, 2024



CANADIAN LABOUR CONGRESS
CONGRÈS DU TRAVAIL DU CANADA

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ARTICLE 1 – NAME

Section 1. This Labour Council shall be known as “**Hamilton and District Labour Council, CLC,**” and is chartered by the Canadian Labour Congress. It shall consist of organizations affiliated to the Congress which become affiliated to this Council. These organizations shall conform to the Constitution and the rules and regulations of this Council as set forth herewith. This Labour Council shall not be dissolved while there are five (5) organizations remaining in affiliation.

ARTICLE 2 – PURPOSE

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 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, ancestry, place of origin, colour ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status 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 cooperate with free and democratic labour movements throughout the world.
8. To aid and encourage the sale and use of union-made goods and union services through the 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 safeguard the democratic character of the labour movement and to observe and respect the autonomy of each affiliated union.

10. 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.

ARTICLE 3 – MEMBERSHIP

- Section 1.** The Labour Council shall be composed of:
- (1) local union, branches and lodges of national and international unions, regional, provincial and national organizations affiliated to the Canadian Labour Congress; and
 - (2) local unions in the area chartered by the Canadian Labour Congress.
- Section 2.** Any organization affiliated with this Labour Council may be expelled from membership in the Council by a majority at a meeting, providing the charges in writing have been filed with the Secretary. Any decision to expel may be appealed to the Executive Committee of the Canadian Labour Congress within two (2) months. The decision shall be in force and effect during the appeal.
- Section 3.** It shall be the duty of each affiliated organization to furnish the Secretary with an annual statement of its membership in good standing, the name, address, and email address of its Secretary and the names, addresses, and email addresses of its delegates, where possible, on the forms provided via the website.

ARTICLE 4 – MEETINGS

- Section 1.** The regular meetings of this Labour Council shall be the governing body of the Council, except as provided in Article 13. Its decisions shall be by majority vote.
- Section 2.**
- (a) The regular meetings of the Labour Council shall be held on the third (3rd) Thursday of each month, except as otherwise decided by the Council. The start time of meetings will be determined by the Executive Council. Notice of change in start time must be announced no later than one (1) meeting in advance. Meetings shall not be more than one and one-half (1 1/2) hours in length unless extended by Council.

Meetings may be held in-person or electronically or a combination thereof:
 1. provided that participants can speak and listen to (or otherwise communicate with) each other at the same time
AND

2. where each format permits equitable, real-time representation for all delegates.
- (b) Specific rules with regards to accommodating hybrid and virtual voting and representation at regular and special meetings shall be decided, as necessary, through Council policy and procedure motions with a two-thirds (2/3) vote.

Section 3.

- (a) Special meetings of the Labour Council may be called by direction of the Executive Council, or on request of affiliated organizations representing a majority of the total membership of the Council, as evidenced by the records of the Secretary.
- (b) In the event a majority, as provided in subsection(a), request a special meeting, the Executive Council shall call such meeting within five (5) calendar days and shall give all delegates to the Labour Council 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.
- (e) The agenda of special meetings shall be restricted to the reasons for calling such special meetings.

Section 4. Representation at meetings shall be on the following basis:

From affiliated local unions, branches and lodges, two (2) delegates for one-hundred (100) or less members and one (1) additional delegate for each additional one-hundred (100) members or major fraction thereof, with a maximum of fifteen (15) delegates from any one (1) local, branch or lodge and one (1) designated delegate from the local or regional chapter of the Congress of Union Retirees (CURC) who will have voice and vote but not be eligible for Executive election.

Section 5. The number of members of each organization for the purpose of selecting delegates to the Labour Council shall be the average of the previous six (6) months' number on which per capita tax is paid.

Section 6. The Secretary shall furnish each affiliate with credential blanks which must be attested as required on the blanks and deposited at a regular Labour Council meeting before new delegates may be seated in Council.

Section 7. 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. Any organization which is in arrears to the Council for per capita tax three (3) months or more shall be subject to the Past Due Per Capita Policy restrictions agreed to by Council.

Section 8. Any person suspended by or expelled from any organization affiliated to this Labour Council shall not be seated as a delegate, nor allowed representation in this Council.

Section 9. WORKGROUPS AND TRUSTEES

- (a) There shall be six (6) Standing Workgroups as follows:
- Health & Safety and Wellness Workgroup;
 - Human Rights Workgroup;
 - Political Action Workgroup;
 - Special Events Workgroup;
 - Women and Gender Equity Workgroup;
 - Young Workers' Workgroup;
- (b) The Executive shall, as necessary, bring to Council Motions to approve ad hoc workgroups and their respective Terms of Reference.
- (c) The Terms of Reference for each workgroup will be submitted by Executive to Council for ratification each February or as deemed necessary by Executive or Council.
- (d) Any previous Terms of Reference for a Workgroup or Committee shall carry over until new terms have been ratified by Council.
- (e) Each workgroup shall be comprised of any delegates who wish to attend and at least one Executive liaison.
- (f) A minimum of five (5) delegates shall be required at a meeting of a workgroup to submit a recommendation to the Executive for concurrence.
- (g) Executive may choose, upon request, to move a recommendation on behalf of a workgroup in lieu of the workgroup having the minimum number of delegates present at a meeting.
- (h) Executive may refer any recommendations back to the workgroup they originated from or any other constitutionally created body.
- (i) There shall be a Trustee Committee.
- (j)
1. Trustees Committee shall consist of three (3) members to be elected annually at the January meeting by the Labour Council. The Treasurer must be available to the Committee.
 2. A Trustee shall not be a member of the Executive Council.

3. The Trustees shall choose a qualified Chartered Accountant (or some equally qualified party) to perform an annual Financial Review (or process as required by current accounting standards) and forward a motion to the Executive for Council approval regarding the cost and retention of said person/firm and service by no later than the June regular meeting.
 4. The Trustees shall work with the Treasurer and any staff responsible for financial record keeping to provide the accountant with any/all of the resources needed to complete their work.
 5. Having received the final report from the Accountant, the Trustees shall review the report and forward any recommendations from the accountant to the Executive for review.
 6. It shall be the duty of the Trustees to see that the Treasurer deposits all monies received in such bank(s) as the Labour Council designates. The Trustees shall see that the Secretary of the Council notifies the bank(s) of the names of the Officers duly authorized as signing authorities of the Council.
 7. All transactions shall be signed off on by at least two signing authorities before being filed.
 8. All Trustee Recommendations submitted to the Executive shall be considered for concurrence before being put to Council to either receive or adopt.
- (k)** All Standing Workgroups shall present regular updates to meetings of this Labour Council, unless otherwise ordered by the Executive Council.
- (l)** All Workgroup and Committee recommendations to be forwarded on by the Executive, shall be in the hands of the Council Secretary the day prior to the Executive Council's meeting. No expenditures shall be incurred by any Workgroup unless a Motion has first been submitted to the Executive. Then it shall be presented to Council for concurrence or non-concurrence.
- (m)** The Executive appointee's duties are to act as a liaison between the Workgroup and the Executive Council to call the first (1st) meeting of the Workgroup to hold the election for the Chair and Secretary of the Workgroup and to participate fully with voice and vote in the Workgroup. The Executive appointee shall be appointed by Executive each January.

(n) If there are other persons not members of affiliates who wish to be involved with any workgroup, they may do so by applying to the Executive for permission to participate with voice and no vote. No member of an affiliate may participate on a Labour Council Workgroup without prior written authorization from the member's local.

(o) That all Standing Workgroups elect a Chair, and a Secretary.

Section 10. Delegates representing five (5) organizations affiliated to the Labour Council shall constitute a quorum for the transaction of business.

Section 11. The Rules and Order of Business governing meetings shall be:

1. The President, or in the absence of, or at the request of the President, the First (1st) Vice-President shall take the Chair at the time specified, at all regular and special meetings. In the absence of both the President or designated representative, a Chair shall be chosen by the Executive Council.
2. No question of a sectarian religious character shall be discussed at meetings.
3. A delegate wishing to speak shall first (1st) be recognized by the Chair, then the delegate shall give a suitable identification, including the organization represented, and shall confine all remarks to the question at issue.
4. A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
5. A delegate shall not interrupt another except it be to call to a Point of Order.
6. A delegate who has been called to order shall, at the request of the Chair, be seated until the question of order has been decided.
7. Any delegate persisting in unparliamentary conduct shall be named by the Chair, and the conduct shall be submitted to the judgement of the meeting. In such case, the delegate whose conduct is in question shall explain and then withdraw while the meeting determines what course to pursue in the matter.
8. When a question is put, the Chair, after announcing the question, shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
9. Questions may be decided by an acceptable indicator, either in person or virtual, or a standing vote, where all virtual attendees will have their vote confirmed, but may be demanded by thirty percent (30%) of the delegates present. Each delegate shall be entitled to one (1) vote.
10. Any delegate may appeal the decision of the Chair, provided that there is a seconder, and the delegate shall state the reasons. The Chair shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debatable.

11. The Chair shall have the same rights as other delegates to vote on any question. In case of a tie vote, the Chair shall cast the deciding vote.
12. When the previous question is moved, no discussion or amendment of either Motion is permitted. If the majority vote that "the question be now put," the original Motion has to be put without debate. If the Motion to put the question is defeated, discussion will continue on the original Motion.
13. A Motion may be reconsidered provided the mover of the Motion to reconsider voted with the majority, and Notice of Motion is given for consideration at the next meeting, and said Notice of Motion is supported by two-thirds (2/3) of the delegates present and qualified to vote.
14. In all matters not regulated by these Rules of Order, *Bourinot's Rules of Order* shall govern.
15. Any monetary resolution or amendment (that is not an Emergency Resolution) which is presented to the Labour Council as a New Business item shall come from an affiliated local union, branch or lodge and shall be presented to the Council in writing, and shall bear the signature of the President of the local union, branch or lodge.
16. An emergency resolution is defined as a resolution that deals with events and/or issues that arise and could not have been considered by the Executive. For a delegate's monetary Motion to be considered in order, by the Chair, as New Business, the delegate must demonstrate why it could not have been submitted to the Executive meeting before the current Council meeting, and why it could not be considered by the Executive for the next Council meeting.

ARTICLE 5 – OFFICERS

Section 1. The Officers of the Labour Council shall consist of a President, First (1st) Vice-President, Second (2nd) Vice-President, Secretary, Treasurer, Sergeant-at-Arms and nine (9) Executive members.

Section 2.

- (a) A delegate, to be eligible for election as an Officer of this Labour Council, or as a Member of the Executive Council of the Council, or as a delegate to the Canadian Labour Congress Convention or the Ontario Federation of Labour Convention, must be a member in good standing of an affiliated organization and must have attended not less than fifty percent (50%) of the previous six (6) regular meetings of Council prior to the day of the nomination. Excused absence will not count for eligibility under this Section.
- (b) This does not apply where a delegate is elected to a public body and is unable to attend Labour Council meetings by reason of attending meetings of that public body.
- (c) A delegate absent from a meeting because of business for the Labour Council shall be marked as present for that meeting.

- (d) The Sergeant-at-Arms' records shall be the official record of the delegates' attendance. Virtual attendees who choose not to turn on a camera, or do not have access to one, will have to interact via voice or online chat with the Sergeant-at-Arms to confirm attendance.
- (e) A delegate, to be eligible for election as a member of restricted Ad-Hoc Workgroups and the Trustees Committee of this Labour Council, must be a member in good standing of an affiliated organization.
- (f) The election of a member(s) to represent Council shall be by secret ballot in person and electronically where possible, but, where not possible, an electronic double-blind ballot where the CLC staff representative, or other neutral designated party named by Council, is the only person able to discern voting. The candidates who receive the greatest number of votes shall be declared elected. In the case of a tie vote, the presiding Officer may cast the deciding vote.

Section 3. The term of office for the Officers of the Labour Council be two (2) years and the election of Officers by the Council be held at the annual meeting of the Council on the first (1st) Thursday in the month of December of each odd numbered year. Nominations for the offices of President, First (1st) Vice-President, Second (2nd) Vice-President, Secretary, Treasurer and Sergeant-at-Arms shall be received at the regularly scheduled meeting in November immediately preceding the biennial election meeting.

Section 4. Election of Officers shall be by secret ballot in person and, at minimum, double-blind ballot electronically. A majority of votes cast shall be required before any candidate can be declared elected, and a second (2nd) and subsequent ballots shall be taken if necessary to obtain such a majority. On the second (2nd) 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 may cast the deciding vote.

Section 5. Nominees allowing their names to go forward for the offices of President, First (1st) Vice-President, Second (2nd) Vice-President, Secretary, Treasurer, Sergeant-at-Arms and Executive Committee members, shall, upon election, come forward and clearly and audibly speak (unless medically unable to do so) the following lines to the assembled delegates:

“In accepting a position on the Executive of this Labour Council, I do hereby sincerely pledge my word and honour to perform duties as an Officer of this Labour Council to the best of my abilities. I will attend, when able to do so, all meetings of the Executive Council, and further, I make oath and say I will faithfully support the Constitution, principles and policies of the Hamilton and District Labour Council and the Canadian Labour Congress.”

Section 6. The term of the Officers of the Labour Council shall commence upon the completion of elections.

Section 7.

- (a) In the event of a vacancy in the office of the President, the First (1st) Vice-President shall perform the duties of the President until a successor is elected. If the First (1st) Vice-President is unable to act in this matter, the Second (2nd) Vice-President shall perform this duty.
- (b) In the event of a vacancy in the office of either the Vice-President or Secretary, the President shall perform the duties of the vacant office until a successor is elected.

Section 8.

- (a) When any Executive member has consecutively missed four (4) regular Executive meetings, without written excuse, the Executive member's seat shall be immediately declared vacant.
- (b) In the event of a vacancy in any office of the Council, the vacancy shall be announced at the next regular meeting with the election held at the following regular meeting.

Section 9. The Executive Officers 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 (1st) submitting the proposition to the Council and such proposition is approved.

ARTICLE 6 – DUTIES OF THE PRESIDENT

Section 1. The President shall function as the Lead Executive Officer of the Labour Council. The President shall exercise supervision over the affairs of the Council, sign all official documents, and preside at regular and special meetings.

Section 2. Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret this Constitution and such interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Council, or a meeting of the Labour Council, or the Canadian Labour Congress.

Section 3. The President, in the event of a time sensitive and imminent issue between Executive and Council meetings, shall act on behalf of Council (in accordance with Canadian Labour Congress policy) with a report on all actions to come back to the next Executive and Council meetings for adoption.

Section 4. That no single action mentioned in Section 3 shall incur a cost of more than \$500 (five hundred dollars).

ARTICLE 7 – DUTIES OF THE VICE-PRESIDENTS

- Section 1.** The First (1st) Vice-President shall aid the President in the duties as Chief Executive Officer of the Labour Council and act on behalf of the President when requested to do so and shall preside at all Executive Council meetings. In addition, the First (1st) Vice-President shall be the designated Labour Council representative on committees and/or community organizations and shall perform such other duties as assigned by the Labour Council.
- Section 2.** The Second (2nd) Vice-President shall assist the President and the First (1st) Vice-President in their duties, including being the designated Labour Council representative on committees and/or community organizations and perform such other duties as assigned by the Labour Council.

ARTICLE 8 – DUTIES OF THE SECRETARY

- Section 1.** The Secretary shall keep a correct record of the proceedings of the Labour Council in a book provided for that purpose, and shall forward copies to the Canadian Labour Congress and the Ontario Federation of Labour; make an enrolment of the name and residence of each delegate and of the name and address of the Secretary of each organization represented; attend and carry on all correspondence connected with the business of the Council; summon all special meetings of the Council when so directed by the President; sign all vouchers for money expended on behalf of the Council; shall check-up on the attendance of delegates recorded by the Sergeant-at-Arms in the official Roll Call Book, and send official notice to the various unions whose delegates have failed to attend meetings of this Council declaring such seats vacant, and requesting new credentials for same, such vacant seats to be marked in the official Roll Call Book. The Secretary shall notify all delegates in good standing of the election of delegates to the Canadian Labour Congress Convention and the annual election of Officers, and perform such other duties and sign all official documents as may pertain to the Secretary's office. The Secretary shall be responsible for employees of the Council.

ARTICLE 9 – DUTIES OF THE TREASURER

- Section 1.** The Treasurer shall receive and keep a record of all money paid into the Hamilton and District Labour Council, and shall report monthly to the Council; shall sign all cheques issued in conjunction with the President or the Secretary as authorized by the Council; shall send to each local organization affiliated a blank per capita tax form, which the Financial Secretary of the local union, branch or lodge shall fill out and certify the number of members in good standing, and the amount due the Council. The Treasurer shall be guided by Article 3, Section 2, respecting suspensions; shall work with the Auditor engaged by the Council in the months of April and October; shall be a person who can meet all the

requirements of the bonding company; and shall be bonded by the Council for the sum of two-thousand dollars (\$2,000.00).

ARTICLE 10 – DUTIES OF THE SERGEANT-AT-ARMS

Section 1. It shall be the duty of the Sergeant-at-Arms to receive the name of each delegate upon entering the meeting room, and shall keep a correct record of attendance at all meetings. The Sergeant-at-Arms shall perform such other duties as may be assigned by the Secretary.

ARTICLE 11 – EXECUTIVE COUNCIL

Section 1. The Executive Council shall consist of the President, First (1st) Vice-President, Second (2nd) Vice-President, Secretary, Treasurer, Sergeant-at-Arms and nine (9) Executive Committee members.

Section 2. The Executive Council 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 3. The Executive Council shall meet upon the call of the President. It shall also be necessary for the President to call a meeting upon the request of three (3) other Officers.

Section 4. The Executive Council shall have the power to conduct an investigation of any situation in which there is reason to believe that any affiliated organization may be dominated, controlled or substantially influenced in the conduct of its affairs by any corrupt influence, or that its policies or activities are contrary to the principles or policies of the Labour Council. Upon the completion of such investigation, including a hearing if requested, the Executive Council shall have the authority to make recommendations to the organization involved, and the Canadian Labour Congress. It shall have the further authority upon two-thirds (2/3) vote of the Executive Council to suspend any organization. Any action of the Executive Council under this Section may be appealed to the next meeting of the Council.

Section 5. A quorum of the Executive Council for the transaction of the business of the Labour Council shall consist of not less than five (5) members of the Executive Council.

Section 6. The Executive Council is authorized to reimburse members of the Labour Council for necessary expenses in performing their duties for the Council and in the case of the Council President, pay a weekly honorarium of two hundred dollars (\$200) effective January 1st, 2025 with any increases to be considered and/or implemented each January by Executive Council.

Section 7. The Executive Council is authorized to employ such personnel as it deems necessary to properly conduct the business of the Labour Council.

Section 8. The Executive Council shall be responsible to coordinate any strike support activities, keep the Labour Council informed of strikes in the community, and to make recommendations to Council for physical, moral and/or financial assistance to striking workers when requested by the local union on strike.

ARTICLE 12 – REVENUE

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

Section 2. Each affiliated local union, branch or lodge shall now pay before the last day of each month, for the preceding month, a per capita tax of twenty-three cents (23¢) per member effective January 1st, 2025, twenty-five cents (25¢) per member effective January 1st, 2026 and increasing by one cent (1¢), per member, per year after that.

The Executive may, at any time, request Council approval for a special project, campaign or event dictating a per capita increase that will have a set duration before reverting to the constitutionally-set rate.

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 Treasurer of the Labour Council. Any organization three (3) months in arrears in payment of the per capita tax may become, by Motion of Council, suspended from membership and can be reinstated only after arrears are paid in full.

ARTICLE 13 – AMENDMENTS

Section 1. The Constitution of the Hamilton and District Labour Council may be changed by a two-thirds (2/3) majority vote of the delegates present at a regularly convened meeting of Council, if notice of amendment has been presented in writing at the immediately preceding meeting, from an affiliated union local president provided it has been signed by the President or Secretary, or by Executive Council Motion, and provided it does not conflict with the Constitution of the Canadian Labour Congress. Any amendment shall only become effective after approval by the Canadian Council of the Canadian Labour Congress.

ARTICLE 14 – OBLIGATION OF DELEGATES

Section 1. *“I, _____ sincerely promise and declare that I will be faithful to the duties devolving upon me as a delegate to this Labour Council, that I will attend all meetings of this Council, if possible, and work at all times for, and in the interest of, the Council and the Canadian Labour Congress.”*

ARTICLE 15 – ORDER OF BUSINESS

The Order of Business of each session shall be conducted in a way which has been approved previously by Council, or amended during a meeting by motion with a two-thirds (2/3) vote.