

CONSTITUTION

OF THE

**PRINCE EDWARD ISLAND
FEDERATION OF LABOUR**

(Chartered by the Canadian Labour Congress)

Charlottetown, PEI

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ARTICLE 1 - NAME

Section 1. This Federation shall be known as the Prince Edward Island Federation of Labour and shall be chartered by the Canadian Labour Congress. It shall consist of organizations affiliated to or chartered by the Canadian Labour Congress which become affiliated to this Federation. These organizations shall conform to the Constitution and the Rules and Regulations of this Federation as set forth herewith. This Federation shall not be dissolved while there are three (3) organizations remaining in affiliation.

ARTICLE 2 - PURPOSE

The purposes of this Federation 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 the workers in Prince Edward Island.
- 3.**
 - (a)** To assist affiliated organizations in extending the benefits of mutual assistance and collective bargaining to workers.
 - (b)** To respond to requests from affiliated and chartered organizations to assist them in organizing the unorganized and extending the benefits of collective bargaining to workers.
- 4.** To conduct union business and to provide services to all members without discrimination on the basis of race, colour, creed, sex, sexual orientation, age or national origin in an environment free of sexual harassment.
- 5.** To secure provincial 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 promote industrial relations through labour-management cooperation and to cooperate with other provincial organizations toward the goal of better economic security for all.
- 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 protect the labour movement from any and all corrupt influences 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.

ARTICLE 3 - MEMBERSHIP

Section 5. The Federation 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 within the province chartered by the Canadian Labour Congress.

Section 2. Any organization affiliated with this Federation may be expelled from affiliation by a majority roll call vote of the Convention subject to appeal to the Canadian Labour Congress.

Section 3. If requested by the Federation, it shall be the duty of each affiliated organization to furnish the Secretary with the following:

- (a) All official reports which deal with matters within the purview of the Federation.
- (b) Such other reports as will facilitate and make more effective the work of the Federation.
- (c) A statement of their membership in good standing.
(Affiliates are encouraged to file with the Secretary copies of their collective bargaining agreements.)

ARTICLE 4- CONVENTIONS

- Section 1.** The Convention shall be the governing body of the Federation and, except as provided in Section 13 (c) of this Article and Article 10, its decisions shall be by majority vote.
- Section 2.** The regular Convention of the Federation shall be held every year during September, October or November, as determined by the Executive Council.
- Section 3.**
- (a) Special conventions may be called by direction of a regular convention, by order of the Executive Council, or on request of the majority of affiliated organizations, as evidenced by the records of the Secretary of the last Convention.
 - (b) In the event of a Special Convention, the Executive Council shall issue a call within thirty (30) calendar days' notice of the decision, the time and place for holding the Special Convention, together with a statement of the business to be considered at such Convention
 - (c) Representation to Special Conventions shall be on the basis as regular Conventions.
 - (d) Except as provided in Sub-Section (b), a Special Convention shall exercise the same authority as regular Conventions.
- Section 4.**
- (a) Representation at Conventions shall be of members in good standing from affiliated locals, associations, lodges and branches; three (3) delegates for one hundred (100) or less members and one (1) additional delegate for each additional one hundred (100) members or major fraction thereof, provided the delegate is a member of the said local, association, lodge, or branch submitting the credential.
 - (b) Representation shall be based on the highest per capita report during the twelve (12) month period prior to the Convention Call. The Executive Council of the Prince Edward Island Federation of Labour reserves the right to demand proof of membership for the month that representation is based on.

- Section 5.** Not less than sixty (60) calendar days prior to each regular Convention or thirty (30) days prior to each Special Convention, the Secretary shall immediately furnish each affiliate with the appropriate number of credential blanks in duplicate which must be completed as indicated. The original shall be retained by the delegate for presentation on registration and the duplicate shall be forwarded to the Secretary of the Federation immediately. No credentials shall be accepted later than fifteen (15) calendar days prior to the opening date of a regular Convention and ten (10) days prior to a Special Convention. Credentials received later than the fifteen (15) days before the opening date of the Convention will be referred to the Credentials Committee for a recommendation to be brought to Convention as to whether a delegate will be seated or not.
- Section 6.** A registration fee shall be charged to each delegate in an amount set by the Executive, but not to exceed sixty (\$60.00) dollars; such fee shall be payable prior to the delegate being seated.
- Section 7.** Any organization suspended or expelled by the Canadian Labour Congress or this Federation shall not, while under such penalty, be allowed representation in the Federation. Any organization which, at the opening date of the Convention, is in arrears to the Federation for per capita tax for three (3) months or more shall not be entitled to recognition or representation in the Convention.
- Section 8.** Any person suspended by or expelled from any organization affiliated to this Federation shall not be seated as a delegate or allowed representation in the Federation.
- Section 9.** Any local union which has not applied for and been accepted as an affiliate at least one (1) month prior to a Convention shall not be allowed representation in that Convention. This does not apply to newly organized locals not in existence prior to the one (1) month period.
- Section 10.** Prior to the opening date of the Convention, the President, in consultation with the Executive Council, shall appoint such committees as are necessary to conduct the affairs of the Convention. The Executive Council may request any such Committee to meet prior to the Convention for the purpose of considering matters placed before it, in which event the members thereof shall be paid by the Federation such amount for wages and expenses for such extra days as the Executive Council may determine.

Section 11. Prior to the opening date of the Convention, the President, in consultation with the Executive Council, shall appoint a Committee on Credentials. Such Committee shall consist of at least three (3) members chosen from among those on whose behalf credentials have been submitted. The Committee shall meet prior to the opening of the Convention, shall pass on the validity of the credentials which have been received by the Federation and register those approved by the Committee. It shall make the first report to the Convention and subsequent reports, if necessary. The Convention shall be constituted for business and delegates deemed to be seated upon report of the Committee and acceptance thereof by the delegates so reported.

Appeals from any decision of the Committee shall be filed before the Convention so constituted.

Section 12. Executive Council Members of the Federation shall be deemed to be delegates to the Convention with all rights and privileges.

Section 13. Officers of the Canadian Labour Congress and invited fraternal delegates attending Conventions of the Federation shall be entitled to all the rights of delegates other than voting or standing for office.

Section 14. The Secretary of the Prince Edward Island Federation of Labour shall issue a preliminary notice of the date of the Annual Convention ninety (90) days before the Convention date to all affiliates.

- (a)** Except as provided in Sub-Section (c) of this Section, all resolutions, petitions and appeals other than those provided in Section 10 hereof, to be considered by any Convention of the Federation must be received by the Secretary within thirty (30) calendar days immediately preceding the opening of the Convention and all resolutions shall be available at the Federation office to all affiliates ten (10) days prior to the Convention date.
- (b)** Any resolution to be accepted must be submitted by the Executive Council or by an organization affiliated to the Federation and signed by the Presiding Officer and Secretary and bearing the official seal of the organization submitting it. A resolution shall not deal with more than one subject, shall refer to the action which is proposed and shall not contain more than one hundred and fifty (150) words.

- (c) Resolutions, petitions and appeals other than proposed Constitutional amendments received or submitted contrary to the above shall be referred to the Executive Council and the Council may refer such proposals or proposal to the Convention with the understanding that consideration be given only upon two-thirds (2/3) majority consent of the Convention.
- (d) Resolutions, petitions and appeals received for consideration by the Convention shall be classified as to nature, content, subject matter and referred to an appropriate Resolutions Convention Committee who shall report thereon to the Convention prior to consideration of any such matter by the Convention.

Section 15. One-fourth (1/4) of the registered delegates at any Convention shall constitute a quorum for the transaction of business.

Section 16. The rules and order of business governing Conventions shall be:

- (a) The President, or in the President's absence or at the President's request, the First Vice-President, shall take the Chair at the time specified at all regular or Special Conventions. In the absence of both the President and the First Vice-President, the Secretary shall take the Chair. In the absence of the President, First Vice-President and Secretary, the Treasurer shall take the Chair. In the absence of all four (4), a Chairperson shall be chosen by the Executive Council.
- (b) No question of a sectarian nature or character shall be discussed.
- (c) When a delegate wishes to speak, the delegate shall rise. When recognized by the Chairperson, he/she shall give his/her name and the organization he/she represents and shall confine his/her remarks to the question at issue.
- (d) Speeches shall be limited to three (3) minutes except when delivering reports.
- (e) A delegate shall not speak more than once on a subject until all who wish to speak have had an opportunity to do so.

- (f)** A delegate shall not interrupt another except it be to call to a point of order, point of information or point of privilege.
- (g)** If a delegate be called to order, the delegate shall, at the request of the Chairperson, take his/her seat until the question of order has been decided.
- (h)** Should a delegate persist in unparliamentary conduct, the Chairperson will be compelled to name him/her and submit his/her conduct to the judgement of the Convention. In such case the delegate whose conduct is in question should explain and then withdraw, and the Convention will determine what course to pursue in the matter.
- (i)** When a question is put, the Chairperson, after announcing the question, shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
- (j)** Questions may be decided by a show of hands, or a standing vote on the basis of one (1) vote per delegate. A roll call vote may be demanded by one-third (1/3) of the delegates present. In a roll call vote, each delegate shall be entitled to one (1) vote.
- (k)** Two (2) delegates may appeal the decision of the Chair. The Chairperson shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debatable except that the Chairperson may make an explanation of his/her decision.
- (l)** In case of a tie vote, the Chairperson shall cast the deciding vote.
- (m)** When the previous question is moved, no discussion or amendment of either motion is permitted. If the majority votes 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.

- (n)** Committees may combine resolutions or prepare a composite to cover the intent of the question at issue. Reports of Committees are not subject to amendment except such as is acceptable to the Committee, but a motion to refer back to the Committee shall be in order.
- (o)** A delegate shall not move a question to refer back after he/she has spoken on the question at issue.
- (p)** A motion to refer back is not debatable and when properly seconded the question shall be immediately put to the Convention.
- (q)** If the Report of a Committee is adopted it becomes the decision of the Convention. If defeated, it may be referred back to the Committee for reconsideration. If a motion of non-concurrence of the Committee is defeated the original resolution shall be put to the Convention for consideration.
- (r)** When a question is pending before the Convention, no motion shall be in order except - to refer - for the previous question - to postpone for a definite time. If one (1) of the foregoing motions is negated, it cannot be renewed until after an intermediate proceeding.
- (s)** A motion may be reconsidered providing the mover of the motion to reconsider voted with the majority, and notice of motion is given for reconsideration at a later time, and the said notice of motion is supported by a two-thirds (2/3) majority of the delegates who are qualified to vote.
- (t)** The Executive Council is empowered to establish the hours of the Convention.
- (u)** In all matters not registered by these rules of order, Bourinot's Rules of Order shall govern.

ARTICLE 5 - OFFICERS

Section 1. The Officers of the Federation shall consist of the President, First Vice-President, Secretary and Treasurer, who will form the Executive Committee; ten (10) Executive Board Members and one (1) additional Vice-President who shall be a woman. With the exception of the nine (9) Executive Board Members, all officers will be elected at large by delegates to the Convention. The ten (10) Executive Board positions shall be filled as follows:

- (a) Each of the nine (9) unions with the largest average yearly membership affiliated with the Federation shall be entitled to one (1) Executive Board Member who shall be appointed by its union delegates at Convention.
- (b) All of the remaining unions affiliated with the Federation shall in combination be entitled to one (1) Executive Board Member to be selected by their Convention delegates.
- (c) Membership for the purpose of this Section shall mean the average number of members on whom per capita has been paid by the affiliate for the twelve (12) months preceding the Federation's year end.
- (d) In the event that during the term of office of the Executive Board Members as set out in (a) above, there is a new affiliation to the Federation by a union that would qualify as one of the nine (9) largest affiliates, the Executive Council has the authority to add an Executive Board member selected by that union. Such a decision, however, will not affect the position of any current Executive Board Member.

Section 2. Each Officer shall be a member in good standing of an affiliated organization.

Section 3. The Officers, except the Executive Board members, shall be elected by the Convention by majority vote, and shall be by secret ballot. A majority of votes cast shall be required before any candidate can be declared elected and second and subsequent ballots shall be taken if necessary to obtain such a majority. The number of votes cast for each candidate shall be reported to the Convention. On the second and subsequent ballots the candidate receiving the lowest number of votes in the previous ballots shall be dropped. In case of a final tie vote, the Presiding Officer shall cast the deciding vote.

Section 4. The Convention shall be the governing body of the Federation. Any vacancy that exists in the Executive Council of the Federation during the Convention shall be filled by the delegates attending the Convention in accordance with Article 5.

Section 5. The election of each office shall be completed before nominations may be accepted for any subsequent office.

Section 6. (a) Nominees allowing their names to go forward for the offices of President, First Vice-President, Secretary, Treasurer, Vice-President and Executive Board Members shall, upon acceptance of nomination, come forward to the Convention platform and clearly and audibly speak the following lines to the assembled delegates:

"On accepting nomination, I swear and affirm that I will faithfully support the Constitutions, Principles and Policies of the Canadian Labour Congress and the Prince Edward Island Federation of Labour."

(b) Upon election, all Officers, before assuming office, clearly and audibly state the following:

"I do hereby sincerely pledge my word and honour to perform my duties as an Officer of this Prince Edward Island Federation of Labour. At the end of my term of office, I will deliver to my successor or the the Secretary, all properties , documents and/or funds in my possession that belong to the Federation."

Section 7. The terms of Officers of the Federation shall commence within thirty (30) days following the adjournment of the Convention, and shall be for a period of two (2) years. Beginning at the 2005 Convention, the Vice-President and Treasurer shall be elected in odd-numbered years and all other Officers shall be elected in even-numbered years.

Section 7.1 The election of Treasurer in 2004 only, shall be for a one (1) year term with re-election in 2005.

Section 7.2 The present term of office of the President shall be extended by one (1) year with re-election in 2006 and every two (2) years thereafter.

- Section 8.**
- (a) In the event of a vacancy in the office of the President, First Vice-President, Secretary, Treasurer, or Vice-Presidents, the Executive Council shall have the authority to fill the vacancy until the next Convention by a majority vote of the Executive Council at an Executive Council Meeting. Such vacancy shall be filled within thirty (30) days. The President, First Vice-President, Secretary and Treasurer shall be filled through election of an Executive Council member. If the position cannot be filled by an Executive Council member, then the election will be open to all members in good standing of affiliates of the Federation.
 - (b) In the event of a vacancy of an Executive Board Member from a union listed in Section 1, the union concerned will be notified and asked to provide the Federation with a replacement to fill the vacancy.
 - (c) If the vacancy is for the Executive Board position selected in accordance with Section 1 (b) above, it shall be filled at a Special Meeting called by the Federation of affiliates set out in Section 1 (b). Such meeting shall be held within thirty (30) days of the notice of the vacancy. Affiliates shall be notified in writing by the Secretary of the Federation of the time and place of such meeting.

Section 9. The Executive Officers shall hold title to any real estate of the Federation as Trustees of the Federation. They shall have no right to sell, convey or encumber any real estate without first submitting the proposition to a Convention and such propositions is approved.

Section 10. The Federation shall have an Audit done by a fully qualified person employed and recommended by the Canadian Labour Congress. If no such person is available, then the books of the Federation shall be audited by a registered firm of chartered accountants.

Section 11. There shall be four (4) Trustees who will be selected in the same fashion as Executive Board Members from the four (4) largest unions affiliated to the Federation.

- Section 12** The Trustees shall conduct a review of the accounts of the Federation during the month in March of each year and shall submit written reports thereon with any recommendations deemed necessarily to the Executive Council. The Trustee Committee shall also review the Audit and accounts prior to the Annual Convention and make a report on the accounts to the Annual Convention. For this purpose the Trustees shall be considered delegates to the Convention with full rights and privileges. Such reports shall be supplementary to the Annual Audit conducted in accordance with Section 10.
- Section 13.** There shall be a Finance Committee who shall, with the Treasurer as Chairperson, review the Financial Statements at least quarterly and shall make recommendations to the Executive Council and a budget to Convention. The membership shall be a minimum of four (4) members including the Treasurer and the elected Trustees.

ARTICLE 6 - DUTIES OF THE PRESIDENT

- Section 1.** The President shall function as the Chief Executive Officer of the Federation. The President shall exercise supervision over the affairs of the Federation, sign all official documents and preside at regular and special conventions, and at meetings of the Executive Council.
- Section 2.** Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret this Constitution and the President's interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Council, or a Convention, or the Canadian Labour Congress.
- Section 3.** The President shall make a report on the administration of the President's office through the report of the Executive Council.
- Section 4.** The President shall act as ex-officio to all Committees of the Prince Edward Island Federation of Labour.
- Section 5.** The President shall receive an Honorarium of three hundred dollars (\$300.00) per year. Additional allowances or expenses must be approved by the Executive Council.

ARTICLE 7 - DUTIES OF THE FIRST VICE-PRESIDENT

- Section 1.** The First Vice-President shall aid the President in his/her duties as Chief Executive Officer of the Federation of Labour. He/she shall act on behalf of the President when requested to do so and in the absence of the President when he/she is out of the province.
- Section 2.** The First Vice-President shall receive an Honorarium of three hundred dollars (\$300.00) per year. Additional allowances or expenses must be approved by Executive Council.

ARTICLE 8 - DUTIES OF THE SECRETARY

- Section 1.** The Secretary shall be in charge of all files and documents of the Federation.
- Section 2.** The Secretary shall issue the Convention Call and act as Secretary at Special and Annual Conventions of the Federation.
- Section 3.** The Secretary shall cause to be recorded all minutes of the Executive Council and Special Meetings in addition to taking charge of the preparation of newsletters, briefs and other Federation literature.
- Section 4.** The Secretary shall receive an allowance of three hundred dollars (\$300.00) per year. Additional allowances or expenses must be approved by the Executive Council.
- Section 5.** In the event the President and First Vice-President are absent, the Secretary shall act as Chief Executive Officer of the Federation.

ARTICLE 9 - DUTIES OF THE TREASURER

- Section 1.** The Treasurer shall be the Chief Administrative and Financial Officer of the Federation.
- Section 2.** The Treasurer shall be in charge of all financial records and assets of the Federation which shall at all times be subject to the inspection of the President and Executive Council.
- Section 3.** The Treasurer shall prepare a Financial Statement from the records of the Federation for each meeting of the Executive Council. A copy of this Statement shall be forwarded to the Canadian Labour Congress.
- Section 4.** The Treasurer shall have an Audit done by a fully qualified person employed and recommended by the Canadian Labour Congress. If no such person is available, then the books of the Federation shall be audited by a registered firm of chartered accountants and a copy forwarded to the Canadian Labour Congress.
- Section 5.** The Treasurer and other signing officers shall be bonded to a minimum of twenty-five thousand dollars (\$25,000.00).
- Section 6.** The Treasurer shall, subject to the approval of the Executive Council, invest surplus funds of the Federation in securities or deposit them in a bank or credit union selected by the Executive Council.
- Section 7.** The Treasurer is empowered to require affiliated organizations to provide statistical data in their possession relating to the membership of their organizations.
- Section 8.** The Treasurer shall, with the approval of the Executive Council, employ, direct and fix compensation for all administrative help necessary for the proper functioning of the Federation.
- Section 9.** The Treasurer shall report to the Annual Convention of the Federation through the Report of the Executive Council.
- Section 10.** The Treasurer shall receive an allowance of three hundred dollars (\$300.00) per year. Additional allowance or expense for the Treasurer must be approved by the Executive Council.

Section 11. All cheques drawn against the funds of the Prince Edward Island Federation of Labour shall be signed by the Treasurer together with the President or the First Vice-President.

All cheques in favour of the Federation should be payable to the Prince Edward Island Federation of Labour and in no case should such cheques be made payable to the Secretary, Treasurer or any other Officer.

Section 12. In the event the President, First Vice-President and the Secretary are absent, the Treasurer shall act as Chief Executive Officer of the Federation.

ARTICLE 10 - EXECUTIVE COUNCIL

Section 1. The Executive Council shall consist of the President, First Vice-President, Secretary, Treasurer, ten (10) Executive Board Members and one (1) Vice-President, who shall be a woman.

Section 2. The Executive Council shall be the governing body of this Federation between Conventions. It shall take such action and render any decisions as may be necessary to carry out fully the decisions and instructions of the Convention and to enforce the provisions contained in this Constitution.

Section 3. Any Executive Council member who is absent from three (3) regular meetings in succession during the year and has not furnished a satisfactory reason for such absence to the Executive Council, shall have his/her office declared vacant and filled in accordance with Article 5.

Section 4. (a) The Executive Council shall meet not less frequently than four (4) times a year.

(b) The Chairperson of each Committee shall be appointed by the Executive Council within sixty (60) days following the Convention.

Section 5. The Executive Council shall present a report of its activities to the Convention.

- Section 6.** The Executive Council shall have the power to conduct an investigation of any situation in which there is reason to believe that any affiliate 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 this Federation. Upon the completion of such an 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 a 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 Convention.
- Section 7.** A majority of the members of the Executive Council shall constitute a quorum for the transaction of the business of the Federation.
- Section 8.** The Executive Council is authorized to reimburse members of the Council for necessary expenses in performing their duties for the Federation.
- Section 9.** The Executive Council shall have the right to appoint a part-time or full-time employee(s) to carry out the work of the Federation as put forth by the Executive Council and that a bulletin be circulated to all affiliates outlining the qualification requirements and salary range for the position.
- Section 10.** Any such part-time or full-time employee of the Federation appointed by the Executive Council shall be subject to discharge only following a recommendation of the Executive Council. Such employee shall have the right to the grievance procedure. Should reinstatement fail through such grievance procedure, the employee may appeal such discharge to the following Convention or Special Convention.
- Section 11.** All Executive Council meetings to be open to delegated members who have been selected according to the affiliated unions policy.
- Section 12:**
- (a) The Executive Council shall have the authority to set up standing and ad hoc committees as are deemed necessary for the proper functioning of the Federation.
 - (b) Standing committees shall be appointed for a two (2) year term effective within thirty (30) days of convention beginning with the 2001 Convention.

- (c) The powers of the committees will be limited to recommending initiatives to the Executive Council, implementing Federation policy upon the instruction of the Executive Officers or Executive Council, or any other matter referred to the Committee by the President or Executive Council.
- (d) Committees are required to report to Executive Council on a regular basis either through the Committee Chairperson or the member of Executive Council assigned to each Committee.
- (e) The Standing Committee shall include, but not be limited to Education, Women, and Occupational Health and Safety.

ARTICLE 11 - EXECUTIVE COMMITTEE

- Section 1.** The Executive Committee shall consist of the President, First Vice-President, Secretary and Treasurer and shall meet at least twelve (12) times a year to administer the activities of the Federation, between Executive Council Meetings and as directed by Executive Council or the Annual Convention.
- Section 2.** The time and place of all Executive Committee meetings shall be determined by the President, except that where the President is unable or refuses to convene a meeting, the meeting may be convened at the time and place determined by the majority of the other Executive Committee members.
- Section 3.** A majority of the members of the Executive Committee shall constitute a quorum for the transaction of the business of the Federation.

ARTICLE 12 - OMBUDSPERSON

- Section 1.** If a delegate from a local union affiliated to the Federation has a complaint or grievance against an Officer of the Federation that cannot be resolved by the procedure presently set forth in this Constitution, he/she shall have the right to submit his/her case, with all relevant material and supporting evidence, to the Ombudsperson appointed by the Canadian Labour Congress.
- Section 2.** The Ombudsperson will, under the authority vested in him/her by the Congress, undertake such enquiries, hearings or meetings as he/she deems advisable and report his/her findings as soon as possible to the parties to the complaint.
- Section 3.** In carrying out the duties assigned him/her by the Congress the Ombudsperson is empowered:
1. To receive enquiries concerning the rights of members and to advise them on the procedures open to them for the redress of complaints.
 2. To receive complaints, to investigate them, to hold hearings, if he/she decides the complaint warrants it and to issue written reports, determinations or findings on the individual cases.
 3. 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.
 4. To order, in cases where his/her decision favours the complainant, such remedies as in his/her opinion are necessary to redress the injustice to the individual.
 5. To recommend, based upon the cases handled, changes in the constitutions of bodies concerned which, in his/her judgement, would eliminate the causes of the complaints.
 6. To submit to the Canadian Labour Congress, before March 31st 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 the Ombudsperson's office.

7. To recommend, for the approval of the Congress:
- (a) Procedures for the handling of correspondence and written records relative to complaints received.
 - (b) Procedures to be followed at meetings, hearings and enquiries, including the appearance and testimony of individuals.
 - (c) Procedures for obtaining access to relevant files and other documentation.
 - (d) Procedures for reimbursement of complaints, defendants and witnesses for travel and other expenses.

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

ARTICLE 13 - REVENUE

- Section 1.** A Per Capita Tax shall be paid upon the full paid up membership of each affiliated organization.
- Section 2.** Each affiliated local union, branch or lodge shall pay before the last day of each month, for the preceding month a Per Capita Tax of seventy-two cents (.72¢) per member per month effective January 1, 2010.
- Section 3.** Any organization which does not pay its Per Capita Tax or Affiliation Fee on or before the time specified shall be notified of the fact by the Treasurer of the Federation. Any organization three (3) months in arrears in payment of Per Capita Tax or Affiliation Fee may become suspended from membership in the Federation. The organization may be reinstated upon payment of all back Per Capita Tax owing.

ARTICLE 14 - DISCIPLINE, CHARGES AND TRAILS

- Section 1.** An Officer of the Federation of Labour is guilty of an offence against the Constitution of the Federation of Labour who:
- (a)** Violates the Principles and Policies of the Prince Edward Island Federation of Labour or the Canadian Labour Congress.
 - (b)** Advocates or attempts to bring about the withdrawal from the Prince Edward Island Federation of Labour of any affiliate, or any group of members, or any member of the Prince Edward Island Federation of Labour.
 - (c)** Publishes or circulates, either verbally or otherwise, among the membership, false reports or misrepresentations concerning any member or Policy of the Prince Edward Island Federation of Labour, in respect to any matter connected with the affairs of the Prince Edward Island Federation of Labour.
 - (d)** Works in the interest of any organization competing with the Prince Edward Island Federation of Labour in a manner which is detrimental to the Prince Edward Island Federation of Labour.
 - (e)** Fraudulently receives or misappropriates any property of the Prince Edward Island Federation of Labour.
 - (f)** Refuses to comply with any Article within the Prince Edward Island Federation of Labour Constitution.

Section 2. If it is alleged that an Officer of a Federation of Labour has committed an offence under Section 1 of this Article, the member shall be given a fair and impartial trial as hereinafter provided.

Section 3. Specific charges shall be submitted in writing, signed by a member of the Federation of Labour or by an Officer or accredited Representative of the Canadian Labour Congress. The charge or charges shall be filed with the Recording Secretary and a copy shall be delivered to the accused, either personally or by registered mail, together with notice as to the date of the meeting at which the charge or charges will be presented. At the next regular meeting after the charges have been delivered to the accused:

- (a) The Executive Council of the Federation of Labour shall consider the charges and decide by majority vote whether they are worthy of trial.
- (b) If the charges are voted worthy of trial, a Trial Committee, made up of one (1) member nominated by the accuser, one (1) member nominated by the accused and a Chairperson agreed to by the two (2) nominees of the parties within ten (10) days shall be constituted. Should there be no agreement on a Chairperson by the parties' nominees, then the Chairperson shall be appointed by majority vote of the Executive Council.
- (c) The Trial Committee shall hold a hearing on due written notice to the accused and to the accuser, both of whom shall have the right to be present in person and to have Counsel, which Counsel shall be a member of the Federation of Labour. The said Trial shall be fixed for a date not less than ten (10) days, nor more than thirty (30) days from the date of the meeting at which the Trial Committee is selected.
- (d) In all cases, the onus of establishing the guilt of the accused shall be upon the accuser. At the Trial, the accuser shall present the evidence against the accused Officer and both the accuser and accused shall be given a full and fair opportunity to present evidence, both for the prosecution and the accused Officer.

- (e) The decision of the Trial Committee shall be reported to the next regular membership meeting after its hearing is closed. The Trial Committee's decision shall be as to guilt or innocence. If the decision is that the accused is innocent, then this decision shall be recorded in the minutes of the meeting to which the Trial Committee's decision is reported and this decision shall be final and no appeal may be taken by the accuser against such decision. If the decision is that the accused is guilty, then the Trial Committee's decision shall also include the punishment. When the decision is reported to the meeting, no member shall be allowed to speak except, first the accuser, and second the accused, or a member in good standing speaking on behalf of either of them. When both sides have spoken, there shall be no debate and the Presiding Officer shall state: "Shall the decision of the Trial Committee be sustained?" and if the decision is sustained, then the decision shall be final unless reversed on appeal as hereinafter provided.

Section 4. The accused, the Executive Council, an Officer or accredited Representative of the Canadian Labour Congress may appeal the decision of the membership by appealing to the Executive Council of the Canadian Labour Congress. Such Appeal shall be made within thirty (30) days from the time the decision is made as herein before provided. The Appeal shall be in writing, fully stating the facts upon which the Appeal is based. A copy of the Appeal shall be sent to the Recording Secretary of the Federation, who shall, upon receipt thereof, immediately forward to the Secretary-Treasurer of the Canadian Labour Congress, a copy of the original charges, the evidence offered and the verdict made, and a copy thereof shall be sent by the Recording Secretary to the appellant and to the accused if the accused is not the appellant.

The accused Officer shall have the right to appear before the Executive Council of the Canadian Labour Congress and to be heard, together with witnesses and Counsel, who shall be a member. The decision of the Executive Council shall be final and binding upon all persons connected with the case subject to appeal to the next regular convention of the Canadian Labour Congress. If the Appeal is allowed, and the accused is exonerated, then the accused shall be paid out of the Treasury of the Federation of Labour, such out-of-pocket expenses as were legitimately incurred, and substantiated by receipts and evidence, in maintaining a defence, together with any wages or salary lost by the accused, in consequence thereof.

Section 5. If summoned to testify at any trial or appeal held in accordance with the provisions of this Article, it shall be the duty of the member to do so and to answer all questions put to the member.

Section 6. If any Officer is accused of any charge or charges, and such charges are deemed worthy of trial by Executive Council, then all duties which the Officer normally would perform shall be performed by another member appointed by the Executive Council.

ARTICLE 15 - AMENDMENTS

Section 1. Amendments to this Constitution, must be submitted in accordance with the provisions of Article 4, Section 13, so long as they do not conflict with the Constitution of the Canadian Labour Congress, nor its Principles or Policies, may be adopted by a two-thirds (2/3) vote of those present in Convention and voting. Any amendment shall only become effective after approval by the Executive Council of the Canadian Labour Congress.