

BY-LAWS/CONSTITUTION

OF THE

SARNIA AND DISTRICT LABOUR COUNCIL

(CLC)

(Chartered by the Canadian Labour Congress – November 15, 1956)

**Motion to amend passed – October 20, 2009
Approved by CLC Executive – February 16, 2010**



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Wherever the singular and masculine are used in these By-Laws, they shall be construed as if the plural or feminine had been used.

ARTICLE 1 - NAME

Section 1. This Labour Council shall be known as the **Sarnia and District Labour Council** and is chartered by the Canadian Labour Congress. It shall consist of organizations affiliated to the Canadian Labour Congress which become affiliated to this Council and which are situated in the area encompassed by Lambton County. These organizations shall conform to the Constitution of the Canadian Labour Congress, and the By Laws and Regulations of the 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 the organization of the unorganized into unions for their mutual aid, protection and advancement, giving recognition to the principle that both craft and industrial unions are appropriate, equal and necessary as methods of union organization.
4. To encourage all workers without regard to race, sex, creed, colour or national origin, sexual orientation, disability, age or religion to share in the full benefits of union organization.
5. To secure legislation which will safeguard and promote the principle of free collective bargaining, and the rights of workers and the security and welfare of all people.
6. To strengthen and protect 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, to promote and advance the beliefs of the labour movement through active political action.

ARTICLE 3 - MEMBERSHIP

Section 1. (a) The Sarnia and District Labour Council shall be composed of: 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.

Section 2. Any organization affiliated with this Labour Council may be expelled from membership in the Council by a majority roll call vote at a meeting. Such action may only be taken if notice of motion has been given at a previous regular meeting. 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 appeal.

Section 3. It shall be the duty of each affiliated organization to furnish the Secretary of the Labour Council with the following:

(a) All official reports which deal with matters within the purview of this Council.

(b) Such other reports as will facilitate and make more effective the work of this Council.

(c) A statement of their membership in good standing.

Affiliates are encouraged to file with the Secretary of the Council copies of their collective agreements.

- Section 4.** (a) 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.
- (b) Where CLC Officers, Directors, and Representatives are eligible as delegates and are credentialed, they will have the same rights as delegates.

ARTICLE 4 - AUTHORITY

Section 1. The membership is the highest authority of this Labour Council and shall be empowered to take or direct any action not inconsistent with the Constitution of the Canadian Labour Congress or the By-Laws of this Labour Council.

Section 2. Between the general membership meetings, the highest authority shall be the Executive Board of this Labour Council.

Section 3. Between the meetings of the Executive Board, the administrative authority of this Labour Council shall be vested upon the President of this Council, subject to the approval of the Executive Board.

ARTICLE 5 – EXECUTIVE BOARD

- Section 1.** (a) The Executive Board shall consist of the President, 1st Vice-President, 2nd Vice-President, Secretary, Treasurer, Sergeant-at-Arms, and four (4) Executive Council members, who are elected at the December General Members meeting each odd numbered year. Nominations for these positions shall take place at the November and December General members meeting in the same off numbered years. Those elected shall reside, work or be a member of an affiliate in the area.
- (b) Three (3) Trustees shall be elected by Council in the same manner and at the same time as the Officers. Initially, (in 2003) the Trustee receiving the highest number of votes shall be elected for a three (3) year term; the Trustee with the second highest number of votes shall be elected for two (2) years and the final Trustee for a period of one (1) year. Subsequently, the one (1) year Trustee shall retire each December and that position filled by election at each and every December General meeting. The newly-elected

Trustee will take the position for a three (3) year term, and the existing three (3) year Trustee move to a two (2) year term, and the two (2) year Trustee move to a one (1) year term. The retiring Trustee shall be eligible for re-election.

Section 2. Executive Board terms shall be for two (2) years and commence on January 1st following elections.

Section 3. The Executive Board shall meet monthly upon the call of the President. Monthly meetings of Executive Board may be suspended for the months of July and August with the agreement of the Executive Board. It shall also be necessary for the President to call a meeting upon the request of three (3) other officers.

Section 4. The Executive Board is authorized to reimburse members of Council for necessary expenses in performing their duties for the Council.

Section 5. The Executive Board 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 and Policies of this Council.

Upon completion of such investigation, including a hearing if requested, the Executive Board shall have the authority to make recommendations to the organization involved, and the Canadian Labour Congress. It shall have further authority upon a two-thirds (2/3) vote of the Executive Board to suspend any organization. Any action the Executive Board takes under this Section may be appealed to the next meeting of the Council.

Section 6. All expenditures over three hundred dollars (\$300.00) must receive approval at a regular or special meeting of the Council. This shall not apply to routine expenditures incurred in normal operations of this Council.

ARTICLE 6 - MEETINGS

- Section 1.** The regular meetings of this Council shall be the governing body of the Council, except as provided for in Article 4. Its decisions shall be by majority vote.
- Section 2.** The regular meetings of the Council shall be held on the third Tuesday of each month except in July and August. The Sarnia and District Labour Council shall meet a minimum of eight (8) times each year. Meetings shall commence at 7:00 pm sharp.
- Section 3.**
- (a) Special meetings of the Council may be called by direction of the Executive Board on request of five (5) affiliated organizations of the Council as evidenced by the records of the Secretary or Treasurer.
 - (b) In the event five (5) affiliated organizations request a special meeting, the Executive Council shall call such meeting within five (5) calendar days and shall give all delegates **“on record at the time,”** 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) Meetings as provided for in Sub-Section (b) shall exercise the same authority as regular meetings.
- Section 4.**
- (a) The number of members of each organization for the purpose of selecting delegates to the Council shall be based upon the average monthly number on which per capita is paid for the six (6) months previous to December 31st of each year.
 - (b) Representation at all meetings shall be on the following basis: from affiliated locals, branches and lodges, two (2) delegates for fifty (50) or fewer members, and one (1) additional delegate for each additional one hundred (100) members or major fraction thereof. The maximum number of delegates from any one (1) local union, branch or lodge shall not exceed ten (10).
 - (c) Alternate delegates may be allowed on the same basis as delegates. The maximum number of votes allowed each local will not be increased.
- Section 5.** The Secretary shall furnish each affiliate with credential forms which must be completed and forwarded to Council as required before new delegates may be seated in Council.

- Section 6.** Any organization suspended or expelled by the Canadian Labour Congress shall not, while under such penalty, be allowed representation in the Council.
- Section 7.** Any person suspended or expelled from any organization affiliated to this Council shall not be seated as a delegate.
- Section 8.** Any organization having appointed a delegate(s) to Council shall receive a written notice of continued absenteeism without legitimate written or verbal excuse including, but not limited to, such things as: working, illness, vacation, or union business (as per record kept by the Sergeant-At-Arms) after such delegate has missed fifty percent (50%) of meetings in any one (1) year.
- Section 9.** The rules of business governing meetings shall be:
- (a) The President, or in his/her absence, the 1st Vice-President, or in his/her absence, the 2nd Vice-President shall take the Chair at the time specified at all regular and special meetings. In the absence of the President and his/her designated representatives, a Chairperson shall be chosen by the Executive Board.
 - (b) When a delegate wishes to speak, he/she shall be recognized by the Chairperson and shall give his/her name and the organization he/she represents and shall confine remarks to the question at issue.
 - (c) A delegate shall not interrupt another delegate except on a Point of Order.
 - (d) A delegate shall not speak more than once on a subject until all who wish to speak have had an opportunity to do so.
 - (e) If a delegate be called to order, he/she shall, at the request of the Chairperson, take his/her seat until the question of Order has been decided.
 - (f) 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 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.

- (g)** 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.
- (h)** Questions may be decided by a show of hands, or a standing vote, but a roll call vote may be demanded by thirty percent (30%) of the delegates present. In a roll call vote, each delegate shall be entitled to one (1) vote.
- (i)** A delegate may appeal the decision of the Chairperson. 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, and also the mover of the motion.
- (j)** The Chairperson shall have the same rights as other delegates to vote on any question. In case of a tie vote, he/she shall cast the deciding vote.
- (k)** When the previous question has been moved, no discussion or amendment of either motion is permitted. If the majority vote that “the question now be 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.
- (l)** 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 qualified to vote.
- (m)** In all matters not regulated by these Rules of Order, “*Bourinot’s Rules of Order*” shall govern.

ARTICLE 7 - QUORUM

- Section 1.** **(a)** Quorum for Executive Board shall be fifty percent 50% of the eligible voting members.
- (b)** Quorum for general meeting shall be:
- i) representatives from five (5) locals; and
 - ii) thirteen (13) delegates in attendance.

ARTICLE 8 – ORDER OF BUSINESS

The order of business at each session shall be conducted in the following order:

1. Roll Call of Officers.
2. Report of Credentials Committee and installation of new Delegates.
3. Approval of Agenda.
4. Previous Minutes.
5. Reports of Standing Committees.
6. Reports of Special Committees.
7. Executive Committee Report.
8. Communications and Bills.
9. Nominations for Office. *
10. Elections and Installations. *
11. Unfinished Business.
12. New Business.
13. Reports of Unions.
14. Adjournment.

** when applicable*

**ARTICLE 9 – OFFICERS
(Vacancies, Elections and Term of Office)**

Section 1. The Officers of the Council shall consist of a President, 1st and 2nd Vice-Presidents, Secretary, Treasurer and Sergeant-At-Arms.

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

Section 3. Election of officers shall be by secret ballot. A majority of votes cast shall be required before any candidate can be declared elected and second 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.

Section 4. If an Executive Board member aspires to a vacant position on the Executive, he/she shall resign in advance of the election. Both elections shall then take place in the constitutional manner.

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

Section 6. Oath of Office

Each Officer, before assuming his/her duties, shall be required to take the following oath:

“In accepting office, I make oath and say that I will faithfully support the By-Laws, Principles and Policies of the Sarnia and District Labour Council and the Canadian Labour Congress.

I further promise that I will be faithful to the duties devolving upon me as an Officer of this Council. I will attend, to the best of my ability, all meetings of this Council, and at the end of my term of office will deliver up to the Council, or to my successor, all books, papers, funds, or any property in my possession belonging to the Council.”

Section 7. The term of Officers of the Council shall be for a two (2) year period, commencing the first day of January following the election.

- Section 8.** The Officers shall be nominated at the regular membership meeting in November and December of an election year.
- Section 9.** The Officers shall be elected at the regular membership meeting which will be held in December of each year.
- Section 10.** In the event of a vacancy in the office of the President, the 1st Vice-President or the 2nd Vice-President shall assume the duties of the President. If either Vice-President is unable to act in this matter, the Secretary shall perform this duty until a successor is elected who will assume duties immediately upon completion of the election. In the event of a vacancy in the office of either Vice-President or the Secretary, or the Treasurer, the President shall perform the duties of the vacant office until a successor is elected who will assume duties immediately upon election.
- Section 11.** In the event of a vacancy in any other office of the Council, except President, the vacancy shall be filled at the next regular meeting. Except the Presidency, should any Officer or Executive member fail to answer to roll call for three (3) consecutive meetings (regular, special, executive or no quorum without absent notification) his/her office shall be declared vacant and such vacancy shall be filled in accordance to these By-Laws. Any delegate serving in an Executive position and having been removed because of non-attendance shall not be eligible for re-election in the same year.
- Section 12.** The Officers of the Council 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 of the Council body, and such proposition is approved.
- Section 13.** Each Officer shall be a member in good standing of an affiliated organization. No one shall be eligible for election unless he/she has attended three (3) meetings held after February in the election year.

ARTICLE 10 - DUTIES OF THE PRESIDENT

- Section 1.** The President shall function as Chief Executive Officer of the Council. He/she shall exercise supervision over the affairs of the Council, sign all official documents and preside at regular and special meetings.
- Section 2.** Subject to the appeal of the Canadian Labour Congress, the President shall have the authority to interpret these By-Laws and his/her interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive Board, or a meeting of the Canadian Labour Congress.
- Section 3.** It shall be the duty of the President to appoint a convener for all special committees set up and the convener shall call a meeting of the committee within five (5) weeks from his appointment.
- Section 4.** The President, in consultation with the Executive Board, may appoint such committees as are necessary to conduct the affairs of the Council. The Executive 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 Council meetings.
- Section 5.** The President shall be an ex-officio member of all Labour Council Committees.

ARTICLE 11 - DUTIES OF THE VICE-PRESIDENT

- Section 1.** The 1st Vice-President shall aid the President in his/her duties as Chief Executive Officer of the Council and act on his/her behalf when required to do so and shall also act as Chairperson at Executive Council meetings.
- Section 2.** The 2nd Vice-President shall aid the President and the 1st Vice-President in their duties and act on their behalf when required to do so.

ARTICLE 12 – DUTIES OF THE SECRETARY

- Section 1.** The Secretary is empowered to require affiliated organizations to provide statistical data in their possession relating to membership of their organization.
- Section 2.** The Secretary shall keep a correct record of the proceedings of the Council, make an enrolment of the names and residences of each delegate and of the names and addresses of the Secretary of each organization connected with the business of the Council; summon all special meetings of the Council when so directed; check up the attendance of the 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. The Secretary shall notify the Canadian Labour Congress of the delegates to the Canadian Labour Congress convention and of the results of the bi-annual election of officers and to perform such other duties and sign all official documents as may pertain to the office.
- Section 3.** The Secretary shall forward to the Canadian Labour Congress Representative, copies of the minutes of each meeting.

ARTICLE 13 – DUTIES OF THE TREASURER

- Section 1.** The Treasurer shall be the Chief Financial Officer of the Council, and shall be the official signing officer in conjunction with the President.
- Section 2.** The Treasurer shall be in charge of all financial books, documents, files and effects of the Council, which shall at all times be subject to the inspection of the President and the Executive Council.
- Section 3.** The Treasurer shall give a financial monthly statement to the Council.
- Section 4.** The Council shall have the books of the Treasurer audited annually by the Trustees. Copies of the Trustees' report shall be submitted to Council and the Canadian Labour Congress.

Section 5. The Council shall, subject to the approval of the Executive Council, invest surplus funds of the Council in securities or deposit them in a bank or credit union.

Section 6. The Treasurer shall be bonded in such amount as may be determined by the Executive Council.

ARTICLE 14 – 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 room, and shall record his/her attendance. He/she shall perform such duties as may be assigned to him/her by the President.

ARTICLE 15 - COMMITTEES

Section 1. There shall be six (6) standing committees as follows:

Community, Good and Welfare
Education
Political Action
Environmental
Health and Safety
Labour Day

Each Standing Committee shall consist of not less than three (3) persons, two (2) or more of whom shall be elected from amongst the delegates, and one (1) who shall be appointed from the Executive Council.

Section 2. All standing and special committees shall present regular reports to meetings of the Council. They shall report all absentees from meetings of the committees.

Section 3. No member shall be appointed on a standing or special committee unless present at the time of appointment or consenting thereto in writing.

Section 4. The Secretary shall furnish the Convener of such committee with the names and addresses of the members associated with the Committee, together with copies of resolutions, subjects or documents referred to them. For the purpose of this Section, the member first named shall be considered the Convener until the Committee has organized itself.

Section 5. No irregular expenditure shall be incurred by any committee unless same has been approved by the Council. In an emergency, the Executive Board is authorized to make expenditures; such expenditures shall be justified and approved by Council at its next regular meeting.

ARTICLE 16 – DUTIES OF COMMITTEES

Section 1. The **Community, Good and Welfare Committee** shall consist of members of the Council. It shall be the duty of this Committee to keep members fully informed about health and welfare services available to them; to assist in plans for labour participation in community fund-raising campaigns; to plan and carry out special programs of service to members during lay-offs and strikes, and to aid members in times of need. A delegate of this Committee shall serve as the Labour Council representative to:

1. United Way.
2. Local Training and Adjustment Board.
3. Lambton College Board.

These representatives will be approved by the delegates of the Labour Council, and report with due diligence to the Labour Council.

Section 2. The **Education Committee** shall consist of members of the Council, and it shall be the duty of this Committee to:

- (a) Keep the Council informed on all matters pertaining to education to stimulate and promote programs of membership education.
- (b) Appear and make representation to organizations affiliated to the Canadian Labour Congress but not affiliated to this Council for the purpose of their affiliation.
- (c) To organize and run the yearly CLC Weekend Educationals.

Section 3. The **Political Action Committee** shall consist of members of the Council and it shall be the duty of this Committee to encourage the interest of trade unionists in political affairs and promote political policies favourable to organized labour.

- Section 4.** The **Health and Safety Committee**. It shall be the duty of this Committee to keep Council informed of matters related to the health and safety of workers and to promote the Canadian Labour Congress and Ontario Federation of Labour training programs. It shall monitor and keep Council informed of matters relating to the *Workers' Compensation Act*. (The Safety and Health Insurance Board). It shall promote and advance the use of S.O.S.H. Centre within the community.
- Section 5.** The **Labour Day Committee** shall make arrangements for the annual Labour Day functions throughout the year.
- Section 6.** The **Environment Committee** shall keep Council informed of the Canadian Labour Congress and Ontario Federation of Labour programs and policies related to environmental issues. It shall monitor and keep Council informed of such issues in the Sarnia and District Labour Council areas.

ARTICLE 17 - REVENUE

- Section 1.** A per capita tax shall be paid upon the full paid up membership in the Sarnia and District area of each 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 twenty-five cents (.25¢) per member per month.
- 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 Council. Any organization three (3) months in arrears in payment of per capita tax may become suspended from membership in the Council and can be reinstated only after arrears are paid.

ARTICLE 18 – DELEGATE EXPENSES

Section 1. Any member elected as a delegate to represent the Council at any function other than the Canadian Labour Congress or Ontario Federation of Labour Conventions shall be paid their regular rate of pay for all normal work time lost. An itemized account shall be submitted for all such lost work time. He/she shall also receive an allowance on the following basis:

Delegates shall be paid the cost of the room (rate for single room where function is being held), if necessary to stay overnight, and for meal expenses with receipts.

Section 2. The delegate shall be compensated for all transportation costs; such transportation to be attested to by receipt. Form of transportation shall be at the discretion of the Executive. Car mileage shall be twenty-seven cents (.27¢) per kilometre.

Section 3. The delegate may be given such advances as the Treasurer deems advisable.

ARTICLE 19 – OBLIGATION OF DELEGATES

“I _____ sincerely promise and declare that I will be faithful to the duties devolving upon me as a delegate to this 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 20 – OMBUDSPERSON

Section 1. If a delegate has a complaint or grievance against any officer or delegate of the Labour Council which cannot be dealt with by the procedures set forth in these By-Laws, the aggrieved delegate shall have the right to submit the case with all relevant material to the Secretary-Treasurer of the Canadian Labour Congress who shall immediately refer the case with all documentation to the Ombudsperson appointed by the Canadian Labour Congress.

Section 2. The Ombudsperson will, under the authority vested in the office of the Ombudsman by the Congress, undertake such inquiries, hearings or meetings as deemed advisable and report on the findings, conclusions, and recommendations as soon as possible to the parties to the complaint and to the Secretary-Treasurer of the Canadian Labour Congress.

Section 3. Terms of Reference for Ombudsperson

In carrying out the duties assigned by the Congress, the Ombudsperson is empowered to:

- (a) Receive enquiries concerning the rights of delegates and to advise them on the procedures open to them for the redress of complaints.
- (b) Receive complaints, to investigate them, to hold hearings when the complaint warrants it and to issue written reports, determination or findings on the individual cases.
- (c) Decide whether or not allegations are sufficiently serious and substantial to justify a hearing and if not to dismiss a complaint without a hearing.
- (d) Order, in cases where the decision favours the complainant, such remedies as are necessary to redress the injustice to the individual.
- (e) Recommend, based on the cases handled, changes in the situations of bodies concerned which in his/her judgement, would eliminate the cases of complaints.
- (f) Submit to the Canadian Labour Congress, before March 31st each 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 this office.

- Section 4.** To recommend, for 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 inquiries including the appearance and testimony of individuals.
 - (c) Procedures for obtaining access to relevant files and other documentations.
 - (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 orders or recommendations are not acted upon and grievances settled within a period of thirty (30) days after the report has been submitted to the parties, have the authority to publicize any decision, award, or other findings the Ombudsperson has made.

ARTICLE 21 – AMENDMENTS

- Section 1.** The Constitution of the Sarnia 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 the Council, if notice of amendment has been presented in writing at the immediately preceding meeting and providing it does not conflict with the Constitution of the Canadian Labour Congress. Any amendments shall only become effective after approval by the Executive of the Canadian Labour Congress.