

**CONSTITUTION  
OF THE  
NEW BRUNSWICK FEDERATION OF  
LABOUR  
(CLC)**

*Effected by Amalgamation  
August 1957*

*of the*

***NEW BRUNSWICK FEDERATION OF LABOUR  
Organized 1912***

***Chartered by the  
TRADES AND LABOUR CONGRESS OF CANADA  
February 25, 1914***

*and*

***THE ALL-CANADIAN CONGRESS OF LABOUR  
July 29, 1935***

**As amended by Convention—May 26-29, 2019  
Approved by CLC Canadian Council—July 16, 2020**



**CANADIAN LABOUR CONGRESS**

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## ARTICLE 1 – PREAMBLE

- Section 1.** This Federation shall be known as “**New Brunswick Federation of Labour**” and is chartered by the Canadian Labour Congress (CLC). 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 fifteen (15) organizations representing not less than five (5) different national or international or directly chartered unions remaining in affiliation.
- Section 2.** This Constitution and the policies adopted by the Convention shall be published in both French and English and both texts shall be regarded as official. It is recognized that both French and English speaking members have the right to speak their mother tongue at Convention, Executive Council meetings and Committees established by this Constitution. For this purpose and if necessary, a simultaneous or other translation system will be provided for the members attending the above meetings.

## ARTICLE 2 – PURPOSES OF THE FEDERATION

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 New Brunswick.
- 3)
  - a) To assist affiliated organizations in extending the benefits of mutual assistance and collective bargaining to workers.
  - b) To assist, wherever possible, in the organization of the unorganized into unions for their mutual aid, protection and advancement, giving recognition to the principle that both private and public unions are appropriate, equal and necessary as methods of union organization.
- 4) To encourage workers to share in the full benefits of union organization.
- 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 protect and strengthen our democratic institutions, to secure full

recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.

- 7) To promote the cause of peace and freedom in the world and to assist and co-operate with free and democratic labour movements throughout the world.
- 8) To aid and encourage the sale and use of union-made goods and union services through the use of the Union Label and other symbols; to promote the labour press and other means of furthering the education of the labour movement.
- 9) To protect the labour movement from all corrupt influences and from the undermining effects of any agencies which are opposed to the basic principles of democracy and free and democratic unionism.
- 10) While preserve 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.
- 11) To encourage among its members and affiliates the development of, and participation in, consumer co-operatives, credit unions, and locally produced goods and services.

## **ARTICLE 3 – COMPOSITION**

**Section 1.** 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.
- c) Labour Councils within the province chartered by the Canadian Labour Congress.
- d) The New Brunswick Federation of Union Retirees (affiliated to the Congress of Union Retirees of Canada [CURC]).

**Section 2.** Any organization affiliated with the New Brunswick Federation of Labour (NBFL) may be expelled from affiliation by a majority of those voting at an annual convention when the expulsion is being considered. A roll call vote will be granted on the demand of one-third (1/3) of the delegates present

at an annual convention when expulsion is being considered.

**Section 3.** Any organization controlled or dominated by any agency or whose policies and activities are consistently directed toward the achievement of the programme or purpose of any movement, shall not be permitted as affiliates of this Federation.

**Section 4.** It shall be the duty of each affiliated organization to furnish the Secretary-Treasurer of the Federation 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-Treasurer of the Federation copies of their collective bargaining agreements.

## **ARTICLE 4 – CONVENTIONS**

### **Section 1. Governing Body**

The Convention shall be the governing body of the Federation and, except as provided in Section 12(c) of this Article and Article 12, its decision shall be by majority vote.

### **Section 2. Convention Call**

- a) The regular convention of the Federation shall be held biennially, with a biennial election of Officers, during the months of May or June. The time and place for holding the regular convention shall be determined by the Executive Council which shall give at least ninety (90) calendar days' notice.
- b) In non-convention years the Federation may hold a major educational conference.

### **Section 3. Special Conventions**

- a) Special Conventions may be called by direction of a regular convention, by order of the Executive Council, or on request of affiliated organizations representing a majority of the total membership of the Federation, as evidenced by the records of the Secretary-Treasurer to the last Convention.

- b) In the event a majority as provided in subsection(a) requests a special convention, the Executive Council shall issue a call for the special convention within thirty (30) calendar days of such request and shall give all organizations thirty (30) calendar days' notice of 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 same basis as regular conventions.
- d) Except as provided in subsection(b), a special convention shall exercise the same authority as regular conventions.

#### **Section 4. Representation at Conventions**

Representation at Conventions shall be:

- a) From affiliated local unions, branches and lodges, two (2) delegates from one-hundred (100) or less members and one (1) additional delegate for each additional one-hundred (100) members or major fraction thereof.
- b) Labour Councils shall be entitled to a maximum of two (2) delegates.
- c) The New Brunswick Federation of Union Retirees (affiliated to CURC) shall be entitled to a maximum of two (2) delegates neither of whom shall be eligible for election to office.
- d) The Labour Council where the Chair of the Women's Committee resides shall receive one (1) additional credential to be used exclusively for the Chair of the Women's Committee.

No proxy representation shall be permitted.

Delegates to a convention of the New Brunswick Federation of Labour from Labour Councils shall be members of local unions, branches or lodges affiliated to the New Brunswick Federation of Labour.

#### **Section 5. Credential Entitlement**

Not less than ninety (90) calendar days prior to the opening of each regular convention and thirty (30) calendar days prior to each special convention, the Secretary-Treasurer shall furnish each affiliate with credential blanks in duplicate, which must be attested as required on the blanks. The original shall be retained by the delegate, and the duplicate sent to the Secretary-Treasurer. A delegate must be a member of the local union, branch or lodge he or she represents at Convention. Two (2) or more local unions, branches or lodges may combine to send a delegate, but such delegate shall be entitled to only one (1) vote on any question.



No credentials shall be accepted later than twenty (20) calendar days prior to the opening date of regular convention, and eight (8) calendar days prior to a special Convention. All delegates must be registered by 12:00 noon the day before the elections to be eligible to cast a ballot for elected offices of the New Brunswick Federation of Labour.

#### **Section 6. Registration Fee**

A registration fee, the amount to be fixed by the Executive Council of the Federation, shall accompany the duplicate credential of each delegate forwarded to the Secretary-Treasurer. A registration fee for each guest shall be fixed by the Executive Council of the Federation.

#### **Section 7. Restrictions on Persons**

- a) 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 six (6) months or more shall not be entitled to recognition or representation in the Convention.
- b) Any person suspended by or expelled from any organization affiliated to this Federation shall not be seated as a delegate nor allowed representation or recognition in this Federation.
- c) Any organization controlled or dominated by any agency or any organization which has not applied for and obtained a certificate of affiliation prior to the Convention shall not be allowed representation in this Federation.

#### **Section 8. Credentials Committee**

- a) Prior to the opening date of the Convention the President after consultation with the Executive Council shall select from the credentials received in sufficient time, a Chairperson and members of a Committee on Credentials and a Committee(s) on Resolutions, such committees to consist of not less than five (5) members each. The Chairperson and members of these Committees shall be notified by mail or otherwise of their appointment and their acceptance secured. These Committees shall meet prior to the opening day of the Convention if deemed necessary, in which case the members shall be remunerated for their out-of-pocket expenses and paid such honorarium for extra work involved as shall be recommended by the Executive Committee and approved by the Convention.
- b) The Secretary-Treasurer shall prepare a preliminary list of delegates from duplicate credentials in his or her possession in sufficient time prior to the opening day of the Convention, and such delegates shall

have power to transact the business of the Convention until the report of the Committee on Credentials has been received and adopted.

### **Section 9. Credentials for Executive Officers**

Executive Officers shall be deemed to be delegates to the Convention with all rights and privileges, but shall not be eligible for re-election unless they are accredited delegates, except President and Secretary-Treasurer. All candidates for office must be duly accredited delegates and present at the Convention unless absent on official business of the Federation or having been excused attendance at the Convention for other unavoidable cause, in which case written consent to nomination must be in the hands of the Secretary-Treasurer prior to the election.

### **Section 10. Fraternalists**

Officers and representatives of the Canadian Labour Congress and Officers and representatives of national and international unions affiliated to the Federation, attending conventions of the Federation shall be entitled to all the rights of delegates, other than voting and standing for office.

### **Section 11. Resolutions, Petitions and Appeals**

- a) Except as provided in subsection(c) of this Section all resolutions, petitions and appeals other than those provided in Section 8 hereof, to be considered by any convention of the Federation must be received by the Secretary-Treasurer thirty (30) calendar days immediately preceding the opening of the Convention.
- 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. A resolution shall not deal with more than one (1) subject, shall refer to the action which is proposed, and shall contain not more than one-hundred and fifty (150) words.
- c) Resolutions, petitions and appeals 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 is dependent upon two-thirds (2/3) majority consent of the Convention.
- d) Resolutions, petitions or appeals received for consideration by the Convention, shall be classified as to nature, contents and subject matter, and referred to an appropriate convention committee, which shall report therein to the Convention

## **Section 12. Convention Committees**

The following Convention Committees, in addition to the Committee on Credentials and the Committee(s) on Resolutions, shall be appointed by the President after consultation with the Executive Council before adjournment of the first (1st) session of the Convention, namely, Constitution, Officers' Reports and Ways and Means, such committees to consist of not less than five (5) members. There may also be a Grievance Committee which shall be composed of the members of the Executive Council. Additional committees deemed necessary to deal with special matters which may arise shall be appointed by the President after consultation with the Executive Council.

- a) The Committee on Credentials shall pass on the validity of the credentials which have been received by the Federation and register those approved by the Committee. It shall report to the Convention on the first (1st) day thereof and subsequent days if necessary. Appeals from any decision of the Committee shall be placed before the Convention following adoption of the Committee's Report.
- b) The Resolutions Committee(s) shall consider all resolutions properly submitted by affiliated organizations except such as may be referred to other Committees by the Executive Council. This Committee shall have power to combine two (2) or more resolutions dealing with the same subject, to amend any resolution, to submit substitute resolutions, and to recommend that a resolution be deleted from the records. This Committee shall submit its report and recommendations to the Convention when available during the sessions.
- c) The Ways and Means Committee shall consider the financial standing of the Federation and make recommendations upon any expenditures not otherwise provided for. They shall also recommend the per capita tax to be paid by affiliated organizations to the Federation in the forthcoming year.
- d) The Grievance Committee shall be composed of the members of the Executive Council and shall consider all grievances properly submitted. This Committee shall submit report and recommendations to the Convention prior to election of Officers.

## **Section 13. Rules of Order**

The Rules and Order of Business governing Convention shall be:

- a) The President, or in the absence or at the request of the President, the Secretary-Treasurer or a Vice-President, shall take the Chair at the time specified, at all regular and special conventions. In the absence of both the President or his or her designated representative, a Chairperson shall be chosen by the Executive Council.

- b) No question of a sectarian character shall be discussed.
- c) A delegate who wishes to speak shall proceed to one (1) of the microphones provided for that purpose. When recognized by the Chairperson, shall give his or her name and the organization represented and shall confine all remarks to the question at issue.
- d) Speeches shall be limited to five (5) minutes except in moving a resolution, when the delegate shall be allowed ten (10) minutes.
- e) A delegate shall not speak more than once upon a subject until all who wish to speak have had the opportunity to do so.
- f) A delegate shall not interrupt another except it be to call a Point of Order.
- g) If a delegate be called to order he or she shall, at the request of the Chairperson, be seated until the question of order has been decided.
- h) Should a delegate persist in unparliamentary conduct the Chairperson will be compelled to name the delegate and submit such 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) A delegate 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 the decision.
- l) The Chairperson shall have the same rights as other delegates to vote on any question. In the 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 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.

- 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 for reconsideration shall be in order.
- o) A delegate shall not move a Motion to refer back after speaking 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.
- 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 any of the foregoing Motions is negated, it cannot be renewed until after an intermediate proceeding.
- s) 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 sitting, and said Notice is supported by two-thirds (2/3) of the delegates qualified to vote.
- t) The Executive Council is empowered to establish the hours of the Convention subject to the approval of the delegates in attendance.
- u) Delegates will be allowed time to question the NBFL officers after their report.
- v) In all matters not regulated by these Rules of Order *Bourinot's Rules of Order* shall govern.

#### **Section 14. Quorum**

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

#### **Section 15. Convention Policy**

Unless otherwise specified, any decision taken by the Convention shall take effect immediately upon adjournment of the Convention.

## ARTICLE 5 – OFFICERS

### Section 1. Officers

The Officers of this Federation shall consist of a President, a Secretary-Treasurer, a First (1st) Vice-President, a Second (2nd) Vice-President, a Vice-President representing women's issues who shall be a woman, a Vice-President for youth issues who must be 35 years of age or younger at the time of election, who upon reaching age 35 may continue to serve until the next biennial election of Officers, a Vice-President for the New Brunswick Federation of Union Retirees (affiliated to CURC) representing retired union members, Vice-Presidents pursuant to the rules laid out in this Article, and three (3) Trustees. At least one (1) of the positions of President, Secretary-Treasurer, First (1st) Vice-President and Second (2nd) Vice-President shall be a woman and at least one (1) shall be a Francophone.

- a) Each union affiliated with the Federation with an average yearly membership of five-thousand (5,000) or more members shall be entitled to appoint two (2) Vice-Presidents.
- b) Each union affiliated with the Federation with an average yearly membership of between eight-hundred (800) and five-thousand (5,000) shall be entitled to appoint one (1) Vice-President.
- c) The affiliated unions referred to in Section 1(a) and 1(b) shall advise the Federation of the name of their Vice-President(s) at the regular biennial convention.
- d) Unions affiliated to the Federation with an average yearly membership of under eight-hundred (800) shall in combination be entitled to two (2) Vice-Presidents and two (2) alternates to be elected by secret ballot from their Convention delegates. Such unions shall caucus and present the names of their Vice-Presidents to the Convention. The names of the Alternates shall be put forward in the order they are to take office.
- e) Membership for the purpose of Section 1(a), 1(b), and 1(d) shall mean the average number of members on whom per capita has been paid by the affiliate for the twelve (12) months preceding the New Brunswick Federation of Labour year end.
- f)
  1. Each affiliated district Labour Council and the New Brunswick Federation of Union Retirees (affiliated to CURC) shall be entitled to appoint one (1) Vice-President to the NBFL Executive Council. He or she shall be an Executive Officer of their Labour Council and the New Brunswick Federation of Union Retirees

(affiliated to CURC), or the incumbent Federation Regional Vice-President, for the 2003 elections only and act on behalf of the Labour Council and the New Brunswick Federation of Union Retirees (affiliated to CURC). Each Labour Council shall advise the Federation at the regular biennial convention of the name of its Vice-President.

2. Each affiliated district Labour Council shall be entitled to appoint an alternate Vice-President to replace the Vice-President should he or she not be available to attend NBFL Executive Council meetings.
- g) Expenses and lost time wages incurred by Vice-Presidents elected in accordance with Section 1(a) and 1(b) to attend meetings of the Federation or on behalf of the Federation shall be the responsibility of their respective unions. Expenses and lost time wages incurred by Vice-Presidents elected in accordance with Section 1(d) to attend Executive Council meetings of the Federation shall be the responsibility of the Federation. Expenses and lost time wages incurred by Vice-Presidents representing district Labour Councils shall be the responsibility of their respective Labour Councils.
  - h) Between regular conventions, should two (2) or more affiliates merge and the merged union has a combined affiliated yearly membership of eight-hundred (800) or more members, it shall be entitled to appoint a Vice-President. Two (2) Vice-Presidents shall be appointed if the combined affiliated membership is five-thousand (5,000). In the event any of these persons already holds a Vice-President position from the unions of under eight-hundred (800) members, they shall be required to relinquish that position.
  - i) Unions referred to in Section 1(b) which may, through growth, increase their affiliated membership to five-thousand (5,000) or more between regular election years shall be allowed to appoint one (1) additional Vice-President.
  - j) Union(s) referred to in Section 1(d) which may, through growth, increase their affiliated membership to eight-hundred (800) or more between regular election years shall be allowed to appoint a Vice-President. In the event this person already holds a Vice-President position from the unions of under eight-hundred (800) members, they shall be required to relinquish that position.
  - k) Between conventions should the Federation admit as an affiliate, a union with an affiliated membership of eight-hundred (800) or more members, it shall be entitled to appoint a Vice-President. Two (2) Vice-Presidents shall be appointed if the affiliated membership is five-thousand (5,000) or more.

- l) Membership for the purpose of Section 1(h), 1(l), 1(j), and 1(k) shall mean the average monthly number of members on whom per capita tax has been most recently paid by the affiliate.
- m) There shall be no changes in Vice-President position entitlements between regular election years for those unions whose affiliated membership decreases to less than eight-hundred (800) or decreases to less than five-thousand (5,000).

## **Section 2. Executive Officers**

The President, Secretary-Treasurer, First (1st) Vice-President and Second (2nd) Vice-President, the Vice-President for Women's Issues and the Vice-President for Youth, shall be the Executive Officers of the Federation.

## **Section 3. Officers in Good Standing**

Each Officer shall be a member in good standing of a local union, branch or lodge affiliated with this Federation.

## **Section 4. Election of Officers**

- a) The positions of President, Secretary-Treasurer, First (1st) Vice-President, Second (2nd) Vice-President, Vice-President for Women, and Vice-President for Youth shall be elected by the Convention by majority vote. Such election shall take place on the last day of the Convention, unless otherwise determined by the Convention.
- b) 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 (2nd) and subsequent ballots shall be taken if necessary to obtain 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.
- c) The election of each office shall be completed before nominations may be accepted for any subsequent office.

## **Section 5. Election of Trustees**

Trustees shall be elected by the Convention in the same manner as other Officers elected under Section 4(a).

## **Section 6. Oath of Office**

Nominees allowing their names to go forward for the office of President, Secretary-Treasurer, First (1st) Vice-President, Second (2nd) Vice-President, Vice-President for Women, and Vice-President for Youth and



Trustees shall, upon acceptance of the nomination, come forward to the Convention platform and clearly and audibly speak the following lines to the assembled delegates:

*“In accepting nomination, I make oath and say that I am not associated in any manner whatsoever with any group which expounds or promotes or encourages any doctrine or philosophy contrary to or subversive of the fundamental principles and institutions of the democratic form of government of Canada, and further, I make oath and say if elected I will faithfully support the Constitution, principles and policies of the New Brunswick Federation of Labour and the Canadian Labour Congress.”*

All Officers shall, before assuming office, subscribe to the following obligation:

*“I do hereby sincerely pledge my word and honour to perform the duties assigned to me in the NBFL Constitution. I will attend, when able to do so, all meetings of the Executive Council of which I shall be a member, and at the end of my term of office, I shall turn over to the New Brunswick Federation of Labour or to my successor, all properties or funds in my possession that belong to the Federation.”*

## **Section 7. Term of Office**

The term of the Officers of the Federation shall commence within thirty (30) days following the adjournment of the Convention.

## **Section 8. Federation Delegate to Convention**

All delegate from this Federation to conventions of other bodies shall be elected by the Convention while in session. Delegates from this Federation to conventions of other bodies shall, as soon as possible after the close of the Convention to which they were delegates, submit their report in writing to the President of this Federation.

## **Section 9. Complaints/Grievances**

The President and the Secretary-Treasurer, or an Executive Officer designated by them, will be the delegates representing the Federation at Canadian Labour Congress Conventions. The Executive Officers shall appoint delegates to represent the Federation at other organizations' Conventions as the need arises.

## **Section 10. Vacancies**

- a) In the event of a vacancy in the office of the President, the First (1st) Vice-President shall succeed to the office of President for the balance of the unexpired term. In the event the First (1st) Vice-President is unable or unwilling to serve as President, the Second (2nd) Vice-President shall succeed to the office of President for the balance of the

unexpired term.

- b) In the event of a vacancy in the office of the Secretary-Treasurer the President shall perform the duties of the vacant office until a successor is elected. It shall be the duty of the President to issue, within six (6) days of the date of the vacancy, a call for a meeting of the Executive Council of this Federation, upon ten (10) days' notice, for the purpose of electing an Officer or, if not possible, a member to fill said vacancy for the unexpired term.
- c) In the event of a vacancy in the office of First (1st) Vice-President, the Second (2nd) Vice-President shall succeed to the office of First (1st) Vice-President for the balance of the unexpired term.
- d) In the event of a vacancy in any other position elected under Section 4(a), the Executive Council shall, at the first (1st) meeting following the vacancy, name a member to fill the office for the balance of unexpired term.
- e) In the event of a vacancy in the office of a union Vice-President appointed in accordance with Article 5, Section 1(a) and 1(b), the affiliated union affected shall appoint a new Vice-President and advise the Federation of the name of that Vice-President within thirty (30) days of the vacancy occurring.
- f) In the event of a vacancy in the office of a union Vice-President elected in accordance with Article 5 Section 1(d), the alternate shall become the Vice-President.
- g) In the event of a vacancy in the office of Labour Council Vice-President, the affected Labour Council shall fill the vacancy and advise the Federation of the name of the replacement Vice-President.

## **Section 11. Title to Real Estate**

The Executive Officers shall hold title to any real estate of the Federation as Trustees for the Federation. They shall have no right to sell, convey or encumber any real estate without first (1st) submitting the proposition to a Convention and such proposition is approved.

## **ARTICLE 6 – THE PRESIDENT**

### **Section 1. Functions and Duties**

The President shall function as the Chief Executive Officer of the Federation. He or she 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.

- a) The President, effective September 1, 2005, shall be required to devote full-time to the interests of the Federation and shall be paid a salary in line with the salary scale of the National Representative of the Canadian Labour Congress.
- b) That the welfare benefits be no less than those contained in the Canadian Labour Congress union contract between the union representing national representatives as bargaining agent and the Canadian Labour Congress and, described in detail in the NBFL Policy on Benefits.
- c) That increases to salary and welfare benefits be patterned on the same CLC contract schedule.
- d) Expenses incurred by the President shall be paid in accordance with Federation Policy.
- e) The President shall watch the sessions of the Provincial Legislature with respect to measures dealt with by that body which affect the interests of labour and shall promote the passage of measures requested or endorsed by the Federation. The President may, when deemed necessary by the Executive Council, and with their consent, appoint a temporary legislative representative having particular qualifications and knowledge of pending legislation to assist in promotion of the legislative work of the Federation.

## **Section 2. Interpretation of the Constitution**

Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret this Constitution and that 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. Report to Convention**

The President, The President shall submit a report to the Convention on behalf of him or herself and of the Executive Council on the administration of the office of the President and on the affairs of the Federation, together with recommendations regarding matters of importance to the workers of the province.

## **Section 4. Bonding**

Subject to The President shall be bonded in such amount as may be determined by the Executive Council.

## **Section 5. Appointments**

Appointments of the President to committees or boards external to the NBFL shall be subject to Executive Council approval.

## **Section 6. Residence**

The President shall work out of the head office of the Federation but may reside at any location in New Brunswick.

# **ARTICLE 7 – THE SECRETARY-TREASURER**

## **Section 1. Functions and Duties**

- a) The Secretary-Treasurer shall be the Chief Financial Officer of the Federation.
- b) The Secretary-Treasurer shall be in charge of books, documents, files and effects of the Federation which shall at all times be subject to the inspection of the President and Executive Council.
- c) The Secretary-Treasurer shall prepare a financial statement of the Federation for each meeting of the Executive Council at least. Copy of this statement shall be forwarded to the Canadian Labour Congress.
- d) The Secretary-Treasurer shall have the books of the Federation audited at least once each year by a registered firm of Chartered Professional Accountants selected by the President and approved by the Executive Council of the Federation or the Executive Council may call upon the Canadian Labour Congress to perform an audit. Notwithstanding the above noted, the Congress in the interests of the Federation may conduct an Audit of its books and proceedings when deemed advisable and in the interests of the Federation. Such Audits shall be furnished to the Executive Council and to the Convention, and a copy shall be forwarded to the Canadian Labour Congress.

The fiscal year of the Federation shall be from the 1st day of September to the 31st day of August the following year.

- e) The Secretary-Treasurer shall, subject to the approval of the Executive Council, invest the surplus funds of the Federation in securities, or deposit them in a bank or banks, or credit unions.
- f) The Secretary-Treasurer is empowered to require affiliated organizations to provide statistical data in their possession relating to the membership of their organization.
- g) The Secretary-Treasurer shall issue the call for and act as Secretary at

conventions, and shall cause the proceedings of all conventions and all sessions of the Executive Council to be recorded. Copies of all proceedings shall be forwarded to the Canadian Labour Congress. He or she shall issue or cause to be issued within six (6) months following the Convention, to all affiliates and delegates, the NBFL Constitution (as amended), together with the policies adopted by the Convention.

- h) The Secretary-Treasurer shall, with approval of the President, employ, direct and fix compensation for all administrative help necessary for the proper functioning of the Federation.
- i) The Secretary-Treasurer shall prepare a supplementary report showing the standing of each affiliated organization as to payment of per capita tax to the Federation to the date when the books are balanced prior to the Convention, such report to be distributed to the delegates at the Convention.
- j) The Secretary-Treasurer shall submit a report and financial statement to the annual Convention of the Federation.

## **Section 2. Bonding**

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

## **Section 3. Financial Authority**

All cheques drawn against the funds of the Federation shall be signed by the Secretary-Treasurer together with the President or one of the Vice-Presidents to be selected by the Executive Council. All cheques in favour of the Federation should be payable to the New Brunswick Federation of Labour and in no case should such cheques be made payable to the Secretary-Treasurer or any other Officer.

## **ARTICLE 8 – DUTIES OF THE VICE-PRESIDENTS**

**Section 1.** The First (1st) Vice-President shall assist the President in his or her duties as Chief Executive Officer of the Federation of Labour. He or she shall act on behalf of the President when requested to do so.

**Section 2.** Vice-Presidents must abide by and uphold this Constitution and the policies adopted by the membership at the Convention. They must be a member in good standing of an affiliated local union, branch or lodge and remain a member in good standing for the duration of their term of office.

## **ARTICLE 9 – EXECUTIVE COUNCIL**

### **Section 1. Composition**

The Executive Council shall consist of the President, Secretary-Treasurer and Vice-Presidents.

### **Section 2. Role/Duties**

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

It shall be the duty of the Executive Council to initiate provincial legislative action in the interests of working people.

The Executive Council shall meet at least twice each year.

### **Section 3. Report to Convention**

The Executive Council through the President shall present to the Convention a report of the activities of the Federation between conventions.

### **Section 4. Authority to Investigate**

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 Federation. Upon the completion of such an investigation, including a hearing if requested, the Executive 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 Council to suspend any organization. Any action of the Executive Council under this Section may be appealed to the Convention.

### **Section 5. Quorum**

A majority of the Officers of the Executive Council shall constitute a quorum for the transaction of the business of the Council.

### **Section 6. Expenses**

The Executive Council is authorized to reimburse members of the Council

for necessary expenses in performing their duties for the Federation. The cost of district Labour Council Presidents shall not be borne by the Federation. If the Vice-President is unable to attend meetings of the Executive Council and the President of the Labour Council attends, his or her expenses shall be paid by the Federation.

### **Section 7. Staff**

- a) The Executive Council shall have the right to appoint full-time employees to carry out the work of the Federation as set forth by the Executive Council and that a bulletin be circulated to all affiliated local unions outlining the qualification requirements and salary ranges for the positions.
- b) Any such full-time employees of the Federation appointed by the Executive Council shall be subject to discharge only following a recommendation of the Executive Council, ratified by the next following convention or a special convention.

## **ARTICLE 10 – TRUSTEES**

### **Section 1. Trustees**

The Trustees shall conduct an audit of the accounts of the Federation for a twelve (12) month period ending August 31<sup>st</sup> of each year, and shall submit written reports thereon with any recommendations deemed necessary to the Executive Council, who will then supply all affiliated unions with a copy, and such report shall be included in the bi-annual report of the Secretary-Treasurer to the Convention. Such audits shall be supplementary to the annual audit conducted by the Chartered Professional Accountants as provided for in part (d) of Article 7.

### **Section 2. Standing Committees**

- a) The President in consultation with the Executive Council shall have the authority to appoint members to standing and ad hoc committees as are deemed necessary to the proper functioning of the Federation, subject to the approval of the Executive Council. Every reasonable effort will be made to ensure regional representation of committees.
- b) Standing Committees shall be appointed for a two (2) year term.
- c) The powers of the Committees established under this Article will be limited to recommending initiatives to the Executive Officers and implementing Federation policy upon the instruction of the Executive Officers and/or the Executive Council.
- d) Standing Committees established by Convention may be disbanded

only by Convention.

- e) The following Standing Committees of the Federation shall be established by the Executive Council, namely Education Committee, Political Education Committee, Occupational Health, Safety and Environment Committee, Women's Committee; and Youth Committee.

## **ARTICLE 11 – REVENUE**

### **Section 1. Per Capita Tax**

The revenue of this Federation shall be derived as follows: A per capita tax of thirteen dollars and eighty cents (\$13.80) effective January 1, 2016, per member per year from all local unions, branches or lodges and a flat fee of twenty-two dollars and fifty cents (\$22.50) from local Labour Councils. Per capita tax shall be paid semi-annually in advance and shall be due on January 1st and July 1st in each year. Per capita tax shall be paid upon the full, paid-up membership of each affiliated organization.

### **Section 2. Penalty for Non-Payment**

Any affiliated organization which does not pay its per capita tax on or before the specified time shall be notified of that fact by the Secretary-Treasurer of the Federation. Any organization six (6) months in arrears in payment of per capita tax may become suspended from membership in the Federation and if so suspended, can be reinstated only after arrears are paid in full.

## **ARTICLE 12 – REMUNERATION**

- Section 1.** Any accredited representative performing duties authorized by the Convention or the Executive Council shall be reimbursed for loss of time and actual expenses. Remuneration for loss of time and expenses of the President, Secretary-Treasurer, First (1st) Vice-President, and Vice-President representing Women's Issues, while attending conventions, shall be borne by the Federation.

## **ARTICLE 13 – OMBUDSPERSON**

### **Section 1. Authority**

The Ombudsperson will, under the authority vested in the office of the Ombudsperson by the Congress, undertake such inquiries, hearings or meetings as is deemed advisable and report on the findings as soon as possible to the parties to the complaint.



## Section 2. Terms of Reference

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

- a) To receive enquiries concerning the rights of members and to advise them on the procedures open to them for the redress of complaints.
- b) To receive complaints, to investigate them, to hold hearings when the complaint warrants it, and to issue written reports, determinations or findings on the individual cases.
- c) To decide whether or not allegations are sufficiently serious and substantial to justify a hearing and if not to dismiss a complaint without a hearing.
- d) To order, in cases where the decision favours the complainant, such remedies as in his or her opinion, are warranted.
- e) To recommend, based upon the cases handled, changes in the Constitutions of bodies concerned which, in his or her judgement, would eliminate the causes of the complaints.
- f) To submit to the Canadian Labour Congress, before March 31<sup>st</sup> of each year a statistical report of the cases handled during the previous calendar year, and the disposition thereof, including such comments and recommendations as may be of assistance to the Congress in determining future policy with respect to the functions of this office.
- g) To recommend, for the approval of the Congress:
  1. procedures for the handling of correspondence and written records relative to complaints received;
  2. procedures to be followed at meetings, hearings and inquiries, including the appearance and testimony of individuals;
  3. procedures for obtaining access to relevant files and other documentation; and
  4. procedures for reimbursement of complainants, defendants and witnesses for travel and other expenses.

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

## **ARTICLE 14 – AMENDMENTS**

**Section 1.** Amendments to this Constitution, so long as they do not conflict with the Constitution of the Canadian Labour Congress, nor its principles and policies, may be adopted by a two-thirds (2/3) vote of those present in Convention and voting. Any amendment shall only become effective after approval by the Canadian Council of the Canadian Labour Congress.