



**Aboriginal Skilled  
Workers Association**

# **Bylaws - 2017**

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## Preamble

WHEREAS the Constitution of Canada recognizes and affirms the existing Aboriginal and Treaty rights of the Aboriginal people of Canada; and

WHEREAS the Governments of Canada and Saskatchewan recognize the inherent right of self-government as an existing Aboriginal right under section 35 of the Constitution Act: 1982; and

WHEREAS the Aboriginal people of Canada who establish the Aboriginal Skilled Workers Association Ltd. assert that they are acting on their inherent right to govern themselves in the manner in which they choose to associate with one another in relation to issues c education, training and employment, and in relation to their inter-relationships with the unionized construction industry in Saskatchewan; and

WHEREAS in practical terms it is beneficial to incorporate the Aboriginal Skills Workers Association Ltd. under the enabling laws of Saskatchewan to facilitate the day to day functioning of the Association;

THEREFORE, the incorporators hereby establish the Aboriginal Skilled Worker Association Ltd., under the enabling laws of Saskatchewan, provided that, when it is appropriate to do so, the Association may be continued pursuant to Aboriginal or First Nation laws.

## **PART I - General**

### **Objects**

1. The objects of the Association are:
  - (a) To become a large, united group of highly skilled, fairly compensated, and respected aboriginal workers supporting their families in healthy communities;
  - (b) To secure just compensation for the services of Aboriginal skilled workers, as well as equitable relief of their grievances;
  - (c) To promote the establishment of just and reasonable working conditions;
  - (d) To encourage and instill the highest level of skill and efficiency;
  - (e) To promote harmonious relations between Aboriginal skilled workers, their fellow workers, and employers; and
  - (f) To cultivate friendship and fellowship among its members.

### **Mission**

2. The mission of the Association is to create and expand a new worker-based organization, in partnership with the Canadian Union of Skilled Workers (CUSW) and other supportive organizations that will
  - (a) Bring forward the principles and ideals of trade unionism in the Aboriginal culture, and shape it according to Aboriginal cultural needs and heritage;
  - (b) provide access to worker benefits, which shall include training, access to employment, fair collective bargaining agreements, health plans, insurance, retirement benefits, safe and healthy workplaces, and representation at the table;
  - (c) Assist skilled workers to obtain employment contracts, become contractors, develop the capacity to bid on significant work projects, and train more workers
  - (d) Create a forum for discussing and resolving labour relations issues that are unique to aboriginal circumstances, such as respect for First Nations or Métis authority, alternate dispute resolution processes, etc.
  - (e) Work with existing training centers to develop journeymen and certification levels, and develop relationships with trade schools, aboriginal employers, and aboriginal organizations, and other similar bodies for the purpose of training and upgrading new and existing members
  - (f) Participate in research projects involving aboriginal labor force development issues, and
  - (g) Promote aboriginal content in the skilled workforce, and facilitate new and existing employment agreements which mandate a minimum level of aboriginal employment.

### **Equality**

3. In accordance with The Saskatchewan Human Rights Code, The Occupational Health and Safety Act and all other applicable legislation, all members of the Aboriginal Skills Workers Association Ltd. Shall be treated equally, and no member shall be discriminated against on the basis of any other factors enumerated in that legislation.

## **PART II - Name and Organization**

### **Name**

4. The name of the corporation shall be the ABORIGINAL SKILLED WORKERS ASSOCIATION LTD.

### **Membership**

5. The Association shall consist of all members in good standing.

### **Headquarters**

6. The headquarters of the Association shall be located in Canada, including the offices of the President and Secretary-Treasurer.

### **Government**

7. (1) The members assembled at conventions of the Association shall be its supreme authority, and shall constitute its highest legislative, executive, and judicial body.  
(2) All decisions and actions of the members at conventions are binding on all officers, members and subordinate bodies of this Association.  
(3) Subject to the Non-profit Corporations Act or other applicable law. The members have sole authority to make, amend, revise, or modify the bylaws of the Association.

### **Code of conduct**

8. (1) It is the obligation and responsibility of every officer and member of the Association to comply with the provisions of the Association's Articles of Incorporation and its Bylaws, and to enforce and support the objectives contained therein and the decisions of the Association officers in conformity therewith, and they shall refrain from any conduct that interferes with the performance by the Association of its obligations under law or contract, or that defeats or subverts the lawfully declared and established policies and objectives of the Association, or which may defame it or any of its officers or members.  
(2) The influence or sympathy of the Association as an organization shall not be enlisted or used in favor of any religious sect, and no member of the Association shall discuss any religious matters at its meetings or criticize the religious beliefs of any other member.  
(3) Notwithstanding subsection (3), the use of opening and closing prayers at meetings as is the custom in Aboriginal cultures, shall not be considered to be contrary to that provision.

### **Fiscal year**

9. The fiscal year of the Association shall begin on January 1<sup>st</sup> and end on December 31<sup>st</sup> in each calendar year,

## **PART III - Membership**

### **Class A membership**

10. Journeymen and Certified Workers may hold Class A membership.

### **Class B membership**

11. Apprentices and Learners may hold Class B membership.

### **Class C membership**

12. Contractors may hold Class C membership.

### **Class D membership**

13. Supporters of the Association may hold Class D membership.

### **Membership fee**

14. The cost of all classes of membership shall be \$5.00 per annum.

### **Voting Rights**

15. All classes of members have the right to vote and participate in the affairs of the Association.

### **Membership benefits**

16. In addition to all of the benefits and privileges that may follow from membership in the Association, all Class A and Class B members maintain the right to be placed and shall be placed in appropriate employment positions, having regard for an individual member's particular trade skills.

### **Honorary**

17. (1) For meritorious service to the Association or distinguished public service, persons may be elected to honorary membership by a majority vote of the Executive Board or the members of the Association.
- (2) An honorary membership shall entail no payment of initiation fees, dues, or other charges, and shall convey no voice or vote in the affairs of the Association.
- (3) An honorary membership is subject to revocation for good cause.

### **Maintenance of membership**

18. (1) Membership in good standing in the Association includes any person who has fulfilled the requirement for membership and who has not voluntarily withdrawn from membership, become ineligible for continued membership, or been suspended or expelled.
- (2) Members who fail to pay their dues or assessments within the periods prescribed in these Bylaws will be considered delinquent and subject to automatic suspension from membership upon notification by the Association,
- (3) Members who are delinquent, under suspension, or otherwise not in good standing are not entitled to any voice or vote in Association meetings.

### **Revocation of membership**

19. (1) The Executive Board may revoke the membership of any member upon evidence satisfactory to a majority of the Executive Board.
- (2) If it is shown that a member is guilty of disloyalty or where his or her actions have been adverse to the welfare of the rank and file of this Association, the Executive Board shall report in detail all evidence upon which it has revoked the membership of any member
- (3) A member whose membership has been revoked has the right to appeal to the Convention of the Association to set aside the decision of the Executive Board.
- (4) If for any reason a member's membership in CUSW is revoked or suspended, the Executive Board shall automatically suspend or revoke the membership in this Association until the member is reinstated and a member in good standing of the Canadian Union of Skilled Workers.

## **PART IV - Meetings of Members**

### **Annual**

20. A meeting or Convention of members shall be called at a time and date in April of each year, at a place to be determined by the Board of Directors.

### **Emergency**

21. The executive Board may call an emergency convention at any time an emergency arises requiring such action, in accordance with the process set for calling special meetings; pursuant to The Non-profit Corporations Act.

### **Participation by members**

22. Each member shall be entitled to participate as a delegate at any Convention of members.

### **Quorum and voting**

23. (1) A majority of the members present at a Convention constitutes a quorum.  
(2) Questions arising at any meeting of members shall be decided by consensus.  
(3) In case of an equality of votes, the President or person chairing the meeting shall not have a second or casting vote.

## **PART V - Executive Board**

### **Executive Board**

24. (1) Except as otherwise expressly provided in these Bylaws, between conventions all administrative, executive, and judicial powers of the Association shall be vested in a board of directors, to be known as the Executive Board. The Board shall consist of the officers of President) Vice-President and Secretary-Treasurer, and such other directors, to a maximum of twelve, as the members may from time to time determine.  
(2) Directors shall be elected by the members at each annual convention by secret ballot  
(3) In the event that no candidate for a position on the Executive Board receives a majority of the votes, the candidate in receipt of the lowest number of votes shall be removed from the ballot and a subsequent vote shall then proceed.

### **Term of office**

25. (1) The President shall be elected for a term of two years, with the election to occur in even-numbered years only.  
(2) The Vice-President and Secretary/Treasurer shall be elected for a term of two years, with the election to occur in odd-numbered years only  
(3) Any other Directors shall be elected for a term of two years, with the election for 50% of positions to occur in even-numbered years, and the other 50% to occur in odd-numbered years.
26. Upon election to office, each director shall make and honor the following oath:

"I \_\_\_\_\_, do hereby sincerely pledge my honor to perform the duties of my office prescribed by the laws of this Association and to bear true allegiance to the Aboriginal Skilled Workers Association Ltd. I will deliver to my successor all books, papers and other property of this Association at the close of my official term; I will also deliver all property of the President of the same on demand. All of this I solemnly promise."



## Meetings

27. (1) A meeting of the Executive Board may be called upon seven days' notice, in writing or by telephone, by either the president or any two directors, except in cases of an emergency.
- (2) Any meeting of the Executive Board may be held at any place and time without notice, if all the directors are present or if a quorum is present. And those directors who are absent have signified their consent, in writing, to the holding of the meeting in their absence and any resolution passed or proceeding held or action taken at such meeting shall be as valid and effectual as if it had been passed or taken at a meeting duly called.
- (3) Notice of any meeting or any irregularity in any meeting or in the notice thereof may be waived by any director.
- (4) A director shall be considered present at a meeting of the directors if he or she is able to participate in the meeting by telephone or other communication facilities in accordance with The Non-profit Corporations Act.
- (5) For the first meeting of the Executive Board to be held immediately following the election of directors at an annual or general meeting of members or for a meeting of the Executive Board at which a director is appointed to fill a vacancy in the Board, no notice of such meeting shall be necessary to the newly elected or appointed director or directors in order for the meeting to be duly constituted, provided only that a quorum of directors be present
- (6) Questions arising at any meeting of the Executive Board shall be decided by a consensus of the directors present, provided there is a quorum.
- (7) The chairman may move second or agree to any resolution, bylaw, or any other matter or thins, and may act in any matter whatsoever as if he or she were a director only and not chairman of the meeting.

## PART VI - Officers

### Officers

28. The Officers of this Association shall consist of the President, Vice-President, and Secretary/Treasurer.

### Duties of President

29. It shall be the duty of the President to:
  - (a) Preside at all meetings of the Executive Board;
  - (b) Attend all Conventions of the Association;
  - (c) Have a voice and vote on a1l matters before such Conventions;
  - (d) Sign all orders drawn by the Secretary/Treasurer and all such contracts and agreements as are necessary for the proper discharge of the Association's business;
  - (e) Be Chairperson of the Executive Board, and by virtue of office, be a member of all Committees;
  - (f) Prepare a written report of all official acts during the term of office and submitted to the Convention;
  - (g) Work closely with the CUSW, so as to forge it complementary relationship, a outlined in the preamble of these Bylaws, and, to that end, may negotiate and execute protocols and agreements with other unions respecting the training of members, hiring practices and other matters;
  - (h) Carry the principles and ideals of trade unionism and the Association in to the Aboriginal Community.

### Duties of the Vice-President

30. It shall be the duty of the Vice-President to perform all the duties of the President in her or her absence.

### Duties of the Secretary /Treasurer

31. (1) It shall be the duty of the Secretary to;

- (a) Keep a record of all proceedings, as well as any other records required by the Association;
  - (b) Act as custodian of the official seal and issue all memberships of the Association;
  - (c) Submit a written report to the Convention, indicating the number of members and their respective types of memberships, as well as a report on the nature of the Secretary's official acts during his or her term of office;
  - (d) Within 30 days of each Convention, prepare, publish, and mail a report of Convention proceedings to each member, as well as to the members of the Executive Board and auditors.
- (2) It shall be the duty of the Treasurer to;
- (a) Receive and deposit all monies from members into a current account and act as the official custodian of all Association monies;
  - (b) Furnish the Executive Board with the necessary stationery and shall balance all accounts up to December 31 in each year;
  - (c) Ensure that all monies are disbursed by cheque, and signed by the Treasurer and the President;
  - (d) Ensure that all books are open to inspection by the Executive Board.

### **Bonding**

32. All Officers of the Association who handle funds or property of the Association shall be bonded in such amounts as may be required by the Executive Board.

### **Suspension of Officers**

33. (1) The President may summarily suspend from office any officer of the Association for failure to comply with the provisions of the Association's Articles of Incorporation or Bylaws, the established policies of this Association, as well as for incompetence, negligence, failure of duty, embezzlement, larceny, breach of fiduciary responsibility, or other similar misconduct.
- (2) Unless reinstated by action of a Convention or unless modified by the decision and order of the Executive Board or by the Convention, any person permanently suspended from office pursuant to subsection (1) is not again eligible for office in the Association unless and until such disqualification is lifted by action of the Convention.

### **Annual Honoraria and Salaries**

34. The salaries or honoraria for the directors shall be fixed at each annual Convention of members.

## **PART VII Miscellaneous**

### **Bylaw amendments**

35. (1) Amendments and resolutions for consideration of the Convention must be formal submitted to the Secretary/Treasurer by members no later than 30 days prior to the date of the next Convention.
- (2) The Secretary/Treasurer shall forward copies of such amendments and resolutions to all members no later than 30 days prior to the date of the next Convention.
- (3) Amendments and resolutions not submitted as above shall require approval for admission by a consensus of Convention delegates in order to be considered.
- (4) A consensus of all delegates present at a Convention is required in order for this Constitution to be amended.

## Referendum

36. (1) Whenever a proposition is submitted for referendum vote, the Secretary/Treasurer shall issue to each member of the Association the proposition to be voted on and a ballot for voting.
- (2) Within four weeks after the ballot is issued pursuant to subsection (1). Each member shall return the mail-in ballot to the Secretary/Treasurer in accordance with the instruction provided with the ballot.

## Documents

37. All documents issued under and by the Executive Board shall bear the signatures of the President and Secretary/Treasurer together with the seal of the Association

## Committees

38. The President shall name any and all necessary Committees at each session or the Convention, subject to the approval of a two-thirds majority of the Convention delegates. The term of office of the established Committees shall expire at the adjournment of the Convention, unless otherwise instructed by the delegates.

## Expenses

39. All Officers or delegates elected or appointed to represent the Association at any Convention, Seminar, or other meeting on Association business shall be allowed the following expenses and reimbursements as resources permit
  1. Travel: as determined by the Executive Board.
  2. Accommodations: the full value of any receipts pertaining to accommodation will be allowed.
  3. Lost Wages; reimbursement, if any shall be at the same rate as the affected delegate.

## Dissolution

40. (1) This Association shall not be dissolved so long as ten or more members in good standing acknowledge its jurisdiction and authority.
- (2) In the event that less than ten members acknowledge the jurisdiction and authority the Association, it shall be dissolved by order of the Executive Board in accordance with The Non-profit Corporations Act
- (3) All real and personal property belonging to the Association shall thereupon be liquidate into cash by public or private sale conducted under the supervision of the Executive Board all the cash remaining after the sales are completed and all debts and expenses paid shall b disbursed to an organization working for the betterment of Aboriginal people.

## Rules of Order

41. (1) Subject to subsection (2), the rules contained in Robert Rules of Order shall govern the meetings of the Association in all cases not in conflict with this Constitution.
- (2) The Association may amend the Rules of Order to make them more receptive or to bring them more closely in accord with Aboriginal culture.