

DOMINION COMMAND
CONSTITUTION & LAWS COMMITTEE
22 March 2022, 1900 Hrs
MEETING MINUTES

In Attendance:	Dave Gordon	Chair
	David Eaton	Vice Chair
	George O'Dair	Member
	Bill Chafe	Member
	Craig Thompson	Member
	Gerald Budden	Member
	Danny Martin	Committee Coordinator
	Ty Backer	Assistant Committee Coordinator

1. OPENING REMARKS

The meeting commenced at 1900 hours (EST) by zoom video conference.

2. REQUEST FOR DEFINITIONS

The Dominion P&R Committee requested that the C&L Committee consider adding definitions to the General By-Laws for both family and dependent. Upon review of this request the committee decided that the definitions, as they apply to the Poppy Manual, would be best included in this publication as these apply directly to the policies/programs listed within.

ACTION: Committee Coordinator

3. REINSTATE ARTICLE 129 – DEC DIRECTIVE

As a direct result of the pandemic DEC on 20 March 2020 passed the following motion - Section 129 of the GBLs is rescinded in its entirety effective immediately and until further notice:

129. a. No Provincial Command or branch shall, at any time or in any manner, appeal for financial contributions or payments of money from the public or from the membership of the Legion, beyond the area in which such command or branch normally operates and exercises jurisdiction. b. For the purposes of this section, where there are two or more branches in any urban area, such area shall be such portion of the urban area and area adjacent thereto as the Provincial Command having jurisdiction may allot to such branch.

With the relaxing of provincial restrictions, the committee reviewed the need for the previous DEC ruling and agreed that the use of fundraising tools that extends past branch/command traditional boundaries was no longer relevant.

RECOMMENDATION: That Article 129 be reinstated.

CARRIED

ACTION: Committee Coordinator

4. ARTICLE 202 – ADD PARDON (REVIEW)

A request was made to add a pardon (or relative term) as an exemption to eligibility for membership as it applies to article 202.

Upon review it was decided that trying to identify exemption criteria for article 202 was a complicated issue as different terms exist as well as different exemptions. An attempt to cover all scenarios was considered not feasible and would lead to further confusion. Additionally, it was confirmed that article 202.c. allowed for the flexibility to consider a pardon or any other circumstance when considering the ramifications of article 202.

NO ACTION REQUIRED

5. ARTICLE 205 - CLARIFY WHEN FACILITIES ARE RENTED OUT (REVIEW)

In Article 205, there is no wording that provides any latitude for exceptions/exemptions to any person who was expelled from the Legion to enter that branch when those premises or facilities have been leased or allocated for non-Legion purposes.

The Committee agreed that the Legion has no right to refuse entry to an expelled member when the applicable Legion facilities are being leased or used for a non-Legion unction/activity.

NO ACTION REQUIRED

6. ALLOW SERVICE OF DOCUMENTS VIA EMAIL (REVIEW)

Article 301.i. of the GBLs state that the service of any document required to be served under Article III must be either sent by registered mail or hand delivered. With the acceptance of email as a form of communication and/or delivery of other forms of documentation this format was considered as an additional formal delivery method.

It was acknowledged that serving documents via email may help with the expediency of delivery, however the margin for error and the current lack of accountability with this form of delivery outweighed any benefit. Therefore the status quo would remain.

NO ACTION REQUIRED

7. BONDED – CHANGE OF TERM (REVIEW)

A review of Article 422.c. in regard to the use of the word “bonded” as a relative requirement for Legion business was conducted.

422.c. The Senior Elected Officers shall make certain that all officers and employees handling funds of the command are adequately bonded.

It was determined that the reality of the current state of affairs within all levels of the Legion combined with the actual requirements of being bonded was not realistic and in the opinion of the committee not being practiced. As a note the intent of being bonded is to ensure/confirm that Legion personnel, trusted with the handling of financial business, be verified trustworthy and therefore eligible to be insured by a bonding company.

To ensure the correct application of what is being stated in the GBLs as well as maintain the “trustworthy” aspect of those it applies to it was agreed that:

- The responsibility of those appointed to such positions need to have their credentials verified by those appointing said person to a position of financial responsibility, and
- The requirement to be insured remains.

RECOMMENDATION: Modify Article 422.c to read: The Senior Elected Officers shall make certain that all officers and employees handling funds of the command are adequately insured.

CARRIED

ACTION: Committee Coordinator

8. PUBLICATION OF DISPOSITIONS – ARTICLE III

The question continues to arise regarding the need/requirement to inform Legion branches, especially those in close proximity to each other, of a member’s disposition in regard to Article III which include the following:

- Deprivation of clubhouse privileges;
- Suspension, which includes removal from office (where applicable), for a period up to 12 months; and/or
- Expulsion from the Legion.

The Committee agreed upon the need to share this information within the Legion, but the issue is agreeing to the proper/legal ways to go about it. Due to the complexity of the issue this item was tabled for the next meeting in order to allow for more time to investigate/research the administrative and legal ramifications that may apply.

ACTION: Committee Coordinator

9. ARTICLE III - EMPLOYEES OF THE LEGION/BUSINESS PROCEEDINGS

The issue continues to arise regarding the application of the Article III process as it applies to Legion employees from command personnel to bartenders, branch managers, etc. This sentiment is also applied to dealings of business when the parties involved (both Legion members) are officially working, be it on a Legion issue or otherwise.

Although not stated, the implied policy is that if a Legion member is employed by a Legion in a paid position, and that employee is working in that position at the time of a complaint, then the Article III process does not apply. On such occasions, the complaint has been dismissed and the complainant is advised to seek another avenue for redress.

In order to clarify this issue the following modification to the GBLs is recommended:

RECOMMENDATION: Remove current 301. e. and replace with the following:

Complaint: Is a formal written allegations made by one member against another member that the member against whom the allegation is made has violated one or more of the provisions of Subsection 304.a. When the alleged misconduct was by a member who, at the time of the alleged misconduct, was an employee of the Legion engaged in activity related to that employment, the matter shall be dealt with as an employment issue and no complaint may be lodged under this Article, unless the allegation involves Subsections 304.a .v, vi or vii.

ACTION: Committee Coordinator

10. BRANCH PRESIDENT – POWER TO SUSPEND PRIVILEGE (REVIEW)

A request was made to consider the possibility of allowing a Branch President, after enquiry and for cause, revoke the clubhouse privileges of any member for a period not to exceed 30 days.

Upon review it was agreed upon that the use of a formal complaint under Article III remains relevant in regard to the revocation of clubhouse privileges.

NO ACTION REQUIRED

11. CONTROL OVER BRANCH SOCIAL MEDIA ACCOUNTS (REVIEW)

There is a Dominion policy regarding social media accounts as it relates to the use of Legion trademarks. Within this direction is a paragraph that outlines the control and ownership of such accounts:

“ Control and ownership of the media vehicle complete with all passwords, registrations and logins be retained by the executive elected officers of the Branch, Zone, District, Command, Auxiliary group or persons designated responsible by the executive.”

A request was made to have this “control and ownership” paragraph inserted in the GBLs.

Upon review it was determined that specifics on administrative arrangements for any program/initiative such as media accounts have no place in the GBLs and should continue to be dealt with through administrative directives and left to individual branch or command enforcement.

NO ACTION REQUIRED

12. ADD HUMAN RIGHTS COMPLAINT TO GBL ARTICLE 307

Currently there seems to be some confusion, at all levels, in regard to Article 307 and the reference to “civil proceedings”:

Article 307. Where, at any stage during the Hearing Procedure set out in Sections 308 and 309 civil or criminal proceedings are commenced, the Hearing Procedure shall be suspended until a judgement is rendered in the civil or criminal proceedings, at which time the Hearing Procedure will continue, upon notice being served to the parties, at the point at which it was suspended.

In order to clarify the meaning of “civil proceedings” the following is recommended as a modification to the GBLs:

RECOMMENDATION: Current 307 to be renumbered as 307.a and add 307.b as follows:

307.a. Where, at any stage during the Hearing Procedure set out in Sections 308 and 309 civil or criminal proceedings are commenced, the Hearing Procedure shall be suspended until a judgement is rendered in the civil or criminal proceedings, at which time the Hearing Procedure will continue, upon notice being served to the parties, at the point at which it was suspended.

307.b. For the purpose of Subsection 307.a, a civil proceeding includes any matter under Investigation or adjudication by an administrative law body that has the obligation and jurisdiction to investigate, adjudicate and, where appropriate, provide a remedy. Human rights commissions and labour boards are examples of this type of administrative law body.

ACTION: Committee Coordinator

13. ADJOURNMENT

The meeting was adjourned at 2040 hrs (EST).

The recommendations contained within these minutes are subject to the approval of Dominion Executive Council or Dominion Convention as appropriate.



D. Gordon
Chair



D. Martin
Coordinator

DISTRIBUTION LIST

DEC

Dominion Past Presidents

Dominion C&L Committee Members

Provincial Executive Directors