



ACTRA
TORONTO

BY-LAWS
JULY 2021



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ARTICLE 1 - OUR PRINCIPLES AND VALUES

“When you have chosen to be an artist, you have chosen to be an activist,”

- Wendy Crewson, 2012

ACTRA Toronto is a member-run professional union composed of thousands of artists in many disciplines, who work together as activists in our common interest and in our common cause.

We fight for the interests of professional performers and artists in broadcast and recorded media.

We promote and celebrate Canadian stories and storytellers that reflect Canadian principles and values, championing voices of diversity, equity, inclusion and belonging.

We are committed to an industry that promotes gender equality and diversity; an industry that is free of harassment, discrimination, bullying and violence.

We seek fair pay, dignity, respect and working conditions that protect the physical, emotional health, safety and mental wellness of performers and artists in the workplace and work-related environments.

We advocate for respect and support for Canadian art and Canadian artists in our society.

We stand together in solidarity with our labour partners committed to equality, justice and inclusion in Canada and around the world.

ARTICLE 2 - MEMBERSHIP

(2.1) ACTRA Toronto is made up of members of ACTRA who live in the province of Ontario, outside of the zone of ACTRA Ottawa. Performers become members of ACTRA under the terms of the Constitution and By-Laws of the National Union.

ARTICLE 3 - ANNUAL GENERAL MEETING

(3.1) ACTRA Toronto is a member-run professional union. All powers within ACTRA Toronto are vested in the members, unless otherwise provided for in these By-laws.

(3.2) ACTRA Toronto Council will convene all full members in good standing to an annual general meeting of ACTRA Toronto, no later than the last day of May of each year. The Union will give members at least (14) calendar days written notice by e-mail, text or mail of the annual general meeting. Fifty (50) full members in good standing shall constitute a quorum. If a quorum is not present at any general membership meeting, the business of the meeting will be considered and disposed of at the next meeting of ACTRA Toronto Council.

(3.3) ACTRA Toronto Council will also invite all members to attend at least one additional members conference, meeting or forum in the course of a calendar year.

ARTICLE 4 - ACTRA TORONTO COUNCIL

- (4.1) ACTRA Toronto is governed between annual general meetings by ACTRA Toronto Council.
- (4.2) ACTRA Toronto Council is composed of twenty-four (24) Councillors who are members in good standing of ACTRA Toronto, elected every two years by all full members as described in Article 10, below.
- (4.3) ACTRA Toronto Council:
- (a) sets an annual budget and operating plan, and reviews results.
 - (b) approves annual audited financial reports, and makes each report available to members.
 - (c) elects its own officers, as described in Article 10 below.
 - (d) sends delegates to represent ACTRA Toronto Council on the National Council of ACTRA.
 - (e) establishes and disbands committees, caucuses and task forces that may act in an advisory capacity to the Council and
 - (f) develops and implements ACTRA Toronto's policies and priorities.

Meetings, quorum, Alternates

- (4.4) It is the practice of ACTRA Toronto Council to meet monthly, except for one month in the summer. Council must meet once every three months. Quorum for regular business is 12 Councillors or Alternates present, except as otherwise provided below. Councillors who cannot attend a meeting may nominate an ACTRA Toronto full member, in good standing, as an Alternate, by writing to the President. If a Councillor is absent and has not named an Alternate, the President may do so. Members serving as Alternates should speak with the Councillor or President to prepare for the Council meeting and should report to the Councillor following the meeting.

Decisions regarding finances and elections require an enlarged quorum of at least 16 Councillors or Alternates. If there are more Alternates than Councillors present for such decisions, the matters will be rescheduled for a meeting when a majority of those present are elected Councillors (not Alternates).

Special meetings of Council

- (4.5) Special meetings of the Council may be convened, if called at the direction of the President, or when requested in writing by at least three members of Council. Notice of any special meeting may be made by telephone, text, email, or whatever means Council

deems appropriate at least twenty-four (24) hours before the time fixed for the meeting. Vacancies (See Article 11 *on Election Process*)

- (4.6) ACTRA Toronto Council may, by vote, name a replacement to a vacant seat on Council subject to Article 11.

Non-attendance; removal from office; automatic vacancies

- (4.7) In the event a Councillor fails to attend three consecutive meetings of Council without reasonable cause, ACTRA Toronto Council may, by motion, declare that Councillor's seat to be vacant, and may elect a replacement at the following meeting of Council. An enlarged quorum of at least sixteen (16), a majority of whom shall be elected Councillors, not Alternates, must be present for the vote. Fulfilling a professional engagement as a performer, and auditioning for professional engagements as a performer, are always legitimate reasons for not being present for some or all of a Council meeting and are not "non-attendance" for the purposes of this or any other provision of these By-Laws.

Recall of officers and delegates

- (4.8) Council appointees (including its officers and delegates to National Council) require the ongoing confidence of ACTRA Toronto Council to fulfill their duties. ACTRA Toronto Council may therefore recall one of its officers or one of its delegates to ACTRA National Council from that office with due process and consideration and by majority vote, at any time. An enlarged quorum of at least sixteen (16), a majority of whom shall be elected Councillors, not Alternates, must be present for the vote.

Removal of Councillors from Council:

- (4.9) ACTRA Toronto Councillors are elected by members and may only be removed from Council in exceptional circumstances. ACTRA Toronto Council may remove a Councillor from Council and declare their position to be vacant by a two-thirds vote. An enlarged quorum of at least sixteen (16) Councillors, a majority of whom shall be elected Council members, not Alternates, must be present for the vote. To remove a Councillor, Council must find, in its best judgment, that the Councillor has violated Articles 403 (conflict of interest), 404 (work rules and ethics) or 405 (prejudicial conduct) of the ACTRA National Constitution, or National By-Law 9 (Rules for the conduct of members during a strike).

Automatic vacancy:

- (4.10) A Councillor who is no longer a full member in good standing of ACTRA Toronto (i.e. has lost their full membership due to non-payment of dues, or who surrenders their membership in ACTRA Toronto by transferring their membership to another ACTRA branch or for any other reason, or who otherwise ceases to be a full member in good standing for any other reason) vacates their seat on ACTRA Toronto Council immediately and automatically.

- (4.11) There shall be no interference by Councillors with staff matters or duties. A serious case is “conduct prejudicial” to ACTRA within the meaning of Article 405 of the ACTRA National Constitution.
- (4.12) A Councillor must not attempt to officially interpret an ACTRA Agreement or a Clause of an ACTRA Agreement. This does not preclude a Councillor from holding or expressing a personal opinion. Councillors shall consult with the Executive Officers, the Council as a whole, or with senior staff before disseminating any information or policies concerning ACTRA or ACTRA Toronto, either verbally, electronically or in writing, to the public, to any media or to membership.

ARTICLE 5 – EXECUTIVE OFFICERS OF COUNCIL

- (5.1) The ACTRA Toronto Executive shall administer the business and financial affairs of ACTRA between meetings of the ACTRA Toronto Council. The Executive makes recommendations to the ACTRA Toronto Council for decision-making. When confronted by an emergency situation, every effort will be made to call an emergency meeting of the Council. In the event that a quorum meeting of ACTRA Toronto Council is not possible, then the President, in consultation with the other Executive Officers of ACTRA Toronto, will take all actions necessary to deal with that emergency. Any actions and decisions taken will be reported to the next meeting of Council.

The Executive Officers of ACTRA Toronto Council consist of:

- (a) the President
 - (b) the immediate Past President
 - (c) the Treasurer
 - (d) up to five other Vice-Presidents who may be given such titles and functions as ACTRA Toronto Council may determine and
 - (e) the Executive Director, who is an officer of ACTRA Toronto Council with voice but without vote.
- (5.2) Executive Officers other than the President and the Executive Director are named by ACTRA Toronto Council for two-year terms at the second meeting of a newly-elected Council, once it is in office. (ACTRA Toronto Council’s delegates to ACTRA National Council are also named for two-year terms at this meeting).
- (5.3) The President is named by ACTRA Toronto Council every alternate year to the election year.
- (5.4) The Executive Director is a full-time employee, whose hiring is ratified by ACTRA Toronto Council on the advice of the Officers. The terms of their employment are set

out in an employment contract to be negotiated (and annually reviewed) between the Executive Director, the President and the Treasurer.

Term limit for President

- (5.5) The President of ACTRA Toronto can serve for no more than two consecutive terms. A President who has held office for two consecutive terms may run again and be elected after at least one intervening term (i.e. two years) has elapsed since the time they served as President. A Past President, if an elected member of the Council, is free to run for any other office on Council.

Duties of Officers

- (5.6) The President presides at meetings of the Council and the Annual Membership Meeting and does not vote at such meetings except to exercise a casting vote in the event of a tie. The President is an ex-officio member of all committees of ACTRA Toronto. They will provide a comprehensive report on ACTRA Toronto's activities at ACTRA Toronto's Annual Membership Meeting. The President is the official spokesperson of ACTRA Toronto. The President liaises with the Executive Director on appropriate issues. The President is, on election, one of ACTRA Toronto's nominees to sit on the National Executive of ACTRA National.
- (5.7) The Treasurer is the custodian of all books, papers, records, documents and other instruments and property belonging to ACTRA Toronto. Under the direction of ACTRA Toronto Council, the Treasurer controls the spending and deposit of money, the safekeeping of securities and the disbursements of funds of ACTRA Toronto. The Treasurer shall cause financial statements (interim and fiscal year-end audited statements) to be prepared, as required by ACTRA Toronto Council and by these By-Laws.
- (5.8) Vice-Presidents perform such duties as the President may from time to time delegate to them or that ACTRA Toronto Council may prescribe. In the absence of the President, other officers may preside at meetings of the Council and the General Membership.
- (5.9) The Executive Director is the chief executive officer of ACTRA Toronto and of its staff. The Executive Director offers reports and strategic, policy and financial advice to the Council and its officers at their request. The Executive Director directs the finances and operations, and hires, terminates, supervises and directs the staff of ACTRA Toronto, in a manner consistent with the policies of ACTRA Toronto Council. The Executive Director is responsible for ensuring that all records, minutes, reports, etc. of ACTRA Toronto are properly prepared and circulated. The Executive Director will consult with the President as appropriate. The Executive Director oversees elections at ACTRA Toronto and administers its By-Laws.

Signing officers

- (5.10) The signing officers of ACTRA Toronto are the President, the Treasurer, the Executive Director and one other management employee selected by the Executive Director. Council will establish a signing officer policy specifying how contracts and financial transactions are signed. As a general principle, important contracts and financial transactions should require the signature of at least one elected officer who is a full member in good standing of the union, as well as a signature from a signing officer who is a member of the senior staff.

ARTICLE 6 - COMMITTEES AND CAUCUSES

- (6.1) The ACTRA Toronto Council may establish and disband Committees, Caucuses or Task Forces to focus on an issue, do specific work, gather information or make recommendations on a topic for Council's consideration. The ACTRA Toronto Council confirms the mandate for Committees, Caucuses and Task Forces and appointments of their Chairs and Co-Chairs if applicable. Budgets for Committees, Caucuses and Task Forces, (if any) shall be administered by the ACTRA Toronto Council. Committees, Caucuses and Task Forces will meet as required, record and provide action minutes to the President and report to Council through their Executive Officer. Committees, Caucuses and Task Forces should in their composition and as appropriate be inclusive in terms of reflecting the gender and diversity of the membership.
- (6.2) Committees, Caucuses and Task Forces, including the appointment of Chairs and Co-Chairs, if applicable, will be affirmed or disbanded in the first three (3) months following the election of the ACTRA Toronto Council.
- (6.3) Given the unique nature and needs of the ACTRA Toronto stunt community, ACTRA Toronto will invite ACTRA Toronto members of the stunt community, in the first three (3) months following the election of the ACTRA Toronto Council, to establish a Stunt Committee. The Stunt Committee will be representative of, and accountable to, members of the ACTRA Toronto stunt community and should in composition be reflective of the gender and diversity of the general membership. Members of the stunt community include members of ACTRA Toronto who are stunt performers, stunt riggers and stunt coordinators who have worked in ACTRA Toronto's jurisdiction. The ACTRA Toronto Stunt Committee will report to the ACTRA Toronto Council through the ACTRA Toronto President.

ARTICLE 7 - HONORARIA

- (7.1) ACTRA Toronto provides Councillors, elected officers and certain other elected or appointed members with per diems and honoraria, to defray some of their out-of-pocket costs and to acknowledge the invaluable contribution that volunteers make to our member-run, member-driven union. The per diem rate in 2021 is \$140.00. A half day rate is \$70.00.

Council per diems

- (7.2) Elected members of ACTRA Toronto Council or Alternates receive \$140.00 when attending a meeting of Council or Executive in full (\$70.00 when the Councillor or Alternate cannot attend the full meeting but is present for at least up to half of it).

These rates will be reviewed every 3 years. ***Executive Officers' honoraria***

- (7.3) Annual honoraria for Executive Officers in addition to the per diem they receive as Council members for attending Council meetings: is:

- (a) for the President, \$36,194.00
(b) for all other elected officers and the past-president, \$12,065.00

Ombudsperson and Advocates

- (7.4) From time to time, ACTRA Toronto Council may name an Ombudsperson and Advocates. The roles and responsibilities as determined by the ACTRA Toronto Council for the Ombudsperson and Advocates will be reviewed every two years. Council may add or remove Advocate positions as appropriate. The Ombudsperson and any Advocates will serve a maximum of three (3) two-year terms. ACTRA Toronto will invite applications and conduct interviews for the Ombudsperson and Advocate positions every six (6) years at a minimum. Council may assign an honorarium to the Ombudsperson and specifically designated Advocates of up to \$5,000 per year.

Other outstanding contributions by volunteers:

- (7.5) The officers of ACTRA Toronto will act as a volunteer recognition committee. Each year, officers will meet to consider the contributions of volunteers and to set an annual honorarium of up to \$2,000 per recipient as appropriate, to recognize uniquely outstanding volunteer contributions.

Honoraria to adjust by rate of contract adjustments

- (7.6) Per diem and honoraria rates should increase in line with gains made by all ACTRA Toronto members in our union's collective bargaining. To that end, on January 1st of each year, the maximum per diem and honoraria levels described in this Article are adjusted by the same amount that ACTRA Toronto members receive in the union's largest national contract in that applicable year.

ARTICLE 8 - AMENDMENTS TO THESE BY-LAWS

- (8.1) These By-Laws may be amended by majority vote, through a referendum vote by secret ballot, of all ACTRA Toronto full members in good standing. Amendments are initiated in one of two ways:

- (a) an amendment may be initiated by a two-thirds vote among members attending an annual general meeting as provided for in Article 3 above, notice having been duly given by a mover and seconder who are full members in good standing to the Executive Director in writing at least 60 calendar days before the meeting or
- (b) an amendment may be initiated by ACTRA Toronto Council, by a two-thirds vote of Council where the majority of Councillors present at the meeting are elected Council members, not Alternates.
- (c) In the second year of a Council's mandate, Council may establish a committee to review the By-laws to identify any issues and recommendations for Council to discuss that may then be presented to the general membership through a referendum as above.

ARTICLE 9 - AFFILIATIONS

- (9.1) ACTRA Toronto will seek affiliations and strategic alliances with organizations in the arts, the labour movement and the broader community in pursuit of our goals. In 2021, ACTRA Toronto was affiliated with FilmOntario, Ontario Green Screen, the United Steelworkers, the Ontario Federation of Labour, and (through ACTRA National) the Canadian Labour Congress and The International Federation of Actors (FIA).

ARTICLE 10 - ELECTIONS TO COUNCIL

- (10.1) The election of the ACTRA Toronto Council shall be held every two (2) years. Results must be known no later than November 15th of the election year. Terms of office commence on December 1st following the election.
- (10.2) The Election Period, from the Call for Nominations until close of balloting, must be at least thirty-eight (38) calendar days. Electronic processes may be used for any part or all of an election. The Election Period is broken down as follows:
- (a) The Nomination Period from the Call for Nominations until the Close of Nominations is minimum fourteen (14) calendar days.
 - (b) The Campaign Period from the Close of Nominations until voting commences is minimum fourteen (14) calendar days.
 - (c) The Voting Period from the opening of voting until the close of balloting is minimum ten (10) calendar days.
- (10.3) At least 45 days prior to the start of the Election Period, the ACTRA Toronto Council shall create an Election Committee comprised of a minimum of three (3) Full Members in good standing and the ACTRA Toronto Executive Director. Full members may sit on the Election Committee provided they declare in writing that they will not nominate or second a nomination for a candidate or run for a position in that ACTRA Toronto Council election.

The Election Committee shall:

- (a) Establish processes and procedures for the election pursuant to the ACTRA Toronto By-Laws.
- (b) Notify the membership of the Election Period and rules.
- (c) Ensure election rules and ACTRA Toronto policies are observed.
- (d) Approve Nomination Forms, Election Statements and/or audio or video files from candidates, to be made available to members.
- (e) Approve all election documentation.
- (f) Report the election results to the membership including the number of ballots cast, number of spoiled ballots and the number of ballots cast for each candidate.
- (g) Provide a summary of the election activities and recommendations, if any, regarding future elections to the ACTRA Toronto Council.

(10.4) The Election Rules, to be distributed by the Election Committee must include:

- (a) Eligibility to run for office: Only Full members of ACTRA Toronto in good standing may run for ACTRA Toronto Council or may nominate or second their candidates.
- (b) Nomination procedure:
 - i. The Call for Nominations must be distributed to all eligible Members and must include:
 - 1. An overview of the role and expectations of an ACTRA Toronto Councillor.
 - 2. A copy of the Nomination Form.
 - 3. The method for submitting the Nomination Form to the Election Committee.
 - 4. The deadline for nominations. Nominations close fourteen (14) days after the Call for Nominations has been distributed.
 - ii. Nomination Forms will be signed by the proposer and seconder of the nomination and will contain a statement signed by the person nominated signifying their acceptance and affirming they will uphold ACTRA's

Constitution & By-laws and ACTRA Toronto's By-laws and Policies.

Verified electronic signatures will be permitted. The completed form shall be delivered to the Election Committee.

- iii. Nominees may provide a photograph and Election Statement, not to exceed one hundred (100) words, and links to any personal audio or visual social media sites. Election Statements and photographs must be submitted to the Election Committee by the deadline for the close of nominations. Election Statements and content accessed through the links must be factual and not include any defamatory comments. If a candidate statement fails to comply with these guidelines, and if time permits, the candidates may be allowed to revise their Election Statements within a time set by the Election Committee. If an Election Statement is not revised to the satisfaction of the Election Committee, it will not be published.

(c) The Campaign Period from the Close of Nominations until voting commences is minimum fourteen (14) days. During this period:

- i. Except as in b (iii) above, candidates, their representatives and all individuals are prohibited from using any Union funds or Union logos for the purposes of campaigning. Candidates in breach of this provision are subject to disciplinary action. Posting in a public forum hosted by the Union (e.g. ACTRA Toronto private Facebook page) for the purposes of the campaign is permitted.
- ii. No staff of the Union, or Member working as a contractor or OSLO for the union may work on any candidate's behalf, express a bias for or against any candidate or provide confidential information to candidates for campaign purposes. A candidate who is also an OSLO may not campaign when engaged as an OSLO on set.
- iii. After the close of nominations, the Election Committee will hold at least one Candidate Forum open to all duly nominated candidates.
- iv. Campaigns and campaign tactics must be respectful and abide by the Union's Constitution, By-laws and Policies.

- (d) The Voting Period:
- i. Following the Campaign Period, there will be a minimum period of ten (10) days from the distribution of the voting package to the close of voting.
 - ii. The voting package will be distributed to all members eligible to vote. The voting package will include a list of all candidates, their election statements, instructions concerning the number of candidates for whom the member is entitled to vote, the voting procedure, and the final date by which all votes must be cast.
 - iii. Election results will be posted by the Election Committee on the Union's website no later than November 15th of the election year. Results will show the total number of eligible voters, candidate names, the numbers of ballots cast for each candidate, number of spoiled ballots and the overall voter turn-out percentage.
 - iv. The 24 candidates receiving the most votes will be declared elected.
 - v. In the event of a tie between two or more candidates for the 24th position, the Election Committee will schedule a 'draw' to take place within five (5) working days from the close of balloting. Candidates may attend in person or appoint a scrutineer to observe the draw. The results of the draw will be posted on the Union's website.
 - vi. When paper ballots are used, ACTRA Toronto Council will appoint scrutineers who are full members of ACTRA Toronto not running for office, to witness the counting of ballots and ensure a fair and accurate count. Scrutineers will immediately report any issues with the count to Council. Similarly, when online voting systems are used, Council will ensure that all appropriate safeguards are in place to secure a fair and accurate count.
- (10.5) Newly elected Councillors take office on December 1st following their election.
- (10.6) Subject to the National Constitution, the National By-Laws, these By-Laws, and any other rules or procedures established by ACTRA Toronto Council, the Executive Director of ACTRA Toronto conducts and oversees elections among members and on ACTRA Toronto Council.

ARTICLE 11 – ELECTION RULES FOR ACTRA TORONTO COUNCIL BY-ELECTIONS, EXECUTIVE AND NATIONAL COUNCIL DELEGATE ELECTIONS

- (11.1) The ACTRA Toronto Council elects its own Executive Officers, delegates to the National Council and may vote to fill vacancies on the Council itself.
- (11.2) These Elections shall be conducted by the ACTRA Toronto Executive Director. The ACTRA Toronto Council may further appoint two (2) staff members and up to 3 scrutineers who are full members of ACTRA to witness the counting of the ballots and ensure a fair and accurate count. (Note: scrutineers may not vote nor run in these elections but can be members of the election committee. See Article 10.)
- (11.3) In the event of a vacancy on the ACTRA Toronto Council, the following election process shall apply:
- (a) Notice of the by-election and Nomination Forms will be provided to all full ACTRA Toronto members, including members who ran in the general election, a minimum of 28 days prior to the Council meeting where the election will take place.
 - (b) Members interested in seeking election to the Council must submit the completed Nomination Form fourteen (14) days prior to the Council meeting.
 - (c) Each duly nominated candidate will be invited to attend the Council meeting and may be invited to speak for up to three (3) minutes each.
 - (d) The vote will be conducted by secret ballot. The successful candidate must receive 50% plus 1 of the eligible votes cast. In the event that there is no successful candidate after the first ballot, the candidate receiving the least number of votes will be removed from the ballot and the voting will take place again. This process will be repeated until a candidate receives the required number of votes to be declared elected.
 - (e) The successful candidate will immediately take office upon their election.
 - (f) Results of the election will be made known to the general membership on the ACTRA Toronto website.
 - (g) Upon completion of the vote, Council will be asked to support a motion to destroy the ballots.
- (11.4) The following shall apply in the election of President, Executive Officers and delegates to the ACTRA National Council:
- (a) The Chair of the Council meeting shall invite the Executive Director to assume the Chair for the purposes of the election.

- (b) The Executive Director will commence the election(s) and call for nominations three (3) times. Councillors nominating a candidate may only state the name of the candidate they are putting forward.
- (c) Upon close of nominations, each candidate will be asked in reverse order whether they accept the nomination.
- (d) If there is only one candidate who accepts the nomination, the candidate will be declared acclaimed and will be invited to address the Council as below.
- (e) The candidates will be invited to give a speech in the order they have been nominated:
 - i. Candidates running for President will have up to five (5) minutes each.
 - ii. Candidates running for Executive Officer positions will have up to three (3) minutes each.
 - iii. Candidates running for National Council delegate positions will have up to two (2) minutes each.
- (f) A question period consisting of questions from Councillors directed to all of the candidates may take place. Questions will be no more than one (1) minute in length and candidates will each have up to two (2) minutes to answer each question. The vote will be conducted by secret ballot. All Councillors, including the current President have a vote. The successful candidate must receive 50% plus 1 of the eligible votes cast. In the event that there is no successful candidate after the first ballot, the candidate receiving the least number of votes will be removed from the ballot and the voting will take place again. This process will be repeated until a candidate receives the required number of votes and is declared elected. Prior to the announcement of each ballot result, the scrutineers will be asked to affirm that they observed a fair and accurate vote.

In the event of a tie, the candidates will be asked to each make an additional speech of up to one (1) minute and may be asked up to two (2) additional questions from Councillors and the balloting will take place again. This will be repeated until a candidate has obtained a majority.

Upon completion of the vote, Council will be asked to support a motion to destroy the ballots.