

# APL BYLAWS

As Amended in 1998

## ARTICLE I CONGRESS

- SECTION 1. Powers and Functions. Supreme authority of the CENTER shall reside in the Congress. It shall exercise the following exclusive powers and functions:
- To amend the Constitution and Bylaws of the CENTER;
  - Elect and remove from office for cause and after due process the members of the Executive Committee and National Commissions;
  - Confirm the leadership of the Territorial Chapters;
  - Decide on the affiliation or dis-affiliation of the CENTER with any international labor organizations and other forms of organizations;
  - Approve increases of Annual Dues and special assessments;
  - Receive reports of all governing and implementing organs and approve the general programs of action of the CENTER;
  - Ratify financial reports and approve general appropriations of the 2-year budget;
  - Perform such other powers and functions consistent with the provisions of the CENTER's Constitution and Bylaws.
- SECTION 2. Composition. The Congress shall be composed of the members of the Executive Committee; the Deputy Secretary General and the Department Secretaries of the General Secretariat; and voting delegates from regular affiliates in good standing. All regular affiliates shall be entitled to one (1) voting delegate for every two hundred (200) registered dues-paying members or a fraction of at least one hundred (100). Provided that a regular affiliate with less than one hundred (100) registered dues-paying members shall automatically be entitled to one (1) voting delegate. Provided further that a Congress shall only be considered as validly constituted by the attendance of a simple (50% + 1) majority of the total number of regular affiliates.
- SECTION 3. Regular Session of the Congress. The Congress shall be held at least once every two (2) years at such time and place as may be decided upon by the Council of Leaders. Notice of such Congress shall be given by the Secretary-General to all local chapters and affiliates and other concerned members sixty (60) days in advance.
- SECTION 4. Special Session of the Congress. In case of emergency or when special problems arise, the holding of a Special Congress may be called by a resolution of two thirds (2/3) majority of the members of the Council of Leaders in good standing. Notice of such Congress shall be circulated to all concerned not later than thirty (30) days prior and all proposals submitted to the General Secretariat not later than fifteen (15) days.
- SECTION 5. Qualifications and Credentials of Delegates. Delegates to the Congress must be elected officers of regular affiliates. Preference shall be given to the President, Vice-President, Secretary, and other officers, or their equivalent, in this order. Not later than thirty (30) days from the date of the Congress, the names and other personal data of the delegates and observers should be submitted to the General Secretariat.
- SECTION 6. Voting. Voting shall be on the basis of one (1) duly accredited voting delegate - one (1) vote. However, National Unions, federations or alliances based in regions outside the Congress site may be allowed to exercise proxy voting wherein each of its duly accredited voting delegates may cast up to five (5) votes, provided that the total voting strength of its delegation shall not exceed the total votes to which the affiliate is entitled.
- SECTION 7. Quorum. A majority of all registered delegates with voting power shall constitute a quorum to transact business during Regular or Special Congress, except in cases of removal or expulsion of Center Officers, which shall require a two-thirds (2/3) vote of all delegates with voting power.
- SECTION 8. Non-Voting Delegates. Every affiliate may send non-voting delegates who shall be entitled to participate in all deliberations.

SECTION 9. Proposals. All proposals or resolutions for inclusions in the agenda of the Congress shall be submitted to the General Secretariat one (1) month before the date of the Congress. These shall, in due time, be communicated to all affiliates and other concerned members together with all other documents needed. Late proposals or resolutions may be included in the agenda upon approval of at least the simple (50% + 1) majority vote of all accredited delegates of the Congress. All delegates are required to discuss the agenda of the Congress in their respective highest governing organs. Likewise, they are required to report back on the result of the Congress within one (1) month after the adjournment of the Congress. The General Secretariat shall be furnished copies of the minutes of the above-stated General Membership Assemblies.

SECTION 10. Expenses. to be incurred by the Congress shall be determined by the Council of Leaders.

## ARTICLE II COUNCIL OF LEADERS

SECTION 11. Powers and Functions. The Council of Leaders shall exercise the following powers and functions:

- a. Receive and pass upon the reports of the Executive Committee, Territorial Chapters, the affiliates, and the executive officers of the CENTER;
- b. Promote the activities of the CENTER and implement the resolutions adopted by the Congress;
- c. Approve Regular Affiliation of any organization to the CENTER;
- d. Confirm the establishment of Territorial Chapters, Trade Groups and Coop Structures within the CENTER;
- e. Delegate special functions to the Executive Committee, any Implementing Authority or any Center Officer;
- f. Confirm the affiliation or dis-affiliation of the CENTER with any national organizations;
- g. Render final decisions on matters related to the suspension of any affiliate;
- h. Automatically review any decisions taken by the Executive Committee on matters related to disciplinary actions on any Center Officers; and
- i. Perform such other powers and functions consistent with the provisions of the CENTER's Constitution and Bylaws.

SECTION 12. Composition. The Council of Leaders shall be composed of: one (1) representative from each Territorial Chapter; one (1) additional representative for every ten thousand (10,000) dues-paying members in the said Territorial Chapter; and, the members of the Executive Committee.

SECTION 13. Meetings. The Council of Leaders shall meet at least once every six (6) months, the date to be fixed by the Council itself. Special meetings may be called by the Chairperson or by a petition of at least thirty (30%) percent of the members in good standing. A simple majority of the Council members in good standing shall constitute a quorum for all meetings. A simple majority vote of the members in attendance during the meeting shall be sufficient to validly approve any resolution or decide any issue raised before it, except in cases of disciplinary action on any of its members or affiliate, which shall require a two-thirds (2/3) majority vote. The Chairperson shall vote only in case of tie.

## ARTICLE III EXECUTIVE COMMITTEE

SECTION 14. Powers and Functions. The Executive Committee shall exercise the following powers and functions:

- a. Supervise the activities of the General Secretariat and appoint its members and other staff of the CENTER.
- b. Directly supervise the formation of Territorial Chapters, Trade Groups and Coop Structures.
- c. Draw up the specific activities for the Annual Program of Action and specific allocations of the Annual Budget based on the general thrusts and appropriations approved by the Congress.
- d. Approve application for Auxiliary Affiliation to the CENTER;

- e. Decide on the affiliation or dis-affiliation of the CENTER with any national sectoral or multi-sectoral organizations.
- f. Decide on matters related to the suspension of any affiliate;
- g. Act upon recommendations made by the Internal Affairs Commission on matters related to the disciplinary action of any Center Officer;
- h. Exercise jurisdiction over all internal disputes with the help of the Commission on Internal Affairs;
- i. To enter into legal contracts and initiate legal actions in behalf of the CENTER;
- j. Deal with emergencies and act for the Council in case of the inability of the Council of Leaders to meet.

SECTION 15. Composition. The Executive Committee shall be composed of nine (9) members, consisting of the Chairperson, 1st Vice-Chairperson for Internal affairs, 2nd Vice-Chairperson for External affairs, Secretary-General, Treasurer, and four (4) Executive Directors at least one of which shall be a woman.

SECTION 16. Meetings. The Executive Committee shall meet at least once every two (2) months, the date to be fixed by the Committee itself. Special meetings may be called by the Chairperson or any five (5) members of the Committee. A simple (50% + 1) majority of the member of the Committee shall constitute a quorum for all meetings.

SECTION 17. Automatic Removal from Office. Any member of the Executive Committee shall be automatically removed from office after committing three (3) consecutive absences without prior notice and valid reasons. The Executive Committee, subject to the approval of the Council of Leaders, may appoint a replacement from among the members of the Council of Leaders who shall serve for the remainder of the term.

#### ARTICLE IV GENERAL SECRETARIAT

SECTION 18. Function. The General Secretariat shall be composed of the Secretary-General, the Deputy Secretary-General, Department Secretaries activated based on need and capacity of the Center to support them, and other staffs of the CENTER, plus the members of the different committees of all affiliates, as well as volunteers. It shall be responsible for the day-to-day operations of the Center and provide assistance to all affiliates and governing authorities, as well as provide career leadership for the CENTER.

SECTION 19. Departments. The operating departments of the General Secretariat shall be organized along one or more major programs of activities of the CENTER, which include among others, the following:

- a. Department for Organizing - for recruitment and organizational development activities;
- b. Department for Political and Legislative Activities - includes political advocacies, campaigns and legislative and executive lobbying;
- c. Department for Workers Defence - for activities related to handling of legal cases, strikes and other concerted actions;
- d. Department for Negotiations - includes negotiations for workers rights and welfare in the enterprise, industry as well as the national level;
- e. Department for Research, Education and Communication - for research, education and information dissemination activities;
- f. Department for Economic and Cooperative Activities - for implementation of economic and cooperative projects.
- g. Department for Workers' Solidarity - for maintaining and expanding national as well as the international linkages of the CENTER.
- h. Department for Gender Concerns - for gender-equality advocacy.
- i. Department for Environmental Concerns - for environmental protection activities.

## ARTICLE V COMMISSIONS

SECTION 20. Commission on Audit. The Commission on Audit shall be composed of at least three (3) members elected by the Congress for a term of five (5) years. It shall audit the books of accounts of the CENTER and shall institute appropriate auditing procedures and upon resolution or request of at least thirty (30%) percent of the general membership of an affiliate, shall audit the books of accounts of any affiliate.

SECTION 21. Commission on Elections. The Commission on Elections shall be composed of five (5) members elected by the Congress for a term of five (5) years. It shall elect from among themselves the Chairperson. The Commission shall conduct the elections of the CENTER in accordance to the Election Code of the Center ratified by the Congress, and shall assist in the election of all affiliates.

SECTION 22. Commission on Internal Affairs. The Commission on Internal Affairs shall be composed of the 1st Vice-Chairperson and four (4) members elected by the Congress for a term of five (5) years. It shall be chaired by the 1st Vice Chairperson for Internal Affairs and shall be assisted by the National Legal Counsel of the CENTER. The Commission shall conduct investigation and render its recommendations to the Executive Committee on matters pertaining to any infractions to the Code of Discipline of any affiliate or Center Officers.

## ARTICLE VI TERRITORIAL CHAPTERS

SECTION 23. Establishment. Territorial Chapters shall be established by the CENTER as conditions permit and as may be determined by the Council of Leaders.

SECTION 24. Membership. Only organizations affiliated with the CENTER shall be eligible for membership in the Territorial Chapters.

SECTION 25. Functions. It shall be the task of the territorial chapters to deal with the problems affecting workers in their respective areas and to further the aims of the CENTER and its governing authorities.

SECTION 26. Responsibility. The territorial chapters shall be answerable for their actions to the Council of Leaders and the Executive Committee and shall submit to it annual reports on their activities.

SECTION 27. Structure. Territorial Chapters shall be governed by the following organs: Territorial Conference; Territorial Coordinating Committee; and, Territorial Secretariat.

- a. Territorial Conference shall be composed of all local union/chapter presidents who shall elect from among themselves the members of the Territorial Coordinating Committee. It shall meet at least once a year, the date to be determined by the Conference itself.
- b. Territorial Coordinating Committee shall be composed of five (5) members: Chairperson; 1st Vice Chairperson for Internal affairs; 2nd Vice Chairperson for External affairs; Secretary; and, Treasurer. It shall meet at least once every three (3) months, the date to be fixed by the Committee itself.
- c. Territorial Secretariat shall composed of the Territorial Coordinator and all full time staff and volunteers activated based on need and the capacity of the CENTER to support them.

## ARTICLE VII TRADE GROUPS AND COOP STRUCTURES

SECTION 28. Establishment. In order to advance the particular interest of workers in various Industries, the Executive Committee, subject to the confirmation of the Council of Leaders, shall establish trade groups and coop structures within the CENTER.

## ARTICLE VIII CENTER OFFICERS

SECTION 29. Composition. The Center Officers of APL shall be composed of the following: Chairperson; 1st Vice-Chairperson for Internal Affairs; 2nd Vice-Chairperson for External Affairs; Secretary-General; Treasurer; four (4) Executive Directors; Deputy Secretary-General; and the various Department Secretaries; Territorial Officers determined by Territorial chapters and authorized by the Council of Leaders.

SECTION 30. Qualifications. No person shall be elected Center Officer of the APL unless he/she is a member of a regular affiliate in good standing except the Department Secretaries who are full-time officers of the CENTER.

SECTION 31. Terms of Office. All Center Officers shall hold office for a term of five (5) years or until their successors shall have been elected.

SECTION 32. Chairperson. The Chairperson shall be the Chief Executive Officer of the CENTER and shall exercise the following functions and powers:

- a. Execute and protect the Constitution and By Laws, and the resolutions of the Congress, Council of Leaders and the Executive Committee;
- b. preside over the sessions of the Congress and the meetings of the Council of Leaders and the Executive Committee;
- c. Direct the affairs of the CENTER in between sessions of the governing authorities in coordination with the Secretary-General;
- d. appoint the members of the General and Regional Secretariat subject to the confirmation of the Executive Committee;
- e. May in person or through designated representatives visit or inspect the office and records of an Affiliate;
- f. Make full report on the State of the CENTER as required;
- g. Represent the CENTER or cause the CENTER to be represented in all gatherings where CENTER's representation is necessary;
- h. Countersign checks and other negotiable instruments for the disbursements of the National Funds.
- i. Delegate any of his/her powers to any qualified officer or member of the CENTER.

SECTION 33. 1st Vice-Chairperson for Internal Affairs. The 1st Vice-Chairperson for Internal Affairs shall assist the Chairperson primarily in the latter's duties and functions relative to internal affairs. He shall conciliate internal disputes in accordance with the rules provided therefor.

SECTION 34. 2nd Vice-Chairperson for External Affairs. The 2nd Vice-Chairperson for External Affairs shall assist the Chairperson primarily in the latter's duties and functions relative to external affairs, particularly with regards to political and legislative activities.

SECTION 35. Secretary-General. The Secretary-General shall be the head of the Secretariat and be responsible for the day-to-day operations of the CENTER and shall exercise the following duties and powers:

- a. Take charge of the General Secretariat and other offices of the CENTER that may be established;
- b. cause the recording of the proceedings of the Congress and the meetings of the Council of Leaders and Executive Committee;
- c. Keep all records and correspondence of the CENTER;
- d. Activate all the necessary committees by appointing their members, subject to the approval of the Executive Committee.

SECTION 36. Treasurer. The Treasurer shall take charge of the financial administration of the CENTER and exercise the following duties and powers:

- a. Serve as the collecting and disbursing officer of the CENTER;
- b. Sign as principal signatory in all checks and other negotiable instruments for the disbursements of the National Funds, counter- signed by the Chairperson;

- c. Deposit all the money received by him for the CENTER in the banks chosen by the Executive Committee;
- d. maintain a petty cash fund, the amount of which shall be determined by the Executive Committee to meet routinary expenses of the CENTER
- e. Render regular financial reports to the Executive Committee and Council of Leaders and the Congress, and submit annual reports to the Department of Labor and Employment; and
- f. Supervise all economic development projects of the UNION.

SECTION 37. Executive Directors. The four (4) Executive Directors shall assist the Chairperson in the administration of the CENTER and perform such specific duties and powers as determined by the Council of Leaders

SECTION 38. Department Secretaries. The different Department Secretaries shall assist the Secretary-General in coordination with the Executive Directors concerned.

SECTION 39. Compensation of Officers and Staff. The Center Officers and staff of the CENTER shall receive compensation as determined by the Executive Committee based on the approved budget by the Congress.

## ARTICLE IX DISCIPLINARY ACTION ON AFFILIATES

SECTION 40. Grounds. Any Affiliate may be disciplined through suspension or expulsion from the CENTER after due process, based on any of the following grounds:

- a. Non-payment of dues and other assessments for more than one (1) year.
- b. Culpable violation of the Constitution and Bylaws;
- c. Deliberate refusal to implement policies, rules and regulations, decisions, and/or support the programs or projects of the CENTER; and,
- d. Any act grossly inimical to the interest of the CENTER.

SECTION 41. Delinquent Affiliate. An Affiliate member which is more than two (2) years in arrears with the remittance of their the dues and other assessments to the CENTER without being granted prior written permission by the Council of Leaders shall automatically be expelled from the Center.

SECTION 42. Reinstatement in Case of Arrearages. The Council of Leaders shall have the full power to reinstate an Affiliate suspended or expelled on account of failure to pay annual dues and other assessments upon payment of the arrearages in full.

SECTION 43. Suspension. The Executive Committee may suspend any affiliate found guilty of violating the Code of Discipline after a thorough investigation conducted by the Internal Affairs Commission. Such decisions of the Executive Committee shall be final and executory unless reversed by the Council of Leaders. The aggrieved party may file an appeal to the Council of Leaders through the General Secretary within fifteen (15) days from receipt of the Executive Committee's decision. Should the Council of Leaders find the affiliate not guilty, the suspension shall be lifted and the affiliate may be restored to its former position as regular affiliate in good standing. The dues and other obligations, which would have been paid to the CENTER during the period of suspension, shall be deemed paid. Should the Council of Leaders by a simple majority vote, find the suspension justifiable as decreed, it shall not be lifted, and the suspended affiliate shall be liable to pay all dues and other obligations to the CENTER during the period of suspension.

SECTION 44. Expulsion. The Council of Leaders may expel any affiliate found guilty of violating the Code of Discipline after a thorough investigation conducted by the Internal Affairs Commission. Such decisions of the Council of Leaders shall be final and executory.

SECTION 45. Code of Discipline. The Council of Leaders shall promulgate a Code of Discipline and such other rules and regulations not otherwise provided herein for the strict observance and execution of the Constitution and this Bylaws and enforce discipline among its members.

## ARTICLE X ELECTIONS

SECTION 46. Equal Opportunity. The CENTER, through the Commission on Elections, shall afford equal opportunity to all qualified members in good standing to vote and be voted for in office.

SECTION 47. Manner of Elections. All elections shall be by secret ballot.

SECTION 48. Certificate of Candidacy. All candidates shall file their respective certificates of candidacy with the Commission on Elections.

## ARTICLE XI RULES ON SUCCESSION

SECTION 49. Vacancies. In the event the Chairperson dies, resigns, or is removed from office by the Congress or is permanently incapacitated, the 1st Vice-Chairperson for Internal Affairs assumes the position for the unexpired portion of the term; and accordingly, the vacated position of the 1st Vice-Chairperson for Internal Affairs shall be filled up by the 2nd Vice-Chairperson for External Affairs. In the event of vacancy in both offices of the Chairperson and the 1st Vice-Chairperson the 2nd Vice-Chairperson shall assume the Chairpersonship. In the event of a vacancy of all three (3) top positions, the Secretary-General shall act as the Chairperson temporarily until a new Chairperson is duly elected by the Council of Leaders from among themselves. The remaining vacancies shall be filled by the Executive Committee through election from among themselves. The Deputy Secretary-General shall assume the office of the Secretary-General in case of vacancy in the position of the Secretary-General. The Council of Leaders shall elect from among themselves replacements for the ultimate vacant positions in the Executive Committee.

## ARTICLE XII IMPEACHMENT AND EXPULSION OF OFFICERS

SECTION 50. Grounds for Impeachment. All Center Officers of the APL may be impeached and/or expelled by a two-thirds (2/3) majority vote of all the duly accredited voting delegates to the Congress for any of the following grounds:

- a. Culpable violation of this Constitution and Bylaws; and,
- b. Commission of graft and corruption or any act grossly inimical to the interest of the CENTER.

SECTION 51. Procedure. Charges against Center Officers shall be initiated by any member in good standing with the support of at least ten (10%) percent of all members in good standing and shall be heard and investigated by the Commission on Internal Affairs, and its decision or recommendation shall be submitted to the Executive Committee within thirty (30 days) from receipt of the written complaint. The Committee may ratify the recommendation by a two-thirds (2/3) vote, which decision shall be submitted automatically to the Council of Leaders and/or Congress to be called within fifteen (15) days thereafter by the Executive Committee for the purpose of automatic review and final action on the impeachment and/or expulsion.

SECTION 52. Inhibition. In case any Center Officer is himself/herself involved in any proceeding for disciplinary action, he shall inhibit himself from participating in the deliberation and his ad interim replacement may be chosen by the concerned governing authority in accordance with the rules set forth.

SECTION 53. Effect of Impeachment. Judgment in cases of impeachment shall not extend further than removal from office. Impeached officers are forever disqualified to hold and enjoy any office of honor and trust in the CENTER. Expulsion proceedings may then apply to impeached officers.

## ARTICLE XIII MODE OF SETTling INTERNAL DISPUTES

SECTION 54. Definition of Internal Disputes. Internal disputes include all disputes or grievances between affiliates arising from any violation or disagreement over any provision of the Constitution and this Bylaws, including any violation of the rights of the members of the CENTER provided for by the Law.

SECTION 55. Jurisdiction. The Executive Committee, with the help of the Commission on Internal Affairs, shall exercise jurisdiction over all internal union disputes as defined in the proceeding section.

SECTION 56. Procedures. All internal disputes shall be settled fairly and expeditiously in accordance with the following procedure:

- a. Complaint. Any aggrieved affiliate with cause for complaint against any other affiliate of the Center shall file a complaint in writing containing allegations constituting its cause of action.
- b. Filing. The complaint must be filed with the Secretary-General copy furnished the party complained of within a period of six (6) months from the date of commission of the cause of action; otherwise, the complaint shall forever be barred. The complaint shall contain among others: 1) the name of the person/s charged; 2) the specific violation/s committed; 3) the details relevant to the case; and 4) the relief/s or action/s prayed for.
- c. Conciliation. The Secretary-General shall summon the contending parties to a conciliation meeting before the First National Vice-President within seven (7) days after receipt thereof. Efforts at conciliation shall not exceed beyond thirty (30) days from the first meeting.
- d. Arbitration Hearings. If all attempts to conciliate the parties fail, the Secretary-General shall refer the case to the Commission on Internal Affairs, which recommendation, made in writing, shall be rendered not later than one (1) month from the termination of hearings and shall be referred to the Executive Committee.
- e. Decision. The Executive Committee shall act upon the recommendation of the Commission on Internal Affairs not later than fifteen (15) days from receipt thereof.
- f. Appeal. All appeals may be filed with the Council of Leaders, thru the Secretary-General not later than fifteen (15) days from receipt by the aggrieved party of the decision.
- g. Due Process. The Commission on Internal Affairs and the governing organs of the CENTER shall be guided by the principle of due process, fair play and neutrality in the conduct of all hearings. All decisions shall be guided by the Constitution and Bylaws, the applicable laws, rulings, and regulations, relevant jurisprudence and judicial notice of all established and accepted principles of equity.

## ARTICLE XIV AMENDMENTS

SECTION 57. Power to Amend. Any amendment to this Bylaws shall be made by two-thirds (2/3) vote of all duly accredited voting delegates of the Congress, and all amendments shall take effect immediately upon approval. All proposed amendments to this By-Laws shall be submitted to the General Secretariat not later than 60 days before the holding of any Congress, which proposals shall be distributed to all concerned not later than thirty (30) days before the Congress. No late proposals shall be entertained by the Congress.

## C E R T I F I C A T I O N

These Bylaws was ratified by the founding members in 10 November 1996 in the Visayas Room of Westin Philippine Plaza Hotel, and was amended by the 1st Regular Congress held 4 December 1998 in Isabelo delos Reyes Auditorium of UP SOLAIR.

Certified True and Correct by:

Roquieto A. Arpafo  
Secretary-General