

4 Authorizing the Executive Council to Issue Provisional Charters to New Affiliates in Order to Set Particular Conditions for a Regular Affiliation

Submitted by the Executive Council

Article III, Section 4 of the Constitution authorizes the Executive Council, or the President by delegation, to issue charters to new AFL-CIO affiliates. In every case the affiliation is full-fledged and permanent, meaning that, absent the union's voluntary disaffiliation, only the extraordinary act of suspension or charter revocation—which only the Convention is empowered to do, and by a two-thirds vote, under Article III, Section 5—can end the affiliation.

In May 2001, the Executive Council adopted a policy statement, “Process and Criteria Governing Issuance of AFL-CIO Charters to Independent Organizations.” This policy sets forth principles and criteria to guide the Council's consideration of charter applications. The statement endorses the option of issuing provisional charters in special circumstances where, for example, a currently affiliated national or international union with significant representation in the independent union's primary jurisdiction cannot promptly reach necessary understandings with the independent union, yet there are sound reasons to affiliate the independent union with the AFL-CIO without further delay.

In adopting this policy, the Executive Council endorsed a process for such circumstances under which the independent union could be chartered provisionally for a period up to three years, during which conditions for a regular affiliation would be satisfied or the Council by majority vote could revoke the charter. Absent such revocation, at the expiration of the provisional period the charter's provisional status would end and a regular affiliation would take effect.

The proposed amendment would authorize the Council to do just that. The amendment is not intended to make provisional chartering the

norm, but to make it an available option so the AFL-CIO can more flexibly and effectively attain the complementary goals of unifying the American labor movement within the AFL-CIO, facilitating strategic mergers of unions operating in similar geographic, industrial and occupational sectors and forging relationships of solidarity among all AFL-CIO affiliates.

Therefore, the Executive Council proposes the following amendments to Article III, Sections 4 and 5:

Article III AFFILIATES

Sec. 4(a). The Executive Council may issue additional charters or certificates of affiliation to other organizations desiring to affiliate with this Federation. This power may be delegated to the President. Charters or certificates of affiliation shall not be issued to national or international unions, organizing committees, or directly affiliated local unions in conflict with the jurisdiction of affiliated national or international unions, except with the written consent of such unions, and shall be based upon a strict recognition that both craft and industrial unions are equal and necessary as methods of trade union organization, and that each affiliated national and international union is entitled to have its autonomy, integrity and jurisdiction protected and preserved.

Sec. 4(b). Where the Executive Council determines that it would be necessary or appropriate to subject the approval of a charter to one or more future conditions, the Executive Council may issue a provisional charter. In such cases, the provisional status of the charter shall be removed following a specified period of time not to exceed three years, and the

affiliation shall thereupon be deemed permanent, absent a vote of the Executive Council to revoke the charter.

Sec. 5.(b) Except as provided in Section 4(b) of this Article, No national or international union shall have its charter or certificate of affiliation with the Federation revoked except by a two-thirds roll-call vote at the convention. A

revoked charter or certificate of affiliation may be restored by either a two-thirds roll call vote of the convention or a two-thirds vote of the Executive Council if it is determined that the organization is conducting its affairs in a manner consistent with the obligations of an AFL-CIO affiliate.

Referred to the Constitutional Committee