

At Community Living Ontario's 2018 Annual General Meeting delegates had the opportunity to debate and vote on a series of changes to the organization's by-laws.

The package of proposed changes was primarily intended to ensure that Community Living Ontario is in compliance with the Ontario Not-for-Profit Corporations Act (ONCA) when it comes into effect. While the Act was passed in the Ontario Legislature in 2010, it has never been brought into effect. The government has stated that it expects to finally bring the changes into effect in early 2020.

Given this, the Board of Directors for Community Living Ontario concluded it was time to review the by-laws and make changes that were needed. Because of the complex nature of the changes, the Board took a number of steps to ensure that the changes would reflect the will of the membership.

At the direction of the Board, the By-laws Committee sought legal expertise in the drafting of the changes to ensure that Community Living Ontario would be in compliance with the new Act. The proposed changes were circulated to the membership in June of last year, three months prior to the 2018 AGM in order to ensure that members had adequate time to review and consider the changes.

The committee worked to bring the package of changes forward to the 2018 AGM in order to ensure that the organization had at least one more AGM after 2018 before the bill came into effect, in case members felt that additional time was needed to get the changes right.

As it turned out, after a spirited debate at the AGM, members did ask that the proposed changes be withdrawn and reintroduced at the 2019 meeting in Thunder Bay. This was done in order to allow the Board to make changes to the package to reflect recommendations made during the discussion at the AGM. During the past year, Community Living Ontario has worked to address the areas of concern discussed at the 2018 AGM. We have consulted with members and held a number of sessions with self-advocates, families and our local Associations to consider the best package of proposed changes.

Following are the highlights of the most significant changes included in the package of proposed changes to the bylaws for debate at the 2019 AGM in Thunder Bay.

Definition of Affiliate Association

At the 2018 AGM, the definition of Affiliate Associations as primarily "service providers" was a point of significant discussion and concern. The newly redrafted By-laws contain a revised and broader definition of the role that local Associations play. The new definition includes the provision that Affiliates be "membership based". During our consultations it was asked if this implied that our Affiliates must have an open system of membership whereby community members at large are welcome to sign up or would we welcome a closed board that had a small narrowly defined membership? The Board reflected on this and concluded that, given our history, it is our intention that the membership of Affiliates be broad and open so that it represents people with disabilities, families and community supporters.

Individual Member

In order to be compliant with the new Act while maintaining the Associations current governance structure, it was necessary to reduce the categories of membership listed in our By-laws to just one, Affiliate Members. While the

new Act does allow for multiple membership categories, it also confers on each category voting rights in a number of critical areas. This would mean that even our current non-voting member categories would be given the right to vote at general membership meetings in some cases. We have considered in the past extending voting rights to, for example, individual members, and have never settled on a satisfactory mechanism to do so. The approach supported by our members to date has been that individual members can participate in all aspects of the AGM except that they do not get a vote. Local Associations (Affiliate Members) vote at the AGM on behalf of their collective membership.

In the current draft of the By-laws we have described “Friends of Community Living” and “Honourary Friends of Community Living” as replacements for the current individual member and honorary life members categories. To align with the new Act, we have not referred to these as membership categories, but have conferred on each all the rights of the previous membership. We have retained a “Confederation” clause that still very clearly says that “Community Living Ontario shall be composed of Affiliate Association’s... along with individual friends of Community Living Ontario...” We believe that we have struck a balance in recognizing individuals in the Confederation clause where we acknowledge individuals as being an integral part of the confederation without calling them “members”.

Use of the “R” word

Under the section “Constitution” we use the “R” word twice in listing the previous names of the Association. Council members found this offensive and out of line with our advocacy aimed at eliminating this term. We have been advised that there is no legal requirement to include the history of our past names in the document as long as this record is maintained elsewhere in our association files. We have therefor deleted the record of names from the section pertaining to the constitution.

Plain Language Version

Council requested that a plain language overview of the by-law recommendations be prepared and circulated. Staff has produced a plain language overview and circulated it to members and is contained in the Delegates Kit.

In Conclusion

Given all of these changes, it is important to remember that Community Living Ontario will continue to be guided by its Goal, Vision and Mission statement and the many policies that members have established over the years. The redrafted By-laws will not impact in any way the fundamentals of what we are or how we carry out our work. The By-laws merely describe the formal legal structure under which we operate in compliance with the law. At its heart, Community Living Ontario will remain a family based association committed to ensuring the rights of people who have an intellectual disability to live full and meaning full lives in their community.

Motion:

In order to ensure that Community Living Ontario will be in compliance with the Ontario Not-for-Profit Corporations Act when it comes into effect while maintaining to the greatest extent possible its current governance structure, the amended by-laws contained in the 2019 Delegates Information Kit beginning on page 24 be adopted.