

BY-LAWS

OF THE

SAULT STE. MARIE AND DISTRICT LABOUR
COUNCIL

(Chartered by the Canadian Labour Congress)

September, 1999 March 2007

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ARTICLE I - NAME

Section 1 This Labour Council shall be known as the Sault Ste. Marie and District Labour Council and is chartered by the Canadian Labour Congress. It shall consist of organizations affiliated to the Canadian Labour Congress which become affiliated to this Council. These organizations shall conform to the Constitution and the rules and regulations of this Council as set forth herewith. This Labour Council shall not be dissolved while there are five (5) organizations remaining in affiliation.

ARTICLE II - PURPOSES

The purposes of this Labour Council are:

1. To support the principles and policies of the Canadian Labour Congress.
2. To promote the interest of its affiliates and generally to advance the economic and social welfare of workers.
3. (a) To assist affiliated organizations in extending its benefits of mutual assistance and collective bargaining to workers.

(b) To assist in the organization of the unorganized into unions for their mutual aid, protection and advancement, giving recognition to the principle that all unions are appropriate, equal and necessary as methods of union organization.
4. To encourage all workers without regard to race, **national or ethnic origin**, ~~creed,~~ colour, **religion**, **age**, sex, sexual orientation, ~~physically challenged, age, or national origin~~ **marital status, family status, physical or mental disability or pardoned criminal conviction**, to share in the full benefits of union organization.

This article is in support of the Ontario Human Rights Code and CLC and OFL policies.

Our Labour Council will not tolerate any harassment or sexual harassment of any of its members particularly if initiated from within the scope of our authority.

The Council will respect the dignity and regard of each and every one of our members.

Members can be subject to exclusion for misconduct pending a member levying charges against another should the Council uphold the charges.

5. To secure, and lobby for, legislation which will safeguard and promote the principle

of free collective bargaining, the rights of workers, and the security and welfare of all people.

6. To protect and strengthen our democratic institutions, to secure full recognition and enjoyment of the rights and liberties to which we are justly entitled, and to preserve and perpetuate the cherished traditions of our democracy.
7. To promote the cause of peace and freedom in the world and to assist and cooperate with free and democratic labour movements throughout the world.
8. To aid and encourage the sale and use of union made goods and union services through the use of the union label and other symbols; to promote the labour press and other means of furthering the education of the labour movement.
9. To protect the labour movement from any and all corrupt influences and from the undermining efforts of any organization and all which oppose the basic principles of our democracy and free democratic unionism.
10. To safeguard the democratic character of the labour movement and to observe and respect the autonomy of each affiliated organization.
11. While preserving the independence of the labour movement from political control, to encourage workers to vote, to exercise their full rights and responsibilities of citizenship, and to perform their rightful part in the political life of the municipal, provincial and federal governments.
12. To encourage, educate and support rank and file members to run as candidates for all levels of government.
13. To encourage rank and file members to represent labour on various levels of government agencies and Committees and Task Forces, Boards of Directors and School Boards.

ARTICLE III - MEMBERSHIP

Section 1 The Labour Council shall be composed of:

- a) local unions, branches and lodges of national and international unions, regional and provincial organizations affiliated to the Canadian Labour Congress; and
- b) local unions in the area chartered by the Canadian Labour Congress.

Section 2 Any organization affiliated with this Labour Council may be expelled from membership in the Council for proper cause, provided the charges have been filed in writing with the Secretary and the organization being charged

has been notified prior to the meeting that such charge will be dealt with. The decision shall be made by the meeting hearing the charge by a majority roll call vote. Any decision to expel may be appealed to the Executive Committee of the Canadian Labour Congress within two (2) months. The decision shall be in force and effect during appeal.

Section 3 Any organization controlled or dominated by any group whose policies and activities are consistently directed toward the achievement of any movement contrary to that of our Council shall not be permitted as affiliates to this Labour Council.

Section 4 It shall be the duty of each affiliated organization to furnish the Secretary of the Council with a statement of their membership in good standing, the name and address of its Executive Officers, the names and addresses of its delegates to the Council and a copy of their collective bargaining agreement.

Section 5 All delegates to this Council, before being seated shall come forward and clearly and audibly repeat the following obligation: (with his/her right hand over his/her heart, the delegate repeats after the installing officer)

“I, (name), solemnly promise and declare ... that I will support and obey, ... the By-Laws of this Labour Council, ... and the Constitution of the Canadian Labour Congress. That I will, ... if within my power to do so, ... assist my fellow members, ... or their families, ... when they are in distress, ... that I will not purposely, ... or knowingly wrong a member of the Council, ... or assist others in wronging him/her, ... that I will not divulge, ... except to a delegate, or sponsoring affiliate ... any of the affairs of this Council, ... that I will not recommend any person, ... to become a delegate to this Council ... whom I believe unworthy to be a delegate. ... I do hereby solemnly promise and declare, ... that I will undertake, ... a faithful performance of this obligation.”

ARTICLE IV - MEETINGS

Section 1 The regular meetings of this Labour Council shall be the governing body of the Council. Except as provided in Article XIII, its decisions shall be by majority vote.

Section 2 The regular meetings of the Council shall be normally held on the fourth Wednesday of each month. Meetings shall commence at 7:30 p.m. sharp, and shall adjourn no later than 9:30 p.m. except that such time

may be extended by a two-thirds (2/3) majority vote of the members present.

There are generally no meetings in July, August and December.

In the eventuality that urgent business arises between meetings, the Executive shall govern the affairs of the Council.

Section 3(a) Special meetings of the Council may be called by direction of the Executive or on request of affiliated organizations representing a majority of the total membership of the Council as evidenced by the records of the Treasurer.

(b) In the event a majority as provided in subsection (a) requests a special meeting, the Executive shall call such meeting within five (5) calendar days and shall give all organizations five (5) calendar days notice of the time and place for holding the special meeting together with a statement of the business to be considered at such meeting.

(c) Representation to special meetings shall be on the same basis as regular meetings.

(d) Except as provided in subsection (b), a special meeting shall exercise the same authority as regular meetings.

Section 4Representation at meetings shall be on the following basis: from affiliated local unions, branches and lodges, or organization, two (2) delegates for one hundred (100) or less members and one (1) additional delegate for each additional one hundred members or major fraction thereof, with a maximum of ten (10) delegates from any one (1) local union, branch or lodge.

Section 5The number of members of each organization for the purpose of selecting delegates to the Council shall be the average monthly number on which per capita tax is paid.

Section 6The Treasurer shall furnish each affiliate with credential blanks which must be attested as required on the blanks and deposited at a regular Council meeting before new delegates may be seated in Council.

Section 7Any organization suspended or expelled by the Canadian Labour Congress or this Council shall not, while under such penalty, be allowed representation in the Council. Any organization which is in arrears to the Council for per capita tax three (3) months or more shall not be entitled to recognition or representation in the Council.

Section 8Any person suspended by or expelled from any organization affiliated to this Council shall not be seated as a delegate.

Section 9 Any organization controlled or dominated by any totalitarian agency shall not be allowed representation in this Council.

Section 10 Any delegate being absent from four (4) consecutive meetings of this Council (as per record kept by the Sergeant-at-Arms) without good and sufficient reason, in writing, having been previously presented to the Secretary from the delegate or his or her organization, certifying to the sickness, absence from city, or engagement at night work, said delegate shall forfeit his or her seat, and immediate notice sent to his/her organization by the Secretary requesting a new credential for the vacant seat. The Secretary shall also revise the official roll call book, and attendance card file, for accurate use by the Sergeant-at-Arms.

Section 11 The President in consultation with the Executive shall appoint such committees as are necessary to conduct the affairs of the Council.

Such committees may include legislative, municipal, organizing, education, executive, political education, welfare and community services, labour day and social, union label, audit committee, women's, and human rights, etc. The Executive may request any such committee to meet for the purpose of considering matters placed before it and such committee shall prepare reports of its activities for presentation to Council meetings.

Section 12 Quorum

Nine (9) members representing five (5) different affiliates constitutes a quorum. Failure to quorum will result in the Executive having the authority to conduct the business of the day on behalf of the Sault Ste. Marie and District Labour Council.

Section 13 The rules and order of business governing meetings shall be:

- a) The President, or in the absence or at the request of the President, the Vice-President shall take the chair at the time specified, at all regular and special meetings. In the absence of both the President and the Vice-President, a Chair shall be chosen by the Executive.
- b) No question of a sectarian character shall be discussed at meetings.
- c) Any delegate wishing to speak shall be recognized by the Chair and shall give their name and the organization they represent and shall confine all remarks to the question as issue.
- d) A delegate shall not speak more than once upon a subject until all who wish to speak have had an opportunity to do so.
- e) A delegate shall not interrupt another except to call to a point of order.

- f) A delegate, upon being called to order at the request of the Chair, shall take their seat until the question has been decided.
- g) Should a delegate persist in unparliamentary conduct, the Chair will be compelled to name the delegate and submit their conduct to the judgment of the meeting. In such case, the delegate whose conduct is in question should explain and then withdraw, and the meeting will determine what course to pursue in the matter.
- h) When a question is put, the Chair after announcing the question shall ask: "Are you ready for the question?" If no delegate wishes to speak, the question shall be put.
- i) Questions may be decided by a show of hands, but a roll call vote may be demanded by thirty percent (30%) of the delegates present. In a roll call vote, each delegate shall be entitled to one (1) vote.
- j) Two (2) delegates may appeal the decision of the Chair. The next ranking executive shall assume the chair and shall then put the question thus: "Shall the decision of the Chair be sustained?" The question shall not be debatable except that the Chair and the appellant may make an explanation.
- k) The Chair shall have the same right as other delegates to vote on any questions. In the case of a tie vote, the Chair shall cast the deciding vote.
- l) When the previous question is moved, no discussions or amendment of either motion is permitted. If the majority vote that "the question be now put", the original motion has to be put without debate. If the motion to put the question is defeated, discussion will continue on the original motion.
- m) A motion may be reconsidered provided the mover of the motion to reconsider voted with the majority, and notice of motion is given for consideration at the next meeting, and said notice of motion is supported by two-thirds (2/3) of the delegates qualified to vote.
- n) In all matters not regulated by these rules of order, Bourinot's Rules of Order shall govern.

ARTICLE V - OFFICERS

Section 1 The officers of the Council shall consist of a President, First Vice-President, Second Vice-President, Treasurer, Recording Secretary, Sergeant-at-

Arms, and two (2) Members-at-Large.

Section 2 Each officer shall be a member in good standing of an affiliated organization. No one shall be eligible for election unless they have attended three (3) meetings out of the last six (6) monthly regular scheduled meetings.

Section 3 The officers shall be elected by the Council bi-annually. The election shall be held at the regular meeting in February in even years (~~1998, 2000, 2002,~~ 2008, 2010, 2012 etc.).

Section 4 Election of officers shall be by secret ballot. A majority of votes cast shall be required before any candidate can be declared elected, and second and subsequent ballot shall be taken if necessary to obtain such a majority. On the second and subsequent ballots, the candidate receiving the lowest number of votes in the previous ballot shall be dropped. In case of a final tie vote, the presiding officer may cast the deciding vote.

Section 5 The election of each office shall be completed before nominations may be accepted for any subsequent office.

Section 6 Nominees allowing their names to go forward for the offices of President, First Vice-President, Second Vice-President, Treasurer, Recording Secretary, Sergeant-at-Arms, and two (2) Members-at-Large shall upon acceptance of nomination, come forward and clearly and audibly speak the following lines to the assembled delegates:

“In accepting nomination, I swear and affirm that I will faithfully support the constitution, principles and policies of the Canadian Labour Congress and the By-Laws of this Labour Council.”

After being elected, each officer, before assuming his/her duties, shall be required to take the following obligation:

“I, do hereby, sincerely pledge my word and honour to perform my duties as an officer of this Labour Council. I will attend, when able to do so, all meetings of the Council of which I shall be a member, and at the end of my term of office, I shall turn over to the Council or to my successor, all properties or funds in my possession that belong to the Council.”

Section 7 In the event of a vacancy in the office of the President, the First Vice-President, or in the absence of the ~~V~~First Vice-President, the Second Vice-President shall perform the duties of the President until a successor is elected. If either Vice-President is unable to act in this matter, the

Treasurer shall perform this duty.

In the event of a vacancy in the office of either Vice-President or Treasurer, the President shall perform the duties of the vacant office until a successor is elected.

Section 8 In the event of a vacancy in any office of the Council, the vacancy shall be filled at the next regular meeting.

Section 9 The Executive Officers shall hold title to any real estate of the Council as trustees for the Council. They shall not have the right to sell, convey or encumber any real estate without first submitting the proposition to a meeting and such proposition is approved.

Section 10 Three (3) trustees shall be elected to audit the books of the Secretary-Treasurer semi-annually. The Trustees shall be elected so that one shall serve for a period of three (3) years, one for two (2) years and one for one (1) year. Each year thereafter, the Council shall elect one (1) trustee for a three (3) year period, or, in the case of vacancies occurring, elect trustees to fill only the unexpired terms in order to preserve overlapping terms of office. Such trustees shall not be members of the Executive.

ARTICLE VI - DUTIES OF THE PRESIDENT

Section 1 The President shall function as the chief executive officer of the Council. He/she shall exercise supervision over the affairs of the Council, sign all official documents and preside at regular and special meetings and at meetings of the Executive.

Section 2 Subject to appeal to the Canadian Labour Congress, the President shall have authority to interpret these By-Laws and such interpretation shall be conclusive and in full force and effect unless reversed or changed by the Executive at a meeting, or the Canadian Labour Congress.

ARTICLE VII - DUTIES OF THE VICE-PRESIDENTS

Section 1 The Vice-Presidents shall aid the President in the duties of chief executive officer of the Council and act on behalf of the President when requested to do so.

Each Vice-President shall chair two (2) Standing Committees. The First Vice-President shall chair the Membership Committee and one (1) other.

The Second Vice-President shall chair the Union Label Committee and one (1) other.

ARTICLE VIII - DUTIES OF THE TREASURER

Section 1 The Treasurer shall be the financial officer of the Council.

Section 2 The Treasurer shall be in charge of books, documents, files and effects of the Council which shall at all times be subject to the inspection of the President and Executive and shall maintain a list of all affiliates of the Council and the reported number of members of each one.

Section 3 The Treasurer shall prepare a financial statement of the Council for a monthly report to Council.

Section 4 The Treasurer shall have the books of the Council audited semi-annually by the trustees elected under the provisions of Article XII. A copy of the audit report shall be forwarded to the Canadian Labour Congress at Ottawa and the CLC Regional Office in January and July (actual audit to end of December and to end of June yearly).

Section 5 The Treasurer shall, subject to the approval of the Executive, invest surplus funds of the Council in securities or deposit them in a bank or banks.

Section 6 The Treasurer may be bonded in such amount as may be determined by the Executive.

Section 7 The Treasurer is empowered to require affiliated organizations to provide statistical data in their possession relating to the membership of their organizations.

Section 8 The Treasurer shall prepare an annual budget of income and expenditures to be presented in January of each year.

ARTICLE IX - DUTIES OF THE RECORDING SECRETARY

Section 1 The Recording Secretary shall record the proceedings of the Council and perform duties as may be assigned by the Executive. Once the minutes have been approved by Council, the President and Recording Secretary shall initial all pages and sign the final page. Said minutes shall be kept on file in the Labour Council office.

ARTICLE X - DUTIES OF THE SERGEANT-AT-ARMS

Section 1 It shall be the duty of the Sergeant-at-Arms to receive the name of each delegate upon entering the room, and shall record their attendance. The Sergeant-at-Arms shall perform such duties as may be assigned by the

President.

Upon request of the sponsoring local, the Sergeant-at-Arms shall provide attendance of that Local's delegates.

The Sergeant-at-Arms, with the direction of the President, shall remove any delegate not authorized to be in attendance, or by a majority vote of the registered delegates at the meeting.

This member will also be responsible [maintaining order at the meeting](#) for the Good and Welfare of the Council.

ARTICLE XI - DUTIES OF THE TWO MEMBERS-AT-LARGE

Section 1 It shall be the duty of the two (2) Members-at-Large to assist the President and other officers at required.

One (1) Member-at-Large will be Chair of the Labour Day Committee and the other Member-at-Large will Chair the Strike Committee.

ARTICLE XII - EXECUTIVE

Section 1 The Executive shall consist of the President, First Vice-President, Second Vice-President, Treasurer, Recording Secretary, Sergeant-at-Arms, and two (2) Members-at-Large.

Section 2 The Executive shall be the governing body of this Council between meetings. It shall take such action and render such decisions as may be necessary to carry out fully the provisions contained in these By-Laws and will bring notice of any action taken to the next Council meeting.

Section 3 The Executive shall meet upon the call of the President. It shall also be necessary for the President to call a meeting upon the request of three (3) other officers.

Section 4 The Executive shall have the power to conduct an investigation of any situation in which there is reason to believe that any affiliated organization may be dominated, controlled or substantially influenced in the conduct of its affairs by any corrupt influence, or that its policies or activities are contrary to the principles or policies of the Council. Upon the completion of such an investigation, including a hearing if requested, the Executive shall have the authority to make recommendations to the organization involved, and the Canadian Labour Congress. It shall have the further authority upon a two-thirds (2/3) vote of the Executive to suspend any organization. Any action of the Executive under this Section may be

appealed to the next meeting of the Council.

Section 5 Four (4) members of the Executive shall constitute a quorum for the transaction of the business of the Executive.

Section 6 The Executive is authorized to reimburse members of the Council for necessary expenses in performing their duties for the Council.

Section 7 The Executive shall cause the proceedings of all Council meetings and all sessions of the Executive to be recorded. Copies of all proceedings shall be forwarded to the Canadian Labour Congress, and the Ontario Federation of Labour.

ARTICLE XIII - REVENUE

Section 1A per capita tax shall be paid upon the full paid up membership of each organization.

Section 2 Each affiliated local union, branch or lodge shall pay before the last day of each month, for the preceding month, a per capita tax of ten cents (.10¢) per member per month. The Executive shall be empowered to accept "services in kind" in lieu of any portion of an affiliate's per capita.

Section 3 Any organization which does not pay its per capita tax on or before the time specified shall be notified of that fact by the Treasurer of the Council. Any organization three (3) months in arrears in payment of per capita tax money may become suspended from membership in the Council and can be reinstated only after arrears are paid in full.

Section 4 Any two (2) of the following officers: President, 1st Vice-President, or Treasurer shall be the only persons authorized to sign cheques for the payment of any costs incurred by the Council or for withdrawing any funds for the legitimate expenses of the Council.

Expenses

1. a) i) Per diem ~~forty-five dollars (\$45.00)~~ **fifty dollars (\$50.00)** will be paid to any delegate who has been authorized to represent the Labour Council.

ii) In the event such delegate is eligible for a per diem from another agency, such delegate will receive the greater amount, but in no case less than ~~forty-five dollars (\$45.00)~~ **fifty dollars (\$50.00)**.
- b) Expenses with receipts required for travel, hotel, lost wages, to be

turned in within three (3) months. All other expenses require receipts.

- c) Ground transportation shall be calculated at ~~thirty cents (.30¢)~~ **forty cents (.40¢)** per km.
- 2. Strike Pay - any appeal sanctioned by OFL or CLC, fifty dollars (\$50.00).
- 3. **A honourarium of one hundred dollars (\$100.00) will be paid to the President per month excluding the months of July and August. Expenses incurred during July and August will be covered to a maximum of one hundred dollars (\$100), when accompanied with receipts.** ~~can authorize up to one hundred dollars (\$100.00) monthly for general spending.~~
- 4. In the event of death of one of our active members, a donation of up to fifty dollars (\$50.00).
- 5. Membership and affiliations, i.e. NDP, OFL, and CLC will automatically be paid.
- 6. Members in good standing of the Labour Council may from time to time request monies to attend educational and labour-related functions.

Such requests are to follow these general guidelines:

- i) Member in good standing as per Article IV, Section 10.
- ii) Must request, in person or in writing, providing information on proposed workshop/conference.
- iii) Must make a report following such attendance.

ARTICLE XIV - COMMITTEES AND BOARDS

Section 1 Committees

Appointed Committees are to name their own Chair when not covered elsewhere in these By-Laws.

Section 2 Boards

- i) All appointments representing the Labour Council on Boards must be approved by the Labour Council.

- ii) The Executive shall ensure that an updated list of all representatives on boards is compiled and updated annually and presented to Labour Council delegates at February's meeting.
- iii) Representatives must ensure that they are consistently reflecting labour's views and adhering to the principles governing our Council. Further, representatives must provide progress or update reports back to the Council to a minimum of three (3) times a year.

ARTICLE XV - AMENDMENTS

Section 1 Amendments to these By-Laws as long as they do not conflict with the Constitution of the Canadian Labour Congress, nor its principles and policies, may be adopted by a two-thirds (2/3) vote of those present in meeting and voting. Any amendments shall only become effective after approval by the Executive Committee of the Canadian Labour Congress.

- Section 2**
- i) There shall be a By-Laws Committee set up consisting of at least three (3) members appointed by the Labour Council. The duties of the By-Laws Committee shall be to meet annually to consider proposed amendments to the By-Laws and to make recommendations on changes to the By-Laws. Members of the Labour Council shall be notified of the first reading of the By-Law amendments.
 - ii) Any proposed amendments or additions to the present By-Laws must be presented, in writing, to the By-Laws Committee within thirty (30) days of notification or they shall not be considered by the Committee.
 - iii) Any dispute regarding the intent of any By-Law shall be submitted, in writing, to the By-Laws Committee and shall be referred to the By-Laws Committee and the Executive for a decision.
 - iv) The By-Law amendments shall be read at two (2) consecutive monthly meetings prior to their approval at the second meeting.
 - v) The By-Laws shall be printed and distributed as soon as possible after acceptance and approval by the C.L.C.

ARTICLE XVI - OMBUDSMAN

Section 1 If a delegate has a complaint or grievance against any officer or delegate of the Labour Council which cannot be dealt with by the procedures set forth in these By-Laws, the aggrieved delegate shall have the right to submit the case with all relevant material to the Secretary-Treasurer of the

Canadian Labour Congress who shall refer the case with all documentation to the Ombudsman appointed by the Canadian Labour Congress.

Section 2 The Ombudsman will, under the authority vested in the office of the Ombudsman by the Congress, undertake such inquiries, hearings or meetings as deemed advisable and report on the findings, conclusions and recommendations as soon as possible to the parties to the complaint and the Secretary-Treasurer of the Canadian Labour Congress.

Section 3 Terms of Reference for Ombudsman — in carrying out the duties assigned by the Congress, the Ombudsman is empowered:

- a) To receive inquiries concerning the rights of delegates and to advise them on the procedures open to them for the redress of complaints.
- b) To receive complaints, to investigate them, to hold hearings when the complaint warrants it, and to issue written reports, determination or findings on the individual cases.
- c) To decide whether or not allegations are sufficiently serious and substantial to justify a hearing and if not, to dismiss a complaint without a hearing.
- d) To order, in cases where the decision favours the complainant, such remedies as are necessary to redress the injustice to the individual.
- e) To recommend, based upon the cases handled, changes in the constitution of bodies concerned which, in the judgment of the Ombudsman, would eliminate the causes of the complaints.
- f) To submit to the Canadian Labour Congress, before March 31, each year, a statistical report of the cases handled during the previous calendar year, and the disposition thereof, including such comments and recommendations as may be of assistance to the Congress in determining future policy with respect to the functions of this office.
- g) To recommend, for the approval of the Congress:
 - i) procedures for the handling of correspondence and written records relative to complaints received;
 - ii) procedures to be followed at meetings, hearings and inquiries, including the appearance and testimony of individuals;
 - iii) procedures for obtaining access to relevant files and other documentation;

- iv) procedures for reimbursement of complainants, defendants and witnesses for travel and other expenses.

In addition to the foregoing, the Ombudsman would, if his/her orders or recommendations are not acted upon and grievances settled within a period of thirty (30) days after the report had been submitted to the parties, have the authority to publicize any decision, award, or other findings the Ombudsman has made.