

# Inclusive and Egalitarian Policies and By-Laws for My Cooperative

A Guide for Co-op Members



LES COOPÉRATIVES D'HABITATION  
présence des femmes  
pouvoir des femmes

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# What is the *Club Les Voisines*?

The work group known as *Les Voisines* came into being after a forum held in the spring of 2018 as part of the *Présence des femmes, pouvoir des femmes* [Women's Presence, Women's Power] project. Women co-op members concerned about issues related to women's participation in housing got together to think collectively about strategies for increasing women's participation.

Inspired by the discussions that took place at the forum, the women decided to establish themselves as a work group called the *Club Les Voisines*. Together with a project staff member, they decided that the club would be a place to discuss new, inclusive and feminist practices and create collective initiatives to promote more egalitarian cooperative living environments!

The committee took note of the obstacles women had listed as barriers to their participation in housing cooperatives: difficulty balancing work/family/participation, sexism, sexual harassment and violence, and, also, weaknesses in democratic structure and process. Besides naming these issues, women at the forum had also mentioned numerous good practices and suggestions for maintaining an egalitarian and quality living environment.

**Based on this material and their own expertise as women involved in cooperatives, *Les Voisines* decided to revise four basic documents that serve as a framework for cooperatives' internal operations: internal governance by-law, selection policy, member contract and the building by-law.**

All of this work was informed by "gender-based analysis plus" (GBA+), which is a way of understanding the specific impact of an action or policy on men and women respectively, taking into account diverse aspects of their identities. This approach has guided all our activities in the Women's Presence, Women's Power project and its aim is to make inclusion a concrete reality.

The committee's work represents an invaluable contribution and it is offered in a spirit of generosity to all housing cooperatives and their members.

# Purpose of this guide?

**The guide is a companion tool to help co-op members who are interested in adopting these new model policies and by-laws.**

**In it, you will find:**

- **The legal and administrative framework for the proposed tools and by-laws**
- **Frequently asked questions to guide members who want to update their co-op's tools and by-laws**
- **Some definitions**
- **Useful linkss**



# Administrative and legal framework

## of housing cooperatives

Housing co-ops are subject to laws and regulations that govern how they are managed. Cooperatives have civil and administrative obligations they must comply with. The main purpose of these obligations is to preserve and perpetuate the cooperative's mission.

### A legal framework

Legal requirements provide predefined procedures that shape the cooperative's way of functioning. In their application, these procedures can be strict and compulsory, but they can also be flexible and adaptable, depending on the organization's mission and internal rules.

<b>Canadian Charter of Rights and Freedoms</b>	Human rights include the right to life, security, personal integrity and freedom (which are fundamental rights).
<b>Québec Charter of Human Rights and Freedoms</b>	They also include economic, social, legal and political rights and the right to equality.
<b>The Civil Code of Québec</b>	The <i>Civil Code of Québec</i> governs, in harmony with the <i>Charter of Human Rights and Freedoms</i> (chapter C-12) and the general principles of law, persons, relationships between persons, and property.
<b>Cooperatives Act</b>	Provisions applicable to cooperatives.
<b>Act respecting the Régie du logement</b>	The Régie du logement is a provincial organization whose mandate is to govern the residential rental market. The rental market is regulated by among others, the <i>Act respecting the Régie du logement</i> and the <i>Civil Code of Québec</i> .
<b>Protection of Personal Information Act</b>	The purpose of the Act is to establish specific rules with respect to personal information about others that a person collects, holds, uses or discloses to third parties in the course of carrying on an enterprise.

# Administrative and legal framework of housing cooperatives

## An administrative framework

Quebec's housing cooperatives came into being supported by government financial assistance in the form of development programs administered by the Canada Mortgage and Housing Corporation (CMHC) and the Société d'habitation du Québec (SHQ). The contract between a housing cooperative and one of these public agencies is called an "operating agreement." The rules of each "operating agreement" are different, depending on the government program (Section 95, ILM, AccèsLogis, etc.).

Based on the goal of ensuring the viability of housing cooperatives and guaranteeing the properties' sustainability, these agreements dictate obligations for both the cooperative and the government agency involved. The establishment of reserve funds, the maintenance of the co-op's mission and the subsidy allocation mechanism are some of the elements they may address. It is therefore important to refer to your agreement when you want to update your co-op's policies and regulations.

## Flexibility helps co-ops maintain their identity

Although housing cooperatives must rigorously comply with the legal and administrative rules mentioned above, the government provided measures that entitle cooperative members to adopt by-laws that align with the social mission, values and means housing cooperatives have adopted to reach these goals.

**Flexibility is one of the things that gives housing co-ops an advantage over the private rental market. It means that cooperative members can define and create an evolving living environment that reflects the values of cooperation and inclusion.**

It is with this in mind that we revised the internal governance by-law, selection policy, membership contract and building by-law models.

# Adopting policies, step by step

## **Why should I change and update my co-op's policies and by-laws?**

In many cases, a co-op's by-laws and policies have not been changed since its founding. This means that more than 30 years may have passed without any change! But during that time there have probably been many legal and social changes.

It is important, then, that cooperatives and their members take the time to review their policies and by-laws to see what they need to change or remove.

**Beyond updating the tools, a cooperative can take advantage of this review to collectively reaffirm its values, give itself time to reflect on its mission, and make choices (environmental, feminist, pacifist, etc.) that reflect its orientations.**

## **How do we convince the Board of Directors and other co-op members of the need to update policies and by-laws?**

Here are arguments that you can use for each of the tools to start the conversation with other co-op members about updating your policies and by-laws.

**For the internal governance by-law:**

- Improve the co-op's democratic process
- Encourage participation, especially that of women, and promote their inclusion in participative bodies
- Present the duties of the Board of Directors clearly and simply
- Increase the transparency of the co-op's decision-making bodies
- Legal update (for example, the mediation clause)
- Update the list of committees and their goals

**For the member contract:**

- Integrate the Declaration of Principles on Eliminating and Preventing Violence Against Women in Housing Co-ops
- Include the mediation clause as recommended in the *Code of Civil Procedure* since January 1, 2016
- Ensure that the cooperative is a safe living environment

**For the member selection by-law:**

- Reiterate the importance of selection to the cooperative's sound governance
- Validate the points to consider during the selection process
- Prevent discrimination and promote equity in member selection
- Have a clear policy to prevent potential disputes or conflicts of interest during member selection

**For the building by-law:**

- Ensure the good condition and healthiness of housing and buildings and reduce expenses that affect rental cost
- Ensure an equal division of responsibilities between tenants and the cooperative
- Update the legal rights and obligations of each party (e.g., cannabis)
- Ensure that the cooperative is a safe living environment and facilitate harmonious cohabitation



## What are the advantages of adopting the proposed models?

### 1. Savings of time and money for the cooperative

The proposed models are up to date and complete and will provide co-operatives with a chance to update their by-laws and policies at no cost.

### 2. Gender equality and an intersectional gender-based analysis approach (GBA+) sustainably integrated into governance tools

The proposed models take into account women's specific needs (declaration against violence against women, the importance of safety in the workplace, accommodations related to work/family/participation balance, etc.).

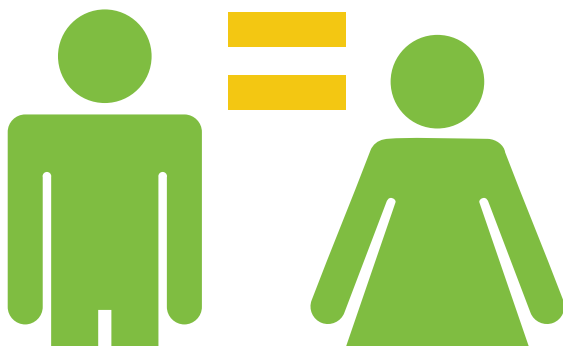
**To this end, the models were revised through the lens of GBA+, an analytical process that takes into account the differentiated realities of men and women in all their diversity.**

These models aim to ensure gender equity and equality in governance tools and more fully recognize women's invaluable contribution to co-op management.

### 3. The models' relevance to co-op members' reality

The models have been analyzed and revised by cooperative members committed to the values of:

- Cooperation
- Participatory democracy
- Transparency
- Inclusion
- Equality
- Equity



#### **4. Legal compliance**

The models were validated by a lawyer and submitted to the Commission des droits de la personne et des droits de la jeunesse (CDPDJ) to ensure compliance with the various laws and regulations in effect at the time of writing this Guide.

#### **5. Compliance with inclusion and diversity requirements**

The documents, especially the selection policy, were written with the aim of avoiding discrimination on the basis of gender, ethnic origin, sexual orientation, disability, religion, language or civil or economic status, to promote everyone's commitment and participation in the housing co-operative.

### **What is the legal process for changing and adopting policies in my co-op?**

To amend a by-law or policy, the amendment must be adopted by a majority of the co-op's members present at a general meeting (GM) AND the members must have received the proposed amendment(s) attached to the notice of meeting.

An amendment may be proposed by:

- A committee
- An individual member
- The Board of Directors

All you have to do is draft a clear and simple proposal and put it to the vote.



## **What if the Board of Directors resists a request to amend a policy or by-law?**

### **You can:**

- Ask to meet with the Board of Directors (Board) to explain the process. Propose the creation of an ad hoc by-laws and policy review committee that would report to the GM.
- Use the cooperative's communication channels to mobilize other members of the cooperative (or even ask for this point to be added at a GM).
- Send the Board a written request for amendment. Ask as many members as you can to sign the request.
- Ask that an information item be put on the agenda of the Annual General Meeting (or an agenda point about forming a Policy and By-Laws Review Committee).
- Ask (petition) for a special general meeting. If it is signed by more than 25% of the co-op's members, the board is required to call an SGM.
- Propose a secret ballot if there is reason to believe that some people may be intimidated or uncomfortable voting by show of hands.

### **How do we enforce by-laws passed in the co-op?**

- As is the case for all by-laws, committees and the Board must be vigilant. It is everyone's responsibility to ensure that the by-laws are enforced.
- Write a complaint to the Board of Directors or the Neighbour Relations Committee.
- Issue reminders to members who do not comply.
- Form a committee to follow up on the updated tools.

### How can I get support if I have questions as a co-op member?

- Contact FECHIMM's advice phone line, 514 843-6929, ext. 227 or [conseils@fechimm.coop](mailto:conseils@fechimm.coop) – it is a free service for members of FECHIMM member cooperatives.
- Get involved with FECHIMM's Women's Committee, which is familiar with these tools.
- Contact your local housing committee.

### What can I do to enforce my rights as a housing co-op resident or member?

- Call a special meeting
- FECHIMM
  - Support of a delegated representative
  - Support of the mediation service
- Superior Court
  
- Régie du logement
  
- Commission des droits de la personne et de la jeunesse

**Members**

**Tenants**

**Support in fighting  
discrimination  
on any grounds**

## Model template for submitting proposals for amendments or change

There are two ways of presenting the new models for the purpose of adoption:

- Propose the adoption of the new models as a whole
- Compare the new models with your current by-laws and policies and propose certain amendments. If you go with the second option, the chart below might help you to clearly present the proposed amendments to your cooperative's general meeting.

Amendments to the (insert name) by-law		
Current article	Proposed changes	Reasons



# Definitions

## Violence:

Violence takes various forms—verbal, physical, psychological, sexual, and economic—that may be exercised in combination. Everyone is potentially a victim—children, teenagers, adults, the elderly.

Violence is committed in diverse situations, regardless of socio-economic class, national or cultural background. The expression “violence against women” is used to emphasize the fact that women are generally more likely than men to suffer the most serious consequences of violence: physical injury, trauma, emotional, social and financial repercussions.

Source: Fédération des maisons d'hébergement pour femmes

## Harassment:

Harassment occurs when a person's conduct undermines the dignity or the psychological or physical health of one or more other persons. Such conduct may take the form of offensive, derogatory, hostile or unwanted words or behaviour towards one or more persons. A single serious act, if it results in a continuing harmful effect on the person who suffers it, may also constitute harassment.

When harassment is based on a personal characteristic, it is called discriminatory harassment, a practice prohibited by the *Charter of Rights and Freedoms*. For example, it is forbidden to make jokes and repeated comments about a co-worker's sexual orientation.

Source: [www.cdpcj.qc.ca/fr/droits-de-la-personne/pratiques/Pages/harcelement.aspx](http://www.cdpcj.qc.ca/fr/droits-de-la-personne/pratiques/Pages/harcelement.aspx)

## Inclusion:

Inclusion is a process to ensure that everyone, regardless of their experiences, can realize their potential in life. An inclusive society is characterized by efforts to reduce inequalities, by a balance between individual rights and duties.

Source: Centre of Economic and Social Inclusion

## **Bullying:**

Any behaviour, word, act or gesture, deliberate or otherwise, of a repetitive nature, that is expressed directly or indirectly, including in cyberspace, in a context characterized by unequal power relations between the persons concerned, and which has the effect of causing feelings of distress and causing harm, injury, oppression or ostracism.

Source: [www.mfa.gouv.qc.ca/fr/intimidation/definition/Pages/index.aspx](http://www.mfa.gouv.qc.ca/fr/intimidation/definition/Pages/index.aspx)

## **Direct discrimination:**

Direct discrimination is the most rudimentary and blatant form of discrimination. It occurs when a person is subjected to differential treatment based on a prohibited ground of discrimination in an open and explicit manner. Very often, there is an intention to discriminate against a person or group of persons due to actual or presumed group characteristics. However, it is not necessary to show intent in order to find discrimination.

### **Two examples of direct discrimination:**

- **reject an applicant because he or she belongs to an ethnic minority (discrimination on the basis of ethnic origin)**
- **refusing to rent an apartment to a person because of his or her low income (social condition discrimination)**

Source: [www.cdpcj.qc.ca/fr/formation/accommodement/Pages/html/formes-discrimination.html](http://www.cdpcj.qc.ca/fr/formation/accommodement/Pages/html/formes-discrimination.html)



# Definitions

## **Indirect discrimination:**

Adverse effect discrimination is a more subtle form of discrimination than direct discrimination. It generally occurs without the intent to discriminate. Rather, a discriminatory situation arises from the consistent application of a standard, policy, rule or practice that is neutral on its face but nevertheless has a discriminatory effect on a person or class of persons by imposing on them obligations, penalties or restrictive conditions not imposed on others. Standards or practices may therefore have a discriminatory effect, "even if that effect was neither intended nor foreseen."

Thus, a decision-maker may have acted in good faith, without intent to discriminate, and be the cause of a situation of discrimination. They must then assess the possibility of departing from the standard or practice in order to protect the victim(s) from the harm suffered. In other words, they must try to put in place an accommodation measure that will neutralize the discriminatory effect.

Source: [www.cdpcj.qc.ca/fr/formation/accommodement/Pages/html/formes-discrimination.html](http://www.cdpcj.qc.ca/fr/formation/accommodement/Pages/html/formes-discrimination.html)





## **Systemic discrimination:**

Systemic discrimination may be defined as:

... the sum of disproportionate exclusionary effects resulting from the combined effect of prejudiced and stereotypical attitudes, often unconscious, and policies and practices that are generally adopted without taking into account the characteristics of members of groups covered by the prohibition of discrimination.

Systemic discrimination often has long-lasting effects on an identifiable group of people because of a characteristic such as gender, age, skin colour, disability, etc. In the employment system, this form of discrimination can, among other things, result in disproportionately disadvantageous hiring and promotion opportunities, particularly for women, Indigenous peoples, ethnic minorities, visible minorities and persons with disabilities.

Discrimination is harder to neutralize. Therefore, remedies must themselves have a systemic dimension aimed at reparations commensurate with the harm, given the persistent and pernicious effects of this form of discrimination. Access to equality programs are examples of these kinds of measures.

Source: [www.cdpcj.qc.ca/fr/formation/accommodement/Pages/html/formes-discrimination.html](http://www.cdpcj.qc.ca/fr/formation/accommodement/Pages/html/formes-discrimination.html)

## **Sexism:**

Sexism is a form of gender-based discrimination based on a set of stereotyped and internalized beliefs, values, attitudes, and patterns. It divides roles, skills, interests and behaviours according to gender, which has the effect of restricting personal development in all areas: personal, professional and social. It has the effect of limiting people's potential for development and, more often than not, of discriminating against women.

Source: [www.education.gouv.qc.ca/le-ministere/condition-feminine/sexisme-hypersexualisation-et-stereotypes-sexuels/](http://www.education.gouv.qc.ca/le-ministere/condition-feminine/sexisme-hypersexualisation-et-stereotypes-sexuels/)

# Definitions

## Equality:

Equality corresponds to identical or equivalent situations among individuals with regard to the rights they can claim, living conditions, and the scarce resources to which they are entitled, irrespective of their biological or social sex, sexual orientation, and, regardless of the differences between people.

Source: [www.adequations.org/](http://www.adequations.org/) (Fench only)



**Equality**



**Equity**

## Equity:

Equity is defined as an approach based on principles of fairness and impartiality. In other words, equity means ensuring that everyone has access to the resources, opportunities, power and responsibilities they need to be healthy. It is also about making the changes necessary to properly identify unjust gaps in social conditions and to address these issues.

Source: <http://sgba-resource.ca/en/concepts/equity/>

# Cooperative principles

## 1<sup>st</sup> principle:

### **Voluntary and open membership**

Cooperatives are voluntary organisations, open to all persons able to use their services and willing to accept the responsibilities of membership, without gender, social, racial, political or religious discrimination.

## 2<sup>nd</sup> principle:

### **Democratic member control**

Cooperatives are democratic organisations controlled by their members, who actively participate in setting their policies and making decisions. Men and women serving as elected representatives are accountable to the membership. In primary cooperatives members have equal voting rights (one member, one vote) and cooperatives at other levels are also organised in a democratic manner.

## 3<sup>rd</sup> principle:

### **Member economic participation**

Members contribute equitably to, and democratically control, the capital of their cooperative. At least part of that capital is usually the common property of the cooperative. Members usually receive limited compensation, if any, on capital subscribed as a condition of membership. Members allocate surpluses for any or all of the following purposes: developing their cooperative, possibly by setting up reserves, part of which at least would be indivisible; benefiting members in proportion to their transactions with the cooperative; and supporting other activities approved by the membership.



4<sup>e</sup> principe:

**Autonomy and independence**

Cooperatives are autonomous, self-help organisations controlled by their members. If they enter into agreements with other organisations, including governments, or raise capital from external sources, they do so on terms that ensure democratic control by their members and maintain their cooperative autonomy.

5<sup>th</sup> principe:

**Education, training and information**

Cooperatives provide education and training for their members, elected representatives, managers, and employees so they can contribute effectively to the development of their co-operatives. They inform the general public – particularly young people and opinion leaders – about the nature and benefits of co-operation.

6<sup>th</sup> principe:

**Cooperation among cooperatives**

Cooperatives serve their members most effectively and strengthen the cooperative movement by working together through local, national, regional and international structures.

7<sup>th</sup> principe:

**Concern for community**

Cooperatives work for the sustainable development of their communities through policies approved by their members.

Source: [canada.coop/fr/valeurs-et-principes](http://canada.coop/fr/valeurs-et-principes)



# Useful links and resources

## Find out more about cooperatives

- La Fédération des coopératives d'habitation intermunicipale du Montréal métropolitain (FECHIMM): [fechimm.coop](http://fechimm.coop)
- Cooperative Housing Federation of Canada (CHFC): [chfcanada.coop](http://chfcanada.coop)
- La Confédération québécoise des coopératives d'habitation (CQCH): [cooperativehabitation.coop](http://cooperativehabitation.coop)
- Laws applicable to housing cooperatives – CMHC: <https://www.cmhc-schl.gc.ca/en/maintaining-and-managing/co-operative-housing-guide/governing-legislation-housing-co-ops>
- Cooperatives Act: <http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/C-67.2>

## Housing rights

- La Régie du logement: [rdl.gouv.qc.ca/](http://rdl.gouv.qc.ca/)
- Educaloi/housing: [educaloi.qc.ca/categories/habitation](http://educaloi.qc.ca/categories/habitation)
- Tenants rights associations: [rclalq.qc.ca/comites-logement-du-quebec/](http://rclalq.qc.ca/comites-logement-du-quebec/)

## Human rights

- Québec Charter of Human Rights and Freedoms: <http://legisquebec.gouv.qc.ca/en/showdoc/cs/C-12>
- Commission des droits de la personne et des droits de la jeunesse (Human Rights Commission): [cdpdj.qc.ca](http://cdpdj.qc.ca)
- Universal accessibility resource guide for housing co-ops (French): [fechimm.coop/fr/guideAU](http://fechimm.coop/fr/guideAU)  
(English): <https://www.cmhc-schl.gc.ca/en/developing-and-renovating/accessible-adaptable-housing>

## Women and violence

- SOS – Violence conjugale: Toll-free line: 1 800 363-9010  
[sosviolenceconjugale.ca](http://sosviolenceconjugale.ca) (domestic violence)
- Centre pour les victimes d'agression sexuelle de Montréal (Montreal Sexual Assault Centre): 24 hr crisis line and other services : 514 934-4504
- Agressions sexuelles – De l'aide au bout du fil: 24 hr crisis line: 514 933-9007 | 1 888 933-9007
- Regroupement des maisons d'hébergement pour femmes victimes de violence conjugale (women's shelters association)  
Toll-free help line: 1 800 363-9010 [maisons-femmes.qc.ca](http://maisons-femmes.qc.ca)

## **Women and violence**

- Women's centres: [rcentres.qc.ca/centres-de-femmes/](http://rcentres.qc.ca/centres-de-femmes/)
- Domestic violence – City of Montréal police: [spvm.qc.ca](http://spvm.qc.ca)
- Emergency: 9-1-1 | Outside Montréal: 514 280-2121 | Info-Crime: 514 393-1133

## **Legal aid**

- Juripop: [juripop.org](http://juripop.org)
- Community justice centre: [www.justicedeproximite.qc.ca/centres/grand-montreal](http://www.justicedeproximite.qc.ca/centres/grand-montreal)
- Juristes à domicile: [www.juristesadomicile.com](http://www.juristesadomicile.com)
- FECHIMM's legal aid service:  
514 843-6929, ext. 227



# Thank you

The women in *Les Voisines*

La Commission des Droits de la Personne  
et des Droits de la Jeunesse (CDPDJ)  
for reviewing the policies.

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Since February 2017, the FECHIMM, Comité logement Lachine-LaSalle (CLLL), Groupe de ressources techniques (GRT) Réseau 2000+ and the Table régionale des centres de femmes Montréal/Laval have led the project, « Les coopératives d'habitation : présence des femmes, pouvoir des femmes. »

Funded by Status of Women Canada, the goal of this three-year project is to enhance women's participation and empowerment in housing cooperatives.

