



**CONSTITUTION  
and  
BYLAWS  
of  
THE TEACHERS' BARGAINING UNIT  
of  
DISTRICT 11  
of the  
ONTARIO SECONDARY SCHOOL  
TEACHERS' FEDERATION**

June 2019

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## 1. Article 1 Definitions

- 1.1. "District" shall mean District 11 of the Ontario Secondary School Teachers' Federation.
- 1.2. "Unit" shall mean the Bargaining Unit within District 11 composed of secondary teachers employed by the Thames Valley District School Board.
- 1.3. "Branch" shall mean a grouping of teachers within one instructional setting of the Board.
- 1.4. "Constitution" shall mean the fundamental principles governing the TBU.
- 1.5. "Bylaws" shall mean the standing rules governing the membership of the TBU, made under this constitution, on matters within the control of the TBU.
- 1.6. "Policy" shall mean a stand or position taken by the TBU in accordance with its bylaws.
- 1.7. "Year" shall mean July 1st to June 30th, unless otherwise stated (AGM 2016)

## 2. Article 2 Name and Membership

- 2.1. The name shall be the Teachers' Bargaining Unit, Ontario Secondary School Teachers' Federation, District 11.
- 2.2. "Member" shall mean an active teacher, certified under the Education Act, who is a member of OSSTF District 11.

## 3. Article 3 Organization

- 3.1. The TBU shall have an Executive Council consisting of the following members:
  - 3.1.1. Voting members as follows:
    - 3.1.1.1. Immediate Past President
    - 3.1.1.2. President
    - 3.1.1.3. Vice-President
    - 3.1.1.4. Secretary (AGM2005)
    - 3.1.1.5. Treasurer (AGM2005)
    - 3.1.1.6. Provincial Councillor(s) - Part X Education Act
    - 3.1.1.7. Branch Presidents
  - 3.1.2. Non-Voting members as follows:
    - 3.1.2.1. Chairperson of the Executive Council
    - 3.1.2.2. Chief Negotiator (AGM2005)
- 3.2. Each voting member of the Executive Council shall have one vote and a quorum shall be a majority of voting members.
- 3.3. In the case of a tie vote the motion shall be declared defeated.
- 3.4. The Executive Council shall elect a Chairperson.
- 3.5. The TBU shall have Standing Committees as follows:
  - 3.5.1. Awards Committee,
  - 3.5.2. Collective Bargaining Committee,
  - 3.5.3. Constitution Committee,
  - 3.5.4. Nominations Committee,
- 3.6. The TBU shall have Branches covering all TBU members
  - 3.6.1. The following shall be Branches:
    - 3.6.1.1. each Secondary School site
    - 3.6.1.2. all the Section 23 school sites shall be considered one Branch called "W.D. Sutton"
    - 3.6.1.3. all members at Community Education Centres shall be considered one Branch
    - 3.6.1.4. all Continuing Education Teachers shall be considered as one branch

- 3.6.1.5. all Virtual Academy teachers shall be considered as one branch (AGM2018)
- 3.6.1.6. all other teachers not mentioned above shall constitute the Alternative Education Branch
- 3.6.2. TBU members whose workplace is not a site as described in 3.5.1.1, or 3.6.1.2 or may choose to be a member of an established secondary school staff for purposes of Branch membership provided notification of such choice is received by the TBU Secretary and the Branch President of the secondary school Branch involved prior to September 30 of each year. (AGM2017)
- 3.6.3. Each Branch shall have an Executive which may include the following members:
  - 3.6.3.1. President
  - 3.6.3.2. Collective Bargaining Committee representative (AGM2013)
  - 3.6.3.3. Secretary (AGM2013)
  - 3.6.3.4. District or Bargaining Unit Committee representatives
  - 3.6.3.5. other Branch members as deemed appropriate by the Branch
- 3.6.4. Branch organization shall conform with the OSSTF Bylaws on Branch Organization.

#### **4. Article 4 Amendments**

- 4.1. Amendments to the Articles of the Constitution may be made: (AGM2005)
  - 4.1.1. at any duly constituted meeting of the general membership of the TBU, by a two-thirds affirmative vote of the members qualified to vote, present and voting, provided that notice of the proposed amendment shall have been given in writing through the Executive Council to each Branch President at least three weeks in advance of the meeting at which the motion to amend is to be presented (AGM2017)
  - 4.1.2. at any duly constituted meeting of the general membership of the TBU, by a nine-tenths affirmative vote of the members qualified to vote, present and voting, previous notice as in 4.1.1 not having been given. (AGM2017)
- 4.2. Amendments to the Bylaws may be made:
  - 4.2.1. at any duly constituted meeting of the general membership of the TBU, by a simple majority of the members qualified to vote, present and voting, provided that notice of the proposed amendment shall have been given in writing through the Executive Council to each Branch President at least three weeks in advance of the meeting at which the motion to amend is to be presented. (AGM2017)
  - 4.2.2. at any duly constituted meeting of the general membership of the TBU, by a two-thirds affirmative vote of the members qualified to vote, present and voting, previous notice as in 4.2.1 not having been given. (AGM2017)
  - 4.2.3. at a properly constituted meeting of the Executive Council, by a three-quarters affirmative vote of the members qualified to vote, present and voting.
  - 4.2.4. changes approved in 4.2.3 will be submitted to the next General Membership Meeting for ratification.
- 4.3. This Constitution and the Bylaws made under it shall supersede all previous motions concerning organization and procedure made by the TBU.

#### **5. Article 5 Compliance with Provincial OSSTF**

- 5.1. No part of the Constitution or Bylaws of the TBU will contravene the Constitution or Bylaws of the District or of the OSSTF.

**BYLAWS****1. Bylaw 1 General**

- 1.1. In all proceedings of the TBU, the Executive Council and its committees, the following Bylaws shall be observed and shall be the rules and regulations for the order and dispatch of the business of the TBU.
- 1.2. All proceedings of the TBU, its committees, or the Executive Council, not specifically provided for in these Bylaws, shall be dealt with in accordance with Parliamentary procedure, the authority for which shall be as stated in the Provincial Handbook.

**2. Bylaw 2 Membership**

- 2.1. Active Member:
  - 2.1.1. shall be active members of the District who are members of the Teachers 'Bargaining Unit as defined in the Education Act

**3. Bylaw 3 Rights, Privileges And Duties**

- 3.1. The rights, privileges, and duties of all members shall be as prescribed in the Bylaws of the District and of the OSSTF
- 3.2. **Members of the TBU**- It shall be the duty of the Members of the TBU to:
  - 3.2.1. participate in the activities of the TBU, including but not restricted to:
    - 3.2.1.1. elections at all levels of the TBU organization
    - 3.2.1.2. decisions on agreements with the employer
    - 3.2.1.3. decisions on the conduct of TBU business at meetings of the membership
  - 3.2.2. cooperate with Federation Services Officers in the performance of their duties
  - 3.2.3. comply with the OSSTF Provincial Constitution and Bylaws (AGM2005)

**3.3. Officers of the TBU**

- 3.3.1. **Immediate Past President** - It shall be the duty of the Immediate Past President:
  - 3.3.1.1. to attend all meetings of the Executive Council and to act in an advisory capacity
  - 3.3.1.2. to perform such other duties as requested by the President and reported by the President to the Executive Council
- 3.3.2. **President** - It shall be the duty of the TBU President:
  - 3.3.2.1. **General Duties:**
    - 3.3.2.1.1. to be the spokesperson for the TBU
    - 3.3.2.1.2. to present to the membership the Executive Council Priorities for that year
    - 3.3.2.1.3. to act as a signing authority for TBU documents
    - 3.3.2.1.4. to be responsible for the interpretation of current Federation Policy and the release of official TBU communications regarding it
    - 3.3.2.1.5. to ensure that each Standing Committee and Ad Hoc Committee has a Chairperson, meets and reports as required
    - 3.3.2.1.6. to organize, prepare an agenda for, and call meetings of the Executive Council

- 3.3.2.1.7. to ensure appropriate TBU representation on all District, joint Board, and other associated Committees and to appoint members as liaison, or voting representatives for all such committees
- 3.3.2.1.8. to ensure that each Chairperson of the TBU fulfils his/her duties
- 3.3.2.1.9. to take an active interest in the work of the Branches and to assist the Branch Presidents
- 3.3.2.1.10. to co-ordinate publications from TBU Committees
- 3.3.2.1.11. to publish the TBU Communications
- 3.3.2.1.12. to maintain comprehensive TBU Central Files
- 3.3.2.1.13. to be a member, ex-officio, of all TBU Committees
- 3.3.2.1.14. to be a member of the District Bargaining Committee
- 3.3.2.1.15. to be a member of the District Office Maintenance Committee
- 3.3.2.1.16. to recommend to the District President the appointment of the Chief Negotiator of the Teachers' Bargaining Unit from amongst the District Federation Services Officers who are full time active members of the Teachers' Bargaining Unit.(AGM2005)

3.3.2.2. **Responsibilities to Membership:**

- 3.3.2.2.1. to ensure the implementation of the Executive Council Priorities and Executive Council and Membership decisions
- 3.3.2.2.2. to maintain contact with all TBU committee work either through the appointed liaison representative or through the committee Chairpersons
- 3.3.2.2.3. to be a resource and provide service in the areas of certification, personnel problems, Board policy interpretation, and relations and discipline within the TBU

3.3.2.3. **Financial:**

- 3.3.2.3.1. to consult with the Treasurer and District Finance Committee during the preparation of the proposed budget for the next fiscal year
- 3.3.2.3.2. to act as a co-signer for the financial transactions of the TBU
- 3.3.2.3.3. to be the official representative of the TBU and to be a signing officer for the TBU with the responsibility to caution against unnecessary and wasteful expenditures of OSSTF funds, and
- 3.3.2.3.4. to submit to the Executive Council for approval, all expenditures of an unusual nature

3.3.2.4. **Board and Community Responsibilities:**

- 3.3.2.4.1. to take the initiative in the TBU with the respect to monitoring the activities of the Board and its Administration
- 3.3.2.4.2. to monitor the administration of the Collective Agreement and ancillary documents and maintain their proper application with the direct assistance of the District Federation Services Staff
- 3.3.2.4.3. to act as a liaison with community groups

3.3.2.5. **Provincial and Other Responsibilities:**

- 3.3.2.5.1. to maintain a liaison with the District Executive Council, the Provincial Executive, Provincial Council, and the Secretariat
- 3.3.2.5.2. to represent the TBU at the Annual General Meeting of the Provincial Assembly (AGM2006)
- 3.3.2.5.3. to maintain liaison through the District with other Bargaining TBUs, affiliates, Labour Councils, and other education employee groups

- 3.3.2.5.4. to serve as a TBU Provincial Councillor (AGM2012)
  - 3.3.2.5.4.1. to appoint an alternate to represent the Bargaining Unit for all or part of a Provincial Council meeting should any Provincial Councillor be unable to attend (AGM2012)
  - 3.3.2.5.4.2. to provide written reports of Provincial Council meetings to the Executive Council and to the District Executive Council. (AGM2012)

3.3.2.6. **Transfer of Responsibilities:**

- 3.3.2.6.1. should the President be temporarily unable to act, the Vice President shall assume the responsibilities and authority of the President
- 3.3.2.6.2. transfer of responsibility and authority as in 3.3.2.6.1 above shall occur by majority vote of the Executive Council
- 3.3.2.6.3. transfer of responsibility and authority back to the President shall occur by majority vote of the Executive Council
- 3.3.2.6.4. should the position of President be permanently vacated during the term of office, the Vice President shall assume the office of President subject to:
  - 3.3.2.6.4.1. if vacancy occurs up to January 1 of the second year of office then the Vice President shall assume office until an election can be held within the next 30 days
  - 3.3.2.6.5. if vacancy occurs after January 1 of the second year of office then the vice President shall assume office until the completion of that term.

3.3.3. **Vice President** - It shall be the duty of the Vice President:

- 3.3.3.1. to perform additional duties assigned by the President, and reported by the President to the Executive Council
- 3.3.3.2. to maintain active liaison with the District Office
- 3.3.3.3. to provide liaison between the Executive Council and the TBU Collective Bargaining Committee and other committees as assigned by the President
- 3.3.3.4. to assume the duties of the President as per Bylaw 3.3.2.6.

3.3.4. **Secretary**- It shall be the duty of the Secretary:

- 3.3.4.1. to attend all Executive Council and TBU General meetings
- 3.3.4.2. to record the minutes of all Executive Council and TBU General meetings
- 3.3.4.3. to cause the minutes of all Executive Council and TBU General meetings to be distributed to the respective bodies expeditiously and, at any rate, prior to the next regularly called meeting
- 3.3.4.4. to respond to correspondence received by the TBU at the direction of the President.

3.3.5. **Treasurer** - It shall be the duty of the TBU Treasurer:

3.3.5.1. **Accounting Functions:**

- 3.3.5.1.1. to prepare, present, and explain statements to the Executive Council at each regularly scheduled meeting
- 3.3.5.1.2. to receive financial statements and report on these to the Executive Council and Membership (AGM2017)
- 3.3.5.1.3. to review financial records for Standing Committees and Ad Hoc Committees of the TBU

3.3.5.2. **Financial Functions:**

- 3.3.5.2.1. to act as a signing officer for all cheques authorized by the TBU
- 3.3.5.2.2. to consult with the spending authorities regarding questions of clarification
- 3.3.5.2.3. to review petty cash, control and recording
- 3.3.5.2.4. to act in concert with the District Treasurer to requisition funds from the Provincial Treasurer
- 3.3.5.2.5. to submit the approved budget and financial statements to the District Treasurer (AGM2017)
- 3.3.5.2.6. to maintain accurate records of transactions
- 3.3.5.2.7. to communicate with the District and/or the Provincial Treasurer when the need arises
- 3.3.5.2.8. to caution against unnecessary and wasteful expenditures of OSSTF funds
- 3.3.5.2.9. to submit all expenditures of an unusual nature to the Executive Council for approval
- 3.3.5.2.10. to act as Treasurer for the various Trust Funds, Scholarships and Awards that the TBU may establish
- 3.3.5.2.11. to invest funds related to specific Trust Funds in any securities in which insurers are authorized to invest money under the Ontario Corporations Act
- 3.3.5.2.12. to attend all Executive Council and TBU General Meetings
- 3.3.5.2.13. to be a member of the District Finance Committee.

3.3.6. **Provincial Councillor(s) - Part X Education Act - It shall be the duty of the Provincial Councillor(s) -Part X Education Act:**

- 3.3.6.1. to attend all provincial Council meetings as a member of the Provincial Council (AGM2005)
- 3.3.6.2. to provide liaison between the Executive Council and the Provincial Council
- 3.3.6.3. to provide regular written reports to the Executive Council
- 3.3.6.4. to consult with the President to appoint a designate from the Executive Council if unable to attend a Provincial Council meeting (AGM2005)
- 3.3.6.5. To be actively involved in the preparation of the District AMPA Delegation for the Annual Meeting of the Provincial assembly through the meetings of the District AMPA committee (AGM 2005) and to attend AMPA as a TBU Delegate.(AGM 2016)
- 3.3.6.6. to provide information to the Executive Council on major issues being dealt with by the Provincial Council. (AGM2005)

3.3.7. **Chief Negotiator - It shall be the duty of the Chief Negotiator: (AGM2005)**

- 3.3.7.1. to present the brief to the Executive Council for approval (AGM2005)
- 3.3.7.2. 3.3.7.2 to communicate regularly with the Executive Council, the TBU Membership and the District Executive Council on the status of negotiations (AGM2005)
- 3.3.7.3. to ensure that detailed notes of bargaining meetings are kept in the current collective agreement negotiations binder (AGM2005)
- 3.3.7.4. to assist the Provincial Responsibility for Negotiations team (AGM2005)
- 3.3.7.5. to prepare the Executive Council and the membership for the implementation of any strike votes (AGM2005)
- 3.3.7.6. to act as the Grievance Officer for the Bargaining Unit whose duties shall be: (AGM2005)



- 3.3.7.6.1. to consult and collect relevant information from any member who feels there may be a grievance issue (AGM2005)
- 3.3.7.6.2. to determine if a grievance should go forward (AGM2005)
- 3.3.7.6.3. to consult with the assigned Provincial Secretariat liaison on all grievances (AGM2005)
- 3.3.7.6.4. to consult with the President on all grievances (AGM2005)
- 3.3.7.6.5. to maintain confidential records of all grievances (AGM2005)
- 3.3.7.6.6. to develop arguments for each grievance (AGM2005)
- 3.3.7.6.7. to present the grievance at a grievance hearing (AGM2005)
- 3.3.7.6.8. to update the Executive Council on the status of all grievances (AGM2005)
- 3.3.7.7. to request the TBU President to call a General Membership meeting, when necessary, to present a tentative new Collective Agreement (AGM 2006)
  - 3.3.7.7.1. to ensure that all members have access to a copy of all proposed changes for the new Collective Agreement (AGM2006)
  - 3.3.7.7.2. to communicate to the Branch presidents the process and procedures for the conduction of the vote which will be distributed to Branch Presidents at this General Membership meeting (AGM2006)
  - 3.3.7.7.3. to request that the TBU President direct the Branch Presidents to conduct a vote by secret ballot in the Branches, by those present, qualified to vote and voting, within 3 days of this General Membership meeting (AGM2006)

#### **3.4. TBU Executive Council**

- 3.4.1. It shall be the duty of the Executive Council:
  - 3.4.1.1. to promote within the TBU, the aims and objectives of the OSSTF
  - 3.4.1.2. to place before the membership the priorities of the Executive Council for the year
  - 3.4.1.3. to meet at the call of the President or at the written request of five members of the Executive Council (AGM2015)
  - 3.4.1.4. to carry out the instructions of the TBU Membership
  - 3.4.1.5. to act as a legislative body, pass interim policy and recommend same to the next TBU General Membership Meeting
  - 3.4.1.6. to deal with all matters brought before it from Branches and which in its opinion require action before the next regular TBU Membership Meeting
  - 3.4.1.7. to keep the District informed of its activities
  - 3.4.1.8. upon the recommendation of the appropriate committee, appoint committee chairpersons at the June Executive Council Meeting as follows:
    - 3.4.1.8.1. Awards Committee
    - 3.4.1.8.2. Collective Bargaining Committee
    - 3.4.1.8.3. Constitution Committee
    - 3.4.1.8.4. Nominations Committee
  - 3.4.1.9. to recommend a Chief Negotiator (AGM2015)
  - 3.4.1.10. to receive (written) reports from each TBU Standing Committee
  - 3.4.1.11. to receive (written) reports from members who are liaison persons to Board Committees
  - 3.4.1.12. to determine what issues will be forwarded to the Branches for a general membership vote and what issues will be forwarded to a TBU General Membership Meeting for debate and a vote, except as otherwise provided in this Constitution or in the Bylaws

- 3.4.1.13. to select Delegates to the Annual Meeting of the Provincial Assembly, with a recorded vote count of all candidates, in accordance with Bylaw 8. (AGM2005)
- 3.4.1.14. 3.4.1.14 to recommend to the District Executive Council the appointment of the TBU AMPA Delegates. (AGM2005)
- 3.4.1.15. to receive from the Treasurer the current financial statements
- 3.4.1.16. to pass motions to be sent to the Annual Meeting of the Provincial Assembly on behalf of the TBU
- 3.4.1.17. to receive all committee reports pertaining to changes in Board policy or Board practices initiated by the Executive Council or a Committee of the TBU for debate, amendment and endorsement. Final disposition of such reports will be by the general membership.
- 3.4.1.18. to elect each year from the TBU membership, by secret ballot, at the first Executive Council meeting of the school year, a non-voting Chairperson of Executive Council (AGM2018)
- 3.4.1.19. to appoint committee members as stipulated in the bylaws
- 3.4.1.20. to appoint substitutes for Executive Council representatives or delegates who are unable to act
- 3.4.1.21. to authorize and supervise payment of expenses and accounts incurred in the conduct of business of the TBU
- 3.4.1.22. to inform the District Executive Council and Provincial Executive in writing of any matters adversely affecting the welfare of the Federation or one or more of its members
- 3.4.1.23. to receive the budget for the next year as submitted by the Finance Committee with power to amend and present to the TBU Annual General Meeting for ratification by the general membership
- 3.4.1.24. to plan, co-ordinate and conduct the TBU Annual General Meeting
- 3.4.1.25. to ensure that the package of materials for the AGM, including but not limited to the Agenda and Reports but excluding the Treasurer's Report, shall be posted in the TBU section of the District 11 website in accordance with the TBU Constitution & Bylaws, with a small number of printed copies to be available at the AGM. (AGM 2010)
- 3.4.1.26. to form and authorize whatever Ad Hoc Committees might be necessary to conduct essential business
- 3.4.1.27. to authorize the continuation of all grievances beyond the informal stage
- 3.4.1.28. to determine the TBU negotiating priorities
- 3.4.1.29. to approve the brief prepared by the TBU Negotiations Team
- 3.4.1.30. to inform the membership of the TBU Negotiations brief
- 3.4.1.31. to select from the membership by election, in accordance with Bylaw 8, councilors to serve on the District Executive. The number to be determined by the District Bylaws. (AGM2003)
- 3.4.1.32. upon the recommendation of the Nominations Committee, to declare elected the candidate(s) successfully elected in accordance with Bylaw 8. (AGM2006)

3.4.2. **Duties of Chairperson of Executive Council** - It shall be the duty of the Chairperson of Executive Council to:

- 3.4.2.1. chair all meetings of Executive Council
- 3.4.2.2. chair all meetings of TBU Membership Meetings (at the request of the President)

- 3.4.2.3. to prepare the agenda for all Executive Council meetings in conjunction with the President
- 3.4.2.4. to approve the Executive Council action sheets and cause the action sheets to be distributed to all members of the Executive Council
- 3.4.2.5. to prepare the report of the Executive Council for the TBU Annual General Meeting
- 3.4.2.6. to commence duties each year at the end of the regularly scheduled June Executive Council meeting
- 3.4.2.7. to appoint an Anti-Harassment Officer for each meeting of TBU Executive Council

### 3.5. Branches

3.5.1. **Branch President** - It shall be the duty of the Branch President: (AGM2013)

3.5.1.1. **TBU responsibilities are:**

- 3.5.1.1.1. to attend or send his/her delegate to all Executive Council meetings, TBU General Membership meetings and other such TBU meetings as the TBU President deems necessary
- 3.5.1.1.2. in the case of co-branch presidents, to designate one as the branch vice president, so that only one member attends meetings as described in 3.5.1.1, (AGM2004)
- 3.5.1.1.3. to consider at Executive Council meetings matters affecting the membership of the TBU and to vote on behalf of the members of the Branch of which he/she is an elected representative
- 3.5.1.1.4. to facilitate the movement of information between his/her Branch and the Executive Council
- 3.5.1.1.5. to act or appoint a designate to act as the Branch Polling Officer

3.5.1.2. **Branch responsibilities:**

- 3.5.1.2.1. to call regular meetings of the Branch
- 3.5.1.2.2. to preside at Branch Federation meetings
- 3.5.1.2.3. to coordinate Branch Federation activities
- 3.5.1.2.4. to provide for election annually, each June, of Branch officers as determined by the Constitution (AGM2004)
- 3.5.1.2.5. to cause the maintenance of Branch Federation records
- 3.5.1.2.6. to encourage active membership participation in TBU activities
- 3.5.1.2.7. to initiate and maintain a working relationship with the Principal
- 3.5.1.2.8. to serve as one of the In-School Staffing Committee representatives, (AGM2004)
- 3.5.1.2.9. to serve on or appoint another member to be on the School Council
- 3.5.1.2.10. to actively seek out Branch representatives for the TBU and District Committees, (AGM2004)

3.5.1.3. **Provincial responsibilities:**

- 3.5.1.3.1. to act as the Branch contact person for OSSTF Provincial Executive, Provincial Council and Provincial committees
- 3.5.1.3.2. to act as the Branch contact person for OTF.

**4. Bylaw 4 Fees**

- 4.1. Each member of the TBU shall contribute, through payroll deduction at source, the District levy.

**5. Bylaw 5 Federation Finances****5.1. Federation Year**

- 5.1.1. Shall run from July 01 to the following June 30.

**5.2. Conditions of Employment of President**

- 5.2.1. The work year shall be as defined for a teacher in the Collective Agreement of the Teachers' Bargaining Unit.
- 5.2.2. The position of President shall be paid the maximum of Category 4.
- 5.2.3. The TBU recognizes for its part that the President shall maintain all the rights and privileges which would have flowed to him/her as a full-time member by authority of the Collective Agreement and any ancillary documents.

**5.3. Branch Rebates**

- 5.3.1. Each Branch shall receive five (\$5) per TBU member or a minimum of \$250 per Branch on an annual basis.

**5.4. Reserve Accounts****5.4.1. General Reserve**

- 5.4.1.1. A reserve account shall be established and maintained for the TBU General and Operating accounts.

**6. Bylaw 6 Meetings****6.1. TBU Membership****6.1.1. Quorum**

- 6.1.1.1. Two hundred and fifty (250) members of the TBU shall constitute a quorum at TBU General Membership Meetings called with less than seven days notice in writing in the Branches.
- 6.1.1.2. For TBU General Membership Meetings called with seven days notice, in writing in the Branches, a quorum shall be the number present and entitled to vote.

**6.1.2. Occurrence**

- 6.1.2.1. There shall be a TBU meeting in May (hereinafter referred to as the TBU Annual General Meeting) to: (AGM 2010)
- 6.1.2.1.1. discuss the business of the TB
- 6.1.2.1.2. receive reports
- 6.1.2.2. There shall be a TBU General Membership Meeting at such other times as may be determined by the TBU President.

**6.1.3. Time and Place of Meetings**

- 6.1.3.1. The exact time and place of any General Membership Meeting and the TBU Annual General Meeting shall be at the discretion of the President of the TBU. The notice of each meeting shall be given to each Branch President for posting and notification of the members at least seven (7) calendar days before the date of the meeting. Timelines may be altered for the purpose of presenting a tentative Collective Agreement. (AGM2006)

- 6.1.4. **Petition for Meeting**
- 6.1.4.1. Upon receipt of a written petition of at least fifty (50) members requesting a meeting of the TBU Membership for the consideration of matters pertinent to the business of the TBU, the President shall call a special meeting.
- 6.1.5. **Commencement of Meetings**
- 6.1.5.1. As soon after the hour designated for a meeting as there shall be a quorum present, the President or the Presiding Officer shall call the meeting to order.
- 6.1.5.2. Unless a quorum is present within thirty (30) minutes after the time appointed for the meeting, the President may:
- 6.1.5.2.1. declare the meeting adjourned until another date and time, or
- 6.1.5.2.2. conduct a meeting of the members present as a Committee of the Whole which shall recommend to the next TBU General Membership Meeting or Executive Council meeting action on matters listed on the Agenda.
- 6.1.6. **Procedure**
- 6.1.6.1. Meetings of the TBU shall be conducted according to the following order:
- 6.1.6.1.1. Reading of Indigenous acknowledgement statement (AGM2017)
- 6.1.6.1.2. reading of the OSSTF Pledge
- 6.1.6.1.3. reading of the Anti-Harassment and Equity Policy Statement (AGM2017)
- 6.1.6.1.4. minutes of previous meetings and business arising there from
- 6.1.6.1.5. appointments of temporary committees
- 6.1.6.1.6. accounts and business, and business arising there from
- 6.1.6.1.7. reports of officers
- 6.1.6.1.8. reports of committees
- 6.1.6.1.9. business arising from reports
- 6.1.6.1.10. unfinished business (including matters tabled from previous meetings)
- 6.1.6.1.11. new business
- 6.1.6.1.12. adjournment
- 6.1.6.2. The order of business as set forth in 6.1.6.1 may be varied only with the assent of two-thirds (2/3) of the members present.
- 6.1.7. **Debate and Conduct**
- 6.1.7.1. The Presiding Officer shall preserve order and decorum, and decide questions of order, subject to an appeal to the majority of the members present at meetings of the TBU.
- 6.1.7.2. No debate shall be held on a topic until there is a motion on the floor (i.e. a question has been moved, seconded and stated to the meeting by the Presiding Officer). All motions shall be written, and presented to the secretary and read by the chair before the vote on the question is called. (AGM2017)
- 6.1.7.3. A time limit may be set on debate if the meeting so decides.
- 6.1.7.4. The mover of a motion shall have the privilege of being the first speaker in the debate on the motion, and shall have the further privilege of speaking once more to conclude the debate.

- 6.1.7.5. A member who wishes to speak must first be recognized by the chair, state his/her name and Branch, and must begin by stating whether he/she supports or opposes the motion
- 6.1.7.6. A member shall not speak more than once on a motion.
- 6.1.7.7. A member who has already spoken to the question has no right to rise again and propose the adjournment of the meeting.
- 6.1.7.8. If free debate on a topic is desirable without the necessity of having a motion on the floor, the Assembly may go into a Committee of the Whole for such debate. At the conclusion of such free debate, a member may move that the Committee of the Whole "rise and report", at which time any resolutions passed in the Committee of the Whole may be proposed as main motions.
- 6.1.7.9. Motions may be amended by insertion, addition, deletion or deletion and insertion, but no amendment shall be in order the effect of which is to negate a main motion. Only one amendment shall be allowed to an amendment, and any additional amendment must be to the main motion.
- 6.1.7.10. A motion for "the previous question" shall be in order at any time during the debate. Until decided it shall preclude all amendments of the original motion, and it shall be in the following words: "That the question be now put." If the motion for the previous question be resolved in the affirmative, the original motion shall then be disposed of without further debate. If the previous question be resolved in the negative, the original motion may be further debated and amended.
- 6.1.7.11. The following shall be the order of precedence for motions:
  - 6.1.7.11.1. fix time at which to adjourn
  - 6.1.7.11.2. adjourn
  - 6.1.7.11.3. recess
  - 6.1.7.11.4. question of privilege
  - 6.1.7.11.5. to table (to hold over until the next meeting)
  - 6.1.7.11.6. previous question
  - 6.1.7.11.7. postpone to a set time
  - 6.1.7.11.8. commit (refer)
  - 6.1.7.11.9. amend
  - 6.1.7.11.10. postpone indefinitely
  - 6.1.7.11.11. main motion
  - 6.1.7.11.12. With the exception of the Presiding Officer, all members present shall have an equal right to vote on all questions. The Presiding Officer will vote only in the case of a tie vote.
  - 6.1.7.11.13. When necessary the Presiding Officer will decide whether a motion has two or more independent parts that may be voted on separately.
  - 6.1.7.11.14. Except as otherwise provided in this Bylaw or in the Constitution, a vote of the majority of the members present at a properly constituted meeting shall decide all questions, and the Presiding Officer shall declare the disposition of all questions after the vote is taken, his/her decision being final.
  - 6.1.7.11.15. After any question has been decided, any member who voted in the majority may move for reconsideration thereof, but no action shall be taken by the TBU on the main question until such motion for reconsideration is put and three-quarters (3/4) of the members present vote in favour of the reconsideration.

**6.1.8. Interpretation and Appeal**

- 6.1.8.1. Whenever a point of order arises, it shall immediately be taken into consideration; and the Presiding Officer shall decide it, interpreting the Section from this Bylaw which applies or such other authority applicable to the case.
- 6.1.8.2. The decision of the Presiding Officer shall be final unless an appeal is made to the TBU in session, in which case the question: "Shall the ruling of the chair be sustained?" shall be determined without debate.

**6.1.9. Requests (no vote required)**

- 6.1.9.1. Question of Privilege - relates to any matter affecting rights and immunities of the Assembly collectively, or to the position, reputation and conduct of member in their respective character
- 6.1.9.2. Point of Order - to call attention to a violation of the rules or to an error in Procedure
- 6.1.9.3. Point of Information - (parliamentary inquiry)
  - 6.1.9.3.1. question to Presiding Officer relating to procedures or to the meaning or effect of the impending motion
  - 6.1.9.3.2. question to the speaker or proposer of the motion about the pending motion
  - 6.1.9.3.3. Division of Meeting - to verify an indecisive vote by a show of hands, voters may be required to rise, and if necessary, be counted.

**6.2. TBU Executive Council**

- 6.2.1. The Executive Council shall meet on a regular basis at the call of the President or at the written request of five members of the Executive Council.
- 6.2.2. Interim policy matters in the Executive Council shall be voted upon according to the following:
  - 6.2.2.1. one vote for each member
  - 6.2.2.2. a majority shall be 75% of the members present, eligible to vote and voting
  - 6.2.2.3. interim policy will be presented to the next TBU General Membership Meeting for ratification.

**6.3. TBU Committees**

- 6.3.1. Committees of the TBU shall report by majority report to the Executive Council which shall take appropriate action.

**7. Bylaw 7 Standing Committees****7.1. Committees-General**

- 7.1.1. The TBU President shall be an ex officio member of all TBU Committees
- 7.1.2. The President shall request that a Federation Services Officer be attached to each TBU Committee
- 7.1.3. Committee Chairpersons will:
  - 7.1.3.1. report the names of committee members to the President before the end of September each year.
  - 7.1.3.2. ensure that the activities of the committees are communicated to the TBU General Membership on a regular basis.
  - 7.1.3.3. submit their annual priorities to the Executive Council at the first Executive Council meeting of the school year. These priorities shall be consistent with the TBU Priorities established by the Executive Council.

- 7.1.3.4. submit their operating structures to the Executive Council at the October Executive Council meeting.

## **7.2. Collective Bargaining Committee**

### **7.2.1. Composition:**

- 7.2.1.1. a representative from each branch
- 7.2.1.2. the Chief Negotiator

### **7.2.2. Duties of the Committee (AGM2005)(AGM2017):**

- 7.2.2.1. to assist the Executive Council in determining negotiating priorities through communication and consultation with the TBU General Membership
- 7.2.2.2. to discuss strategies regarding implementation of the TBU negotiating brief
- 7.2.2.3. to elect a Committee Chairperson for the following year, prior to the last Executive Council meeting of the school year, (AGM2018)
- 7.2.2.4. to elect from the CBC membership three (3) members who along with the Chairperson and the Chief Negotiator will be the Negotiating Table Team for the TBU.

### **7.2.3. The duties of the Collective Bargaining Chairperson shall be: (AGM2005 & 2017)**

- 7.2.2.5. to prepare and present with the Chief Negotiator a negotiations brief to the Executive Council (AGM2005)
- 7.2.2.6. to be a part of the Negotiations Table Team (AGM2005)

### **7.2.4 The Negotiating Table Team (AGM2018)**

#### **7.2.4.1 Composition:**

- 7.2.4.1.1 three (3) members elected from the CBC membership
- 7.2.4.1.2 the Chairperson of CBC at the time of the election referenced to in Bylaw 7.2.2.4
- 7.2.4.1.3 the Chief Negotiator
- 7.2.4.1.4 the President

- 7.2.4.2 The term of the Negotiating Table Team members in 7.2.4.1.1 and 7.2.4.1.2 shall be from the date of the election until the ratification of the next Collective Agreement.

- 7.2.4.3 Negotiating Table Team members in 7.2.4.1.1 and 7.2.4.1.2 who cease to be branch representatives but remain active Bargaining Unit Members, may remain members of the Negotiating Table Team until the end of the term.

### **7.2.5 The duties of the Negotiating Table Team will be:**

- 7.2.5.1 to prepare a brief to present to the employer which reflects the priorities established by the Executive Council.
- 7.2.5.2 to recommend that the Executive Council endorse a tentative agreement for ratification or recommend other courses of action if an agreement cannot be reached. (AGM 2016)

### **7.2.5 Duties of CBC Branch Representatives (AGM2004)**

- 7.2.5.1 to attend or send a designate to all the TBU CBC meetings, (AGM2004)
- 7.2.5.2 to report regularly on collective bargaining issues to the branch, (AGM2004)
- 7.2.5.3 to assist in the administration of the CBC survey to determine the negotiating priorities, (AGM2004)(AGM2017)



- 7.2.5.4 to serve as one of the In School Staffing Committee representatives, (AGM2004)
- 7.2.5.5 to assist the District and Provincial Offices in gathering information on workload issues. (AGM2004)

### **7.3 Nominations Committee**

- 7.3.4 The Committee shall have a two year term

#### **7.3.5 Composition:**

- 7.3.5.1 Chairperson – will be named by TBU Executive Council at the second TBU Executive Council meeting of the school year in odd numbered years
- 7.3.5.2 five (5) members elected by the TBU Executive Council. Members may apply to the Chairperson of Executive Council for election by the second Executive Council meeting of the school year in odd numbered years (AGM2017)
- 7.3.5.3 Members who are candidates over which the committee has jurisdiction must recuse themselves from the committee for the duration of the election period (AGM 2016)

#### **7.3.6 Duties:**

- 7.3.6.1 to inform candidate(s) within 24 hours of further nominations to the position
- 7.3.6.2 to prepare the report of the Nominations Committee for the Annual Report
- 7.3.6.3 to make available the report of the Nominations Committee to the appropriate electorate at least seven (7) calendar days before any election
- 7.3.6.4 to report to the membership the results of the Presidential election including vote count within five (5) school days of the election (AGM2006)
- 7.3.6.5 to conduct that portion of the TBU Annual General Meeting relating to the election of officers
- 7.3.6.6 to report to the membership the results of the Executive Council elections including vote count (other than President)
- 7.3.6.7 to report to the Executive Council the recommendations for appointment to the appropriate Standing Committees
- 7.3.6.8 to report to the Executive Council the results of the election of the Chairperson of Executive Council
- 7.3.6.9 to receive in writing, nominations for the various elected positions by the dates stated in Bylaw 8. Notwithstanding the above, nominations shall open 28 days prior to the election and shall close 14 days prior to the election.
- 7.3.6.10 to actively seek out, after the first week of nominations, candidates for positions for which no nominations have been received
- 7.3.6.11 to conduct the election of the President
- 7.3.6.12 to provide for the Presidential election, at least one (1) and up to three (3) all candidates meetings scheduled after school, at appropriate location(s) and held during the two week campaign period, (AGM2013)
- 7.3.6.13 to conduct the election of all Executive Council positions, (AGM2004)
- 7.3.6.14 to provide candidates for election with limited text space, as determined by the committee, on the District 11 website elections page, for candidates to present themselves to the membership, (AGM2004)
- 7.3.6.15 to conduct, at the first Executive Council meeting of the School Year, the election of the Chairperson of Executive Council, (AGM 2016)
- 7.3.6.16 to recommend the names of successful candidates to the TBU Executive Council. (AGM2004)

- 7.3.6.17 to recommend to the Executive Council, candidate(s) for the position of Committee chairperson for the following year, prior to the June Executive Council meeting. (AGM2005)
- 7.3.6.18 to conduct the election for the TBU Delegates to the Annual Meeting of the Provincial Assembly (AGM2005)
- 7.3.6.19 to report to the Executive, the results, including the vote count, of the election of the AMPA Delegates. (AGM2005)

#### **7.4 Constitution Committee**

##### **7.4.4 Composition:**

- 7.4.4.1 Bargaining Unit President
- 7.4.4.2 Up to five (5) members (including chairperson) approved by the Executive Council
- 7.4.4.3 Chairperson recommended by Committee Members and approved by Executive Council

##### **7.4.5 Duties:**

- 7.4.5.1 The committee will maintain an ongoing review and update of the TBU Constitution and Bylaws.
- 7.4.5.2 The committee will receive submissions concerning proposed changes to the TBU Constitution and Bylaws.
- 7.4.5.3 The committee will recommend Constitution and Bylaw amendments to the Executive Council.

#### **7.5 Awards Committee**

##### **7.5.4 Composition:**

- 7.5.4.1 Chairperson
- 7.5.4.2 At least one member per Branch (AGM2015)

##### **7.5.5 Duties:**

- 7.5.5.1 to establish, in early fall, the dates for the two Teachers' Bargaining Unit awards, namely the McTavish Awards and the Grade 10 Citizenship Awards (AGM2003)
- 7.5.5.2 to assist in the establishment of the date for the Bishop Townshend Awards for Educator Excellence (AGM2003)
- 7.5.5.3 to assist in the administration of the Bishop Townshend Awards for Educator Excellence (AGM2003)
  - 7.5.5.3.4 The Branch Awards Rep shall assist in the selection of the Award recipient at the Branch level (AGM2003)
- 7.5.5.4 to administer the McTavish Awards (AGM2003)
  - 7.5.5.4.4 The Branch Awards Rep shall assist in the selection of the Award recipient at the Branch level (AGM2003)
- 7.5.5.5 to administer the Grade 10 Citizenship Awards (AGM2003)
  - 7.5.5.5.4 The Branch Awards Rep shall assist in the selection of the Award recipient at the Branch level (AGM2003)

### **8 Bylaw 8 Elections and Appointments**

#### **8.2 Elections**

##### **8.2.4 TBU President**

- 8.2.4.1 Voting for the position of President shall be by secret ballot with nominations opening on the Wednesday following the March break of even numbered years. (AGM2018)
- 8.2.4.2 The term of office shall be a two year term commencing on July 01 of that year.
- 8.2.4.3 Candidates' speeches shall occur within the 14 day period prior to the election as directed by the Nominations Committee (AGM 2016)

### **8.2.5 TBU Executive Council**

- 8.2.5.1 The Nominations Committee shall call for and receive from the membership, in even numbered years, nominations to the Executive Council positions of Vice President, Treasurer, Secretary and Provincial Councillor(s) - Part X Education Act - at least 28 days prior to the election date of the TBU Annual General Meeting. (AGM2005)
- 8.2.5.2 The Nomination posting will include a description of the duties of each position and the campaign rules for the election. (AGM2005)
- 8.2.5.3 The Nomination period will open 28 days prior to the election date and close fourteen days prior to the election. (AGM2005)
- 8.2.5.4 A list of nominations received will be circulated to the members of Executive Council at least one week prior to the close of nominations. (AGM2005)
- 8.2.5.5 Speeches by candidates shall occur during the TBU Annual General Meeting.
- 8.2.5.6 Voting for these positions shall be by secret ballot in the Branches on the day following the Annual General Meeting in even numbered years. (AGM2005)
- 8.2.5.7 Votes may be cast in the Branches by those Teachers' Bargaining Unit members present, qualified to vote and voting. (AGM2005)
- 8.2.5.8 The term of office shall be a two year term commencing on July 01 of that year. (AGM2005)
- 8.2.5.9 The successful candidate for Vice-President, Treasurer, Secretary and Provincial Councillor(s) shall be the candidate receiving the greatest number of votes on one ballot. (AGM2005)

### **8.2.6 Chairperson of Executive Council**

- 8.2.6.1 The Nominations Committee shall call for and receive from the membership nominations to the position of Chairperson of Executive Council at least two weeks prior to the first Executive Council meeting of the school year. (AGM 2016)
- 8.2.6.2 The Nominations Committee shall circulate to the members of Executive Council at least seven days prior to the first Executive Council meeting of the School Year the list of nominees to the position of Chairperson of Executive Council. (AGM 2016)
- 8.2.6.3 The Nominations Committee shall conduct the election of the Chairperson of Executive Council at the first Executive Council meeting of the school year (AGM 2016)
- 8.2.6.4 The Chairperson-Elect of Executive Council shall assume office on October 1 of that year. (AGM 2016)(AGM2017)

- 8.2.6.5 Alternate time lines to be followed in the event that unforeseen circumstances cause disruption to the election process shall be included as part of the Nominations Committee report prior to an election. (AGM 2016)

### **8.2.7 District Councillors (AGM2003)**

- 8.2.7.1 The Nominations Committee shall call for and receive from the membership nominations to the position of District Councillor at least two weeks prior to the first Executive Council meeting of the school year. (AGM 2016)
- 8.2.7.2 The list of nominees will be circulated to the Executive Council at least 7 days prior to the first Executive Council meeting of the school year. (AGM 2016)
- 8.2.7.3 The Nominations Committee shall conduct the election of District Councillors at the first Executive Council meeting of the school year. The number of Councillors to be elected will be in accordance with the District Bylaws. (AGM 2016)
- 8.2.7.4 The election will occur in even numbered years and the Councillors shall assume their duties on October 1 of that year (AGM 2016)(AGM2017)
- 8.2.7.5 Alternate time lines to be followed in the event of unforeseen circumstances must be approved by TBU Executive Council. (AGM2003)
- 8.2.7.6 Any vacancies in the positions of TBU District Councillors that occur prior to the end of the term shall be filled by appointment of the TBU President. (AGM2005)

### **8.2.8 Branch Executive Elections (AGM2004)**

- 8.2.8.1 Voting for Branch Executive positions as determined in Article 3.6.3 shall be by secret ballot in the Branches annually in May. (AGM 2010)
- 8.2.8.2 The term of office for each Branch position shall be a one year term, commencing July 01 annually. (AGM2004)
- 8.2.8.2.4 In the event of a vacancy, the Branch Executive shall determine the process of replacement. (AGM 2010)
- 8.2.8.3 Nominations shall open 14 days prior to the election and shall close 4 days prior to the election. (AGM2004)
- 8.2.8.4 Speeches by candidates may occur at a Branch meeting. (AGM2004)
- 8.2.8.5 Campaign materials shall be limited to ONE page of literature per candidate. (AGM2004)
- 8.2.8.6 By June 15 annually, the Branch President shall communicate the names for the positions on the Branch Executive to the District Office on a provided form. (AGM2004)

### **8.2.9 AMPA Delegates (AGM2005)**

- 8.2.9.1 The Nominations Committee shall call for and receive from the membership, annually, nominations for the positions of TBU Delegates to the Annual Meeting of the Provincial Assembly as soon as the District FTE information is received from the Provincial Office. (AGM2005)
- 8.2.9.2 Information submitted by the candidates shall be made available to the Executive Council. (AGM2005)

- 8.2.9.3 The number of TBU Delegates to be elected shall be as determined by the OSSTF, less any mandated TBU Delegate positions as determined by the District and/or the TBU Constitution(s). (AGM2006)
- 8.2.9.4 The Nomination period will open on the first regularly scheduled school day following Labour Day and close 10 working days prior to the regularly scheduled meeting of TBU Executive Council in October. (AGM 2015)
- 8.2.9.5 A list of nominations received will be circulated to the members of Executive Council at least five working days prior to the October TBU Executive Council meeting. (AGM 2015)
- 8.2.9.6 In the event of not enough applicants by the close of nominations, the Nominations Committee will actively seek out further candidates. (AGM2005)
- 8.2.9.7 All voting members of the Executive Council shall be eligible to cast a ballot. (AGM2005)
- 8.2.9.8 Votes may be cast by those Executive Council members present, qualified to vote and voting. (AGM2005)
- 8.2.9.9 The successful candidates shall be those with the highest recorded vote count on one ballot. (AGM2005)
- 8.2.9.10 Should a tie vote occur in determining the final Delegate position, a second tie breaker ballot will occur with only the names of those holding the tied vote count appearing on the ballot. (AGM2005)
- 8.2.9.11 The successful candidate in a tie vote ballot shall be the one with the highest vote count. (AGM2005)
- 8.2.9.12 A list and vote count shall be maintained of the unsuccessful candidates. (AGM2005)
- 8.2.9.13 This list shall be used, in order of highest votes received, to replace any elected Delegate should circumstances necessitate the withdrawal of a Delegate. (AGM2005)
- 8.2.9.14 The Nominations Committee shall conduct the election and recommend the successful candidates to the Executive. (AGM2005)

### **8.3 Appointments**

- 8.3.4 **Committee Chairperson(s)** shall be appointed by the TBU President and ratified by the Executive Council
- 8.3.5 The appointments shall commence July 01 of that year.

### **8.4 Vacancies**

- 8.4.4 During a term of office a vacancy on the Executive Council, with the exception of the Presidency, shall be filled by a member appointed by the Executive Council.
  - 8.4.4.1 Candidates named by a selection committee formed by the TBU Executive Council shall be confirmed by a two-thirds vote of the TBU Executive Council. (AGM2003)
- 8.4.5 A vacancy in the position of President shall be filled in accordance with Bylaw 3.3.2.6. (AGM2003)
- 8.4.6 Any vacancies on Standing Committees that occur prior to the end of the term may be filled by appointment of the Executive Council. (AGM2018)

## **9 Bylaw 9 Appeals Procedure**

- 9.2 Members of the TBU affected by a Grievance Officer's decision to deny a grievance may appeal this decision using the following procedure. The Grievance Officer shall not allow an appeal to stale date a grievance.
- 9.2.4 Within three days of the decision, the affected member (herein called the Appellant) shall request in writing from the TBU President an Appeal Hearing.
- 9.2.5 Within two days of receiving the request, the TBU President shall appoint three voting members of the Executive Council to an Appeal Committee.
- 9.2.5.1 Notwithstanding 9.1.2, neither the TBU President nor the Grievance Officer shall be appointed to the Appeal Committee.
- 9.2.6 Within three days, the Appeal Committee shall meet to hear the appeal.
- 9.2.7 The TBU President shall notify the Appellant, the Grievance Officer and the Appeal Committee of the date and time of the Appeal Hearing.
- 9.2.8 The Appellant may bring one other OSSTF member for support.
- 9.2.9 The Appeal Hearing shall be conducted as follows:
- 9.2.9.1 The Grievance Officer shall give his/her reasons for denying the grievance.
- 9.2.9.2 The Appellant shall give his/her reasons why the grievance should not be denied.
- 9.2.9.3 Each side shall have one opportunity for rebuttal and summation.
- 9.2.10 Within two days, the Appeal Committee shall render its judgment, with reasons, either in support of the grievance or against it.
- 9.2.11 Within two days, the TBU President shall communicate in writing the decision of the Appeal Committee to the Appellant.
- 9.2.11.1 The judgment shall be considered final and not subject to appeal.
- 9.2.12 In the case where the Appeal Committee finds for the Appellant, the Grievance Officer shall proceed with the grievance forthwith in the manner outlined in the Collective Agreement.

## **10 Bylaw10 Bargaining Unit Policies**

- 10.2 Anti-Harassment Policy (see attached policy)
- 10.3 All members of District 11 TBU shall respect and adhere to the District 11 Anti-Harassment Policy and Procedures contained in Bylaw 10 of the District 11 Constitution.
- 10.4 It is the Policy of District 11 TBU that members should not use any data collected to compare, track, and monitor, analyze or evaluate the performance of OSSTF members.
- 10.5 It is the Policy of District 11 TBU that no electronic, digital or analog recordings will be made during TBU meetings without the authorization of the TBU President, subject to the approval of the TBU Executive Council.



## Anti-Harassment Policy

*Let us not take thought for our separate interests, but let us help one another.*

A member of OSSTF/FEESO has the right to a workplace and union environment free from harassment and bullying.

Harassment and discrimination are not joking matters. They have a destructive effect on the workplace environment, individual well-being, and union solidarity. Such actions are not only destructive, they can be illegal.

Harassment and discrimination can take many forms and may be verbal, physical or psychological. They can involve a wide range of actions including comments, gestures or looks, pictures, messages, touching, or more aggressive actions. These acts may be indirect or overt; they may be isolated or repeated.

Inadvertent, hidden and systemic harassment and discrimination must be identified and addressed. The roots of systemic harassment and discrimination include but are not limited to racism, sexism, and homophobia and transphobia. OSSTF/FEESO does not condone harassment or discrimination on the basis of age, national or ethnic origin, colour, religion, sex, gender identity, sexual orientation, race, socio-economic status or mental or physical disability.

Acts of harassment and discrimination are always degrading, unwelcome and coercive. They are always unacceptable.

As members of OSSTF/FEESO, our goal must be to protect human rights, to promote mutual respect and trust, and to foster inclusion.

We cannot condone or tolerate intimidating, demeaning, hostile and aggressive behaviour against another member. We cannot condone these behaviours when we witness them.

As OSSTF/FEESO members, we must speak out against this conduct and stand together to protect human rights. We must take action.

OSSTF/FEESO is committed to strengthening member solidarity, and in addition to representing members' interests in the workplace, takes seriously its own responsibility to ensure that members are treated with respect and dignity at all provincially sponsored OSSTF/FEESO events and meetings.

Any member who feels targeted by harassment or discrimination must be able to speak up and know their concerns will be responded to immediately in accordance with OSSTF/FEESO Bylaws and the Resolution and Complaint Process as found in the OSSTF/FEESO Policies and Procedures."



### Anti-Harassment Procedure

A member who believes s/he has been the target of harassment or discrimination at a provincially sponsored OSSTF/FEESO meeting or event is encouraged to take immediate action to ensure this behaviour is stopped.

As a first step, the member should make it clear to the perpetrator that s/he finds the behaviour offensive, and ask that it be stopped. This can be done personally, either in writing or verbally, or with the assistance of a third party.

If the behaviour recurs or persists, or if the member does not feel safe in approaching the perpetrator directly, s/he should speak with the designated officer(s) and ask her/him to act. If no officer has been designated, the member should speak with the Secretariat in charge to ask that one be appointed.

The designated officer(s) will investigate the complaint promptly, including separately interviewing the parties involved and any witnesses, with a view to resolving the problem informally. During this process, the designated officer(s), with the approval of the General Secretary, may remove the respondent temporarily from the meeting if circumstances warrant.

The investigation shall be handled confidentially; however, all complaints will be reported by the designated officer(s) to the General Secretary.

If the complaint cannot be resolved informally, the complainant will be asked to put the complaint and all relevant information in writing.

If the complainant chooses to provide such a written complaint, it will be submitted to the General Secretary for action and it shall be the joint responsibility of the General Secretary and the Secretariat in charge to conduct an investigation, determine if the behaviour falls under the definition of harassment, and decide on appropriate remedial action. While conducting the investigation, the general secretary and Secretariat will be informed by an understanding of the systemic roots of discrimination and harassment as expressed in the OSSTF/FEESO Equity Statement.

The parties involved will receive a written report stating the findings and any action taken.

Resolutions may include but are not limited to apologies, mediation, warnings, temporarily limiting access, or removal/exclusion from the meeting or event. If a decision is made to remove or exclude that member, and where this member is representing a bargaining unit or district, a confidential letter outlining the reasons for this decision will be sent to the president of the appropriate body. The General Secretary shall keep a confidential file of all records and reports related to the investigation of written complaints for a period of five years.

Decisions may be reviewed by the Appeal Committee of Provincial Council on the request of a member, as outlined in the OSSTF/FEESO Policies and Procedures.

None of the above restricts a member's right to file a complaint with the Ontario Human Rights Commission or make a complaint to police.

