

**Occasional Teachers' Bargaining Unit  
Constitution & Bylaws**

**ONTARIO SECONDARY SCHOOL  
TEACHERS' FEDERATION**

As amended at the Annual General Meeting of May 8<sup>th</sup>

**ARTICLE 1 Definitions:**

- 1.1 "OSSTF" shall mean the Ontario Secondary School Teachers' Federation.
- 1.2 "District" shall mean District 11 of the Ontario Secondary School Teachers' Federation.
- 1.3 "Bargaining Unit" shall mean all those secondary occasional teachers employed by the Thames Valley *District School Board*
- 1.4 "Constitution" shall mean a system of fundamental principles by which the Bargaining Unit is governed, and includes a basic organization of the Bargaining Unit.
- 1.5 "Bylaws" shall mean the standing rules governing the membership of the Bargaining Unit, *made under this constitution*, on matters which are entirely within the control of the Bargaining Unit.
- 1.6 "Policy" shall mean a stand or position taken by the Bargaining Unit in accordance with its By-Laws on matters whose resolution is beyond the internal legislative power of the Bargaining Unit.

**ARTICLE 2 Name and Membership**

- 2.1 This organization shall be known as the "Occasional Teachers' Bargaining Unit, *Ontario Secondary School Teachers' Federation, District 11.*
- 2.2 "Member" shall mean an active *occasional teacher, certified under the Education Act, who is a member in good standing of OSSTF District 11.*
- 2.3 The rights, privileges and duties of members shall be in accordance with the Constitution and By-laws of OSSTF.

**ARTICLE 3 Compliance with Provincial OSSTF**

- 3.1 *No part of the Constitution or Bylaws of OTBU will contravene the Constitution or Bylaws of the District or of the OSSTF*

**ARTICLE 4 Objects**

- 4.1 The objects of the Occasional Teachers' Bargaining Unit shall be the objects stated in the constitution of OSSTF as they apply.

**ARTICLE 5 - Dues and Levies**

- 5.1 Members shall pay annual dues as prescribed in the Bylaws of OSSTF.
- 5.2 Members shall pay a *District levy as per Bylaw 4 of the District Constitution.*

## **ARTICLE 6 Organization**

6.1 Bargaining Unit Executive Council

6.1.1 There shall be an Executive Council consisting of:

*Voting members as follows:*

6.1.1.1 President

6.1.1.2 Vice-president

6.1.1.3 Secretary-Treasurer

6.1.1.4 Chief Negotiator

6.1.2 *Non-Voting members as follows:*

6.1.2.1 Chairperson of the Bargaining Committee

6.1.2.2 Such other officers as may be deemed necessary by the Bargaining Unit

**6.2 Collective Bargaining Committee**

6.2.1 *There shall be a Collective Bargaining Committee as defined in the Bylaws*

## **ARTICLE 7 Bylaws**

7.1 The Bargaining Unit may pass Bylaws not inconsistent with the Constitution.

## **ARTICLE 8 Amendments**

8.1 Amendments to the Constitution may be made:

8.1.1 at any duly constituted meeting of the Bargaining Unit by a two-thirds affirmative vote of the members present and voting if the amendment has been given as a notice of motion in writing at least *two weeks* before the Bargaining Unit meeting at which it is to be presented.

8.1.2 at any duly constituted meeting of the Bargaining Unit by a nine-tenths affirmative vote of the members present and voting previous notice as in 8.1.1 not having been given.

8.2 Amendments to the Bylaws may be made:

8.2.1 by a simple majority of members present and voting provided that notice of motion has been given in writing at least *two weeks* before the Bargaining Unit meeting at which it is to be presented

8.2.2 by a two-third affirmative vote of members present and voting previous notice as in 8.2.1 not having been given.

## **BYLAWS**

### **Bylaw 1        General**

- 1.1     *In all proceedings of the OTBU, 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 OTBU.*
- 1.2     *All proceedings of the OTBU, 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.*

### **Bylaw 2        Duties of Members**

- 2.1     *The duties of all members shall be as prescribed in the Constitution and Bylaws of both the District and of the Provincial OSSTF..*
- 2.2     *It shall be the duty of the members of the OTBU to:*
  - 2.2.1    *participate in the activities of the OTBU, including but not limited to:*
    - 2.2.1.1 *elections at all levels of the OTBU and District*
    - 2.2.1.2 *decisions on agreements with the employer*
    - 2.2.1.3 *decisions on the conduct of OTBU business at meetings of the membership*
  - 2.2.2    *cooperate with Federation Services Officers in the performance of their duties*
  - 2.2.3    *comply with the OSSTF Provincial Constitution and Bylaws.*
  - 2.2.4    *comply with, respect and adhere to the District 11 Anti Harassment Policy and Procedures contained in Bylaw 10 of the District 11 Constitution.*
- 2.3     *members should provide the District Office with a personal email address in order to receive District and Bargaining Unit Communications.*

### **Bylaw 3        Duties of the Executive Council**

- 3.1     It is the duty of the Executive Council to:
  - 3.1.1    manage the affairs of the Bargaining Unit between General Meetings.
  - 3.1.2    propose a Bargaining Unit budget for presentation at the Annual General Meeting.
  - 3.1.3    establish procedures and policies in order to facilitate the business of the Bargaining Unit, and to present those procedures and policies to the membership for ratification at the Annual General Meeting.
  - 3.1.4    communicate regularly with the OSSTF members of the Bargaining Unit.
  - 3.1.5    approve the Negotiating brief before it is presented to the employer.
  - 3.1.6    endorse the tentative agreement for ratification by the membership.
  - 3.1.7    establish procedures for the ratification of a Collective Agreement.
  - 3.1.8    establish a procedure to fill any vacant position on the Executive Council, with the exception of the position of President which shall be filled in accordance with the Bylaws.
  - 3.1.9    to appoint an alternate to represent the Bargaining Unit for all or part of a Provincial Council meeting should the Bargaining Unit President be unable to attend.

#### **Bylaw 4        Duties of the Executive Council Officers**

- 4.1     The duties of the President shall be to:
  - 4.1.1    be the spokesperson for the OTBU
  - 4.1.2    assume the role of Chief Executive Officer for the Collective Agreement and all other OTBU documents
  - 4.1.3    organize, prepare an agenda for, call and preside over all Executive Council and General Meetings.
  - 4.1.4    fulfill the duties of the Bargaining Unit president as outlined in the OSSTF Handbook.
  - 4.1.5    be an ex-officio member of all Bargaining Unit Committees.
  - 4.1.6    prepare and present reports and updates of OTBU activities, concerns and issues, at meetings of the Bargaining Unit Executive Council, the District Executive Council, and the Annual General Meeting (AGM)
  - 4.1.7    publish on a regular basis (at least three times a school year) communications to members including but not limited to, information on Board policies, Federation policies, negotiations updates and other information deemed necessary to keep members reminded of their rights and responsibilities.
  - 4.1.8    be a member of the Collective Bargaining Committee and the Table Team.
  - 4.1.9    represent all members of the Bargaining Unit fairly.
  - 4.1.10   ensure that all vital functions of an office which has been vacated be carried out on an interim basis until the vacancy is filled.
  - 4.1.11   represent the Bargaining Unit as a member of the District Executive Council;
  - 4.1.12   act as the Educational Services Officer for the bargaining Unit.
  - 4.1.13   serve as the Bargaining Unit's Provincial Councillor.
  - 4.1.14   appoint additional members or designates as District Executive Councillors as ***mandated by the District Constitution.***
  - 4.1.15   be ***responsible for the interpretation of current Federation Policy and the release of official OTBU communications regarding it.***
  - 4.1.16   ***ensure appropriate OSSTF representation on all District, joint Board, and other associated Committees and to appoint Members as liaison, or voting representatives for all such committees.(AGM 2018)***
  - 4.1.17   ***to maintain comprehensive OTBU Central Files.***
  - 4.1.18   ***be a member, ex-officio, of all OTBU Committees***
  - 4.1.19   ***be a member of the District Bargaining Committee***
  - 4.1.20   ***appoint as Chair of the Collective Bargaining Committee, the Federation Services Officer who was assigned by the District President, the duty of serving as the Chief Negotiator of the Teachers' Bargaining Unit.***
  - 4.1.21   ***be a resource and provide service in the areas of certification, personnel problems, Board policy interpretation, and relations and discipline within the OTBU.***
  - 4.1.22   ***monitor the administration of the Collective Agreement and ancillary documents and maintain their proper application with the direct assistance of the District Federation Services Officers.***
  - 4.1.23   ***serve as a member of the District Finance Committee during the preparation of the proposed District Budget for the next fiscal year.***
  - 4.1.24   ***prepare and submit to the District Finance Committee, in consultation with the Executive Council, a proposal for the OTBU portion of the District Budget.***
  - 4.1.25   ***prepare an agenda for, and preside over all Labour –Management meetings with the Board as per the Collective Agreement.***

- 4.1.26 *maintain a liaison with the District Executive Council, the Provincial Executive, Provincial Council, and the Secretariat.*
- 4.1.27 *represent the OTBU at the Annual General Meeting of the Provincial Assembly.*
- 4.1.28 *serve as the OTBU Provincial Councillor.*
- 4.1.29 *appoint an alternate to represent the Bargaining Unit for all or part of a Provincial Council meeting should the President be unable to attend.*
- 4.1.30 *provide written reports of Provincial Council meetings to the Executive Council.*
  
- 4.2 The duties of the Vice-President shall be to:
  - 4.2.1 *assume* the duties of the President in the President's absence *as per Bylaw 4.1*
  - 4.2.2 carry out the duties as may be assigned by the President.
  - 4.2.3 *attend all meetings of the Executive Council and OTBU General Meetings*
  
- 4.3 The duties of the Secretary - Treasurer shall be to:
  - 4.3.1 keep a record of the minutes of all General Meetings and Executive Council meetings.
  - 4.3.2 *facilitate the sending* of the minutes to each member of Executive Council.
  - 4.3.3 carry out the duties as assigned by the President.
  - 4.3.4 carry out the duties as assigned by the District Treasurer.
  - 4.3.5 *monitor and review expenditures charged to OTBU budget lines and present updated financial statements to the Executive Council.*
  - 4.3.6 *act in concert with the District Treasurer to requisition funds from the Provincial Treasurer.*
  - 4.3.7 *be a member of the District Finance Committee.*
  - 4.3.8 *attend all meetings of the Executive Council and OTBU General Meetings.*
  
- 4.4 The duties of the Chief Negotiator shall be to:
  - 4.4.1 *act in concert with the chair of the Collective Bargaining Committee and the Table Team to prepare the negotiations brief*
  - 4.4.2 *present the brief to the Executive Council for approval.*
  - 4.4.3 *submit the approved brief to the Provincial Bargaining Committee and the Protective Services Department for approval as required.*
  - 4.4.4 *attend all OTBU/Board Labour Management Meetings.*
  - 4.4.5 *attend meetings of Chief Negotiators when called by the Provincial Executive.*
  - 4.4.6 *report on a timely and regular basis to the Executive Council and the Members.*
  - 4.4.7 *carry out the duties as determined by the President.*
  - 4.4.8 *attend all meetings of the Executive Council and OTBU General Meetings.*
  
- 4.5 *The Duties of the Chair of the Bargaining Committee shall be to:*
  - 4.5.1 *act in concert with the Chief Negotiator and the Table Team to prepare the negotiations brief.*
  - 4.5.2 *prepare the Executive Council and the Membership in consultation with the President, for the implementation of any strike votes.*
  - 4.5.3 *assist the Provincial Responsibility for Negotiations team.*
  - 4.5.4 *present tentative settlements or amendments to the Collective Agreement to the Executive Council for endorsement.*
  - 4.5.5 *request the OTBU President to call a General Membership Meeting to present a tentative new Collective Agreement.*

- 4.5.6 *present tentative agreements to the general membership prior to a ratification vote.*
- 4.5.7 *ensure that tentative agreements can be accessed by all members prior to the vote.*
- 4.5.8 *in consultation with the Executive Council, convey to the membership the process and procedures for voting.*
- 4.5.9 *report regularly to the Executive Council on dealings with the Board.*
- 4.5.10 *act as the Grievance Officer for the Bargaining Unit whose duties shall be to:*
  - 4.5.10.1 *consult and collect relevant information from any member who feels there may be a grievance issue.*
  - 4.5.10.2 *in consultation with the President, determine if any actions, decisions, or policies of the Board may be a grievance issue.*
  - 4.5.10.3 *determine if a grievance should go forward.*
  - 4.5.10.4 *consult with the assigned Provincial Secretariat liaison on all grievances*
  - 4.5.10.5 *consult with the President on all grievances*
  - 4.5.10.6 *maintain confidential records of all grievances*
  - 4.5.10.7 *develop arguments for each grievance*
  - 4.5.10.8 *present the grievance at a grievance hearing*
  - 4.5.10.9 *update the Executive Council on the status of all grievances.*
- 4.5.11 *attend all meetings of the Executive Council and OTBU General Meetings.*

## **Bylaw 5          Vacancies**

- 5.1 *If a vacancy occurs in any Executive position, with the exception of the President, the Executive Council shall post the vacancy via email to all members. The Executive will act as a selection committee and select a replacement. The process to be determined by the Executive Council.*
- 5.2 *should the President be temporarily unable to act, the Vice President shall assume the responsibilities and authority of the President*
  - 5.2.1 *transfer of responsibility and authority as in 5.1 above shall occur by majority vote of the Executive Council*
  - 5.2.2 *transfer of responsibility and authority back to the President shall occur by majority vote of the Executive Council*
  - 5.2.3 *should the position of President be permanently vacated during the term of office, the Vice President shall assume the office of President subject to:*
    - 5.2.3.1 *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*
    - 5.2.3.2 *the Executive shall post the position for a minimum of two weeks and call a General membership meeting at the conclusion of the two week period to elect a new president*
    - 5.2.3.3 *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.*
    - 5.2.3.4 *if the Vice-President declines the position, the Vice-President shall resign and both positions shall be filled per Bylaw 5.1.*

## **Bylaw 6          Collective Bargaining Committee (CBC)**

- 6.1 *There shall be a Collective Bargaining Committee consisting of six members:*
  - 6.1.1 *the President*
  - 6.1.2 *the Chief Negotiator*
  - 6.1.3 *the Vice-president*
  - 6.1.4 *the Chair as defined in Bylaw 4.1.20*
  - 6.1.5 *two additional members appointed by the Executive Council*
- 6.2 *the duties of the CBC shall be to:*

- 6.2.1 *create and implement the Bargaining Priorities Survey*
- 6.2.2 *prepare a bargaining brief*
- 6.2.3 *present the brief to the Executive Council for approval*
- 6.2.4 *submit the brief to the Provincial OSSTF for approval*
- 6.2.5 ***The OTBU Table Team will be comprised of the President, the Vice-President, and the Chief Negotiator.***
  - 6.2.5.1 *The OTBU Table Team will negotiate in collaboration with the TBU table team, on behalf of the OTBU members, with the employer.*

## **Bylaw 7 Meetings**

### **7.1 OTBU General Membership Meetings**

- 7.1.1 Notice of the date, ***location and time*** of the Annual General Meeting (AGM) shall be given ***via email***, to the members by the Bargaining Unit president at least ***15*** calendar days prior to the date of the meeting.
- 7.1.2 Notice of other General Meetings shall be given to the Members via email at least ***five days*** in advance of the meeting.
- 7.1.3 The Bargaining Unit president shall call a General Meeting where ten (10) percent or more of the Members make such a request in writing to the President.
- 7.1.4 **Occurrence**
  - 7.1.4.1 ***The OTBU AGM shall be in May***
  - 7.1.4.2 ***Other General Membership Meetings will be called as per Bylaws 7.1.2 and 7.1.3.***
  - 7.1.4.3 ***Timelines defined in Bylaw 7.1.2 may be altered for the purpose of presenting a tentative Collective Agreement.***
- 7.1.5 **Quorum**
  - 7.1.5.1 ***For OTBU General Membership Meetings including the AGM, a quorum shall be the number present and entitled to vote.***
- 7.1.6 **Debate and Conduct**
  - 7.1.6.1 ***Debate and Conduct shall be as per Bylaw 6.1.7 of the District 11 Constitution.***
- 7.1.7 **Duties of the General Meeting**
  - 7.1.7.1 ***A General Meeting of the Bargaining Unit may:***
    - 7.1.7.1.1 ***adopt, rescind or amend Articles and Bylaws not inconsistent with the Constitution and Bylaws of OSSTF***
    - 7.1.7.1.2 ***establish, amend or revise Bargaining Unit policies***
    - 7.1.7.1.3 ***debate and act upon other matters as are deemed necessary for the welfare and interests of the Members of the Bargaining Unit.***
- 7.1.8 **Voting**
  - 7.1.8.1 Any OSSTF Member of the Bargaining Unit may attend, speak and vote at any duly convened General Meeting.
  - 7.1.8.2 ***When a ratification or strike vote is required, all members of the Bargaining Unit shall have the right to vote.***

### **7.2 Executive Council Meetings**

- 7.2.1 **Occurrence**
  - 7.2.1.1 The Bargaining Unit Executive Council shall meet at the call of the president but not less than four (4) times per school year.
  - 7.2.1.2 The Bargaining Unit President shall call a meeting of the Executive Council when at least thirty (30) percent of the members of the Executive Council make such a request in writing to the President.
- 7.2.3 **Quorum**

7.2.3.1 A quorum for meetings of the Executive Council shall be a simple majority of the voting members of the Executive Council.

7.2.4 **Voting**

7.2.4.1 ***Each voting member of the Executive Council shall have one vote***

7.2.4.3 ***In the case of a tie vote the motion shall be declared defeated***

7.2.4.4 ***The President or designate will chair meetings of the Executive Council***

7.3 **Duties of the Executive Council** (See Bylaw 3)

**Bylaw 8 Elections and Terms of Office**

8.1 Only members of the OTBU may be candidates for office.

8.2 ***Nominations***

8.2.1 ***The President, in consultation with the District President, shall appoint a Federation Services Officer to form and chair a nominations committee consisting of two bargaining unit members who are not seeking election to:***

8.2.1.1 ***receive nominations***

8.2.1.2 ***establish campaign rules***

8.2.1.3 ***meet with all candidates to review the rules and the election procedures***

8.2.2 ***Members*** who wish their names to appear on the ballot may indicate their intention to run for office by submitting their name, supported by two other Members' signatures, to the ***chair of the nominations committee***, at least ***fourteen*** calendar days prior to the election.

8.2.3 Any Member of the Bargaining Unit may be nominated ***at the Annual General Meeting*** "from the floor" supported by two other Members as the mover and seconder of the motion to nominate.

8.3 ***Elections***

8.3.1 Executive Council ***Officers*** shall be elected by secret ballot at the Annual General Meeting.

8.3.2 Elections for Executive Council shall be in the order listed in Article 6 of the Constitution.

8.3.3 ***All positions*** on the Bargaining Unit Executive Council shall be elected by those Members present, qualified to vote and voting.

8.3.4 for each position the candidate with the most votes will be declared elected

8.3.5 Defeated candidates ***may "run down" for other positions if they choose.***

8.4 ***Terms of Office***

8.4.1 ***The Executive Council positions shall be a two year term concurrent*** with that of the District 11 Executive.

**Bylaw 9 Selection of AMPA Delegates**

9.1 The AMPA delegate positions allotted to the District 11 OTBU shall be offered to the OTBU Executive, in the following order: 1. President; 2. ***Chief Negotiator***; 3. ***Vice President***; 4. Secretary-Treasurer; 5. ***OTBU District Executive Councillors***.

9.2 If there are vacancies after this process has been followed, the OTBU membership shall be informed at least one week before the deadline for submitting the District 11 AMPA Delegation, and invited to apply for them. This will be done via the District 11 website ***and via member emails.***

9.2.1 The OTBU Executive Council shall ***select*** from eligible applicants those to be appointed to the AMPA delegation.

- 9.2.2 If there are OTBU AMPA *delegate* positions not filled by this process, they shall be *allotted* to the District to be filled.

#### **Bylaw 10      Finances**

- 10.1 The fiscal year will be the same as the District 11 fiscal year
- 10.2 Expenses charged to the Bargaining Unit budget shall be authorized by the Bargaining Unit President
- 10.3 Expenses incurred on behalf of the Bargaining Unit shall be *reimbursed* if submitted on *appropriate* expense voucher forms with receipts subject to approval of the Bargaining Unit President.

#### **Bylaw 11      Appeals Procedure**

- 11.1 Members of the OTBU 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.*
- 11.1.1 Within three school days of the decision, the affected member (herein called the Appellant) shall request in writing from the OTBU President an Appeal Hearing.*
- 11.1.2 Within three school days of receiving the request, the TBU President shall appoint three voting members of the Executive Council to an Appeal Committee.*
- 11.1.2.1 Notwithstanding 11.1.2, neither the OTBU President nor the Grievance Officer shall be appointed to the Appeal Committee.*
- 11.1.3 Within three school days, the Appeal Committee shall meet to hear the appeal.*
- 11.1.4 The OTBU President shall notify the Appellant, the Grievance Officer and the Appeal Committee of the date and time of the Appeal Hearing.*
- 11.1.5 The Appellant may bring one other OSSTF member for support.*
- 11.1.6 The Appeal Hearing shall be conducted as follows:*
- 11.1.6.1 The Grievance Officer shall give his/her reasons for denying the grievance.*
- 11.1.6.2 The Appellant shall give his/her reasons why the grievance should not be denied.*
- 11.1.6.3 Each side shall have one opportunity for rebuttal and summation.*
- 11.1.7 Within two school days, the Appeal Committee shall render its judgment, with reasons, either in support of the grievance or against it.*
- 11.1.8 Within two school days, the TBU President shall communicate in writing the decision of the Appeal Committee to the Appellant.*
- 11.1.8.1 The judgment shall be considered final and not subject to appeal.*
- 11.1.9 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.*

