

**OSSTF**

**DISTRICT 9**

**OCCASIONAL TEACHERS'  
BARGAINING UNIT**

**CONSTITUTION AND BY-LAWS**



As approved by D9 OTBU Membership –AGM May 8, 2018

Effective July 1, 2018

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## ARTICLE 1 DEFINITIONS

In this Constitution and Bylaws and in the Procedures

- 1.1 “AGM” shall mean the Annual General Meeting of the District 9 Occasional Teachers’ Bargaining Unit.
- 1.2 “AMPA” shall mean the Annual Meeting of the Provincial Assembly of OSSTF.
- 1.3 “Board/Employer” shall mean the Greater Essex County District School Board.
- 1.4 “Bargaining Unit” shall mean all secondary occasional teachers employed by the Greater Essex County District School Board (GECDSB).
- 1.5 “Bylaws” shall mean the standing rules made under the Constitution which are enactments binding upon all members of the Bargaining Unit.
- 1.6 “CBC” shall mean the Collective Bargaining Committee.
- 1.7 “Constitution” shall mean a system of fundamental principles according to which OSSTF D9 OTBU is governed.
- 1.8 “District” shall mean District 9 OSSTF.
- 1.9 “District Executive” shall mean District 9 Executive as defined by the District 9 Constitution.
- 1.10 “Executive” shall mean the members of the OTBU Executive (as defined by Article 5 of this document).
- 1.11 “Federation” shall mean the Ontario Secondary School Teachers’ Federation.
- 1.12 “General Meeting” shall mean a meeting of all members of the bargaining unit called by the President.
- 1.13 “Member” shall mean an active member employed by the GECDSB as a secondary occasional teacher.
- 1.14 “Policy” shall mean a stand or position taken by the OTBU in accordance with its bylaws on matters whose resolution is beyond the internal legislative power of the Occasional Teachers Bargaining Unit of the District 9 OSSTF.
- 1.15 “Grievance” shall mean a complaint concerning the interpretation, administration or alleged violation of the local or central collective agreement, including a question as to whether or not a matter is arbitrable.

- 1.16 “Objects” shall mean the goals or purpose of an organization.
- 1.17 “Roster” shall mean a list or plan showing turns of duty or leave for occasional teacher members.
- 1.18 “Long Term Occasional List” shall mean a list of those occasional teacher members ranked by seniority.
- 1.19 “Seniority” shall mean the date of hire combined with days worked as an occasional teacher employed by the GECDSB.
- 1.20 “Trusteeship” shall mean the resumption by Provincial OSSTF of those duties delegated to a local organization in accordance with the OSSTF Bylaws.

## ARTICLE 2 **NAME & MEMBERSHIP**

- 2.1 The name will be the Occasional Teachers’ Bargaining Unit – District 9 of the Ontario Secondary School Teachers’ Federation, hereafter and herein referred to as the OTBU.
- 2.2 Membership shall consist of all active members as defined by the OSSTF Provincial Constitution & Bylaws within the OTBU employed by the Board.

## ARTICLE 3 **OBJECTS**

The Objects of the Bargaining Unit shall be in accordance with Article 3 of the OSSTF Constitution:

- 3.1 First and foremost to protect its members, both individually and collectively, in their profession, and to ensure that none of the civil, human, and legal rights enjoyed by other Ontario residents shall be denied its members;
- 3.2 to secure and maintain for all Active members of the OTBU equal collective bargaining rights including the right to strike;
- 3.3 to bargain collectively on behalf of its members to improve their working conditions based upon members’ input;
- 3.4 to promote and advance the cause of public education;
- 3.5 to promote a high standard of professional ethics and a high standard of professional competence;
- 3.6 to secure the opportunity for members active participation in formulating policies and practices affecting education;
- 3.7 to work toward greater control of our professional future;
- 3.8 to promote political action to ensure that legislation, policies and procedures are in the best interest of members, public education, students and the community;
- 3.9 to support and promote equal opportunities for members and students;

- 3.10 to foster and promote the dignity of all persons in keeping with the Ontario Human Rights Code;
- 3.11 to associate and collaborate with other unions.

#### **ARTICLE 4 RESPONSIBILITIES OF THE OTBU EXECUTIVE**

- 4.1 To abide by the bylaws, regulations and policies of OSSTF and the decisions of General Meetings;
- 4.2 to act as the highest decision making body of the OTBU between General Meetings;
- 4.3 to meet regularly, and as needed to conduct the business of the OTBU;
- 4.4 to obtain, and account for funds from OSSTF or the District in order to carry out the objects and responsibilities of the OTBU;
- 4.5 to ensure that all members of the OTBU are informed of their rights, duties, obligations and privileges as part of OSSTF;
- 4.6 to communicate with OTBU members, District 9 Executive and Provincial Office in matters relating to the OTBU;
- 4.7 to provide professional development opportunities to members;
- 4.8 to encourage participation in OTBU activities and provide leadership opportunities;
- 4.9 to co-ordinate, promote and/or participate in District and Provincial OSSTF activities;
- 4.10 to represent members in cooperation with other Affiliates of the Ontario Teachers' Federation in any matter of shared professional interest;
- 4.11 to communicate with the media and the public on behalf of the OTBU;
- 4.12 to notify members and provide access to a copy of the newly amended Constitution of the OTBU;
- 4.13 to notify members and provide access to a copy of any tentative agreement with the Employer at least 48 hours before the General Meeting;
- 4.14 to conduct the business of the OTBU in keeping with established OSSTF policies and to consider interim policies as required.

#### **ARTICLE 5 BARGAINING UNIT ORGANIZATION**

- 5.1 There shall be an OTBU Executive consisting of the following voting members:
  - 5.1.1 President – Grievance Officer
  - 5.1.2 Vice-President – Health & Safety Officer
  - 5.1.3 Chief Negotiator

- 5.1.4 Communications Officer
  - 5.1.5 Educational Services Officer
  - 5.1.6 Political Action Officer
  - 5.1.7 Treasurer
  - 5.1.8 Secretary
  - 5.1.9 Constitution Officer
  - 5.1.10 Equity Officer
- 5.2 The members of the Executive shall be elected at the Annual General Meeting of the District 9 OTBU with duties from July 1 to June 30 of the election year.
- 5.3 In the event that a member of the OTBU Executive is elected to or assumes more than one office, the member is entitled to a single vote as a member of the Executive.
- 5.4 With the exception of the role of the President, whenever and for whatever reason a vacancy occurs on the OTBU Executive, the OTBU membership will be informed of the vacancy and interested members will be invited to put their names forward to be considered by the OTBU Executive. Upon approval by the OTBU Executive, the vacancy will be filled for the remainder of the elected term of office.

**5.5 COLLECTIVE BARGAINING COMMITTEE**

- 5.5.1 The Collective Bargaining Committee of the OTBU shall consist of the following voting members:
- 5.5.1.1 Chief Negotiator – Chair
  - 5.5.1.2 President – Grievance Officer
  - 5.5.1.3 Vice-President – Health & Safety Officer
  - 5.5.1.4 up to four members approved by the OTBU Executive, which may include the former Chief Negotiator in the event that a change in office has occurred.
- 5.5.2 The Table Team shall consist of the following members:
- 5.5.2.1 Chief Negotiator,
  - 5.5.2.2 President – Grievance Officer and
  - 5.5.2.3 up to two members from the CBC approved by the OTBU Executive.

**5.5 GRIEVANCE COMMITTEE**

- 5.5.3 The Grievance Committee of the OTBU shall consist of the following members:

- 5.5.3.1 President – Grievance Officer;
- 5.5.3.2 Chief Negotiator, and
- 5.5.3.3 one additional member approved by the OTBU Executive.

## 5.5 GRIEVANCE APPEALS COMMITTEE

- 5.5.4 The Grievance Appeals Committee shall be chaired by the Vice-President and convened as required per the Bylaws. The Committee will include three (3) members of the OTBU Executive with no earlier involvement with the decision upon which the appeal is based.

## ARTICLE 6 6.1 AMENDMENTS

- 6.1.1 Amendments to the Constitution and Bylaws may be made at the Annual General Meeting of the Occasional Teachers' Bargaining Unit:
- 6.1.2 by two-thirds (2/3) vote of the members present, qualified to vote and voting, provided that the notice of any proposed amendment shall have been given to the Bargaining Unit Secretary twenty (20) days prior to the meeting and provided that written notice of the proposed amendment has been electronically posted/mailed to members current personal e-mail address of the Bargaining Unit ten (10) days prior to the meeting;
- 6.1.3 by a nine-tenths (9/10) vote of the members present, qualified to vote and voting, given previous notice as in Article 6.1.1 not having been provided.

## BYLAWS

### BYLAW 1 FEDERATION/FISCAL YEAR

- 1.1 The Federation fiscal year and OTBU Executive membership year shall be from July 1 to the following June 30.

### BYLAW 2 DUTIES OF THE BARGAINING UNIT EXECUTIVE

#### 2.1 DUTIES OF THE PRESIDENT – GRIEVANCE OFFICER

It shall be the duty of the OTBU President:

- 2.1.1 To call and preside over all meetings of the OTBU Executive and the OTBU Membership. There shall be at least six (6) OTBU Executive meetings per year.
- 2.1.2 To prepare agendas for all meetings of the OTBU Executive and the OTBU Membership that include any items submitted by either the Executive or the Membership;

- 2.1.3 To represent the OTBU at meetings of the District Executive, District Council and the District Annual General Meeting.
- 2.1.4 To be an ex officio member of all OTBU Committees, including the Collective Bargaining Committee.
- 2.1.5 To regularly report to the Executive the activities of the OTBU and of District Council.
- 2.1.6 To receive, answer and retain all correspondence regarding members for a period of no less than 7 years.
- 2.1.7 To liaise regularly with the District President.
- 2.1.8 To communicate in a timely fashion to the District President and the District Secretary any resolutions from the OTBU Executive to be considered at the next meeting of District Council.
- 2.1.9 To submit a written report to the OTBU Annual General Meeting.
- 2.1.10 To act as a signing authority for the OTBU.
- 2.1.11 To communicate with the media and the public on behalf of the OTBU.
- 2.1.12 To represent the OTBU at all meetings of Provincial Council. In the event that the President is unable to attend, to appoint a designate from the OTBU Executive.
- 2.1.13 To regularly report to the Executive the activities of Provincial Council.
- 2.1.14 To attend the annual OSSTF Leadership Conference.
- 2.1.15 To represent the OTBU at any other meetings called for either provincially or locally. In the event that the President is unable to attend, to appoint a designate from the OTBU Executive.
- 2.1.16 To represent the OTBU membership at meetings of the Joint Relations Committee.
- 2.1.17 In consultation with the Chief Negotiator, to arrange for information and/or ratification meetings of the OTBU.
- 2.1.18 In consultation with the District 9 Office Manager and the OTBU Executive, coordinate the Annual Report for distribution at the Annual General Meeting.
- 2.1.19 At minimum, to be available and accessible to the membership for the number of days specified by the bargaining unit levy as outlined in Bylaw 6 and approved in the OTBU budget as approved at the Annual General Meeting.
- 2.1.20 To act as the OTBU Grievance Officer:
  - 2.1.20.1 to investigate potential grievances on behalf of OTBU members in a timely fashion to ensure timelines are met;
  - 2.1.20.2 to seek informal resolution with the Employer through communication with the appropriate administration or through the Joint Relations Committee;
  - 2.1.20.3 to keep confidential records;



- 2.1.20.4 to consult with Grievance Committee and/or the Field Secretary regarding potential grievances;
- 2.1.20.5 to update the Executive about the status of grievances including the informal resolution of potential grievances;
- 2.1.20.6 to inform the Collective Bargaining Committee of concerns, which are related to the grievance process relevant to future negotiating briefs.

## **2.2 DUTIES OF THE VICE-PRESIDENT – HEALTH & SAFETY OFFICER**

It shall be the duty of the OTBU Vice-President:

- 2.2.1 To act in the President’s absence or at the President’s request;
- 2.2.2 To act as a signing authority for the OTBU;
- 2.2.3 To communicate regularly with the President;
- 2.2.4 To be a member of the Collective Bargaining Committee;
- 2.2.5 To chair the Grievance Appeals Committee;
- 2.2.6 To act as the Health & Safety Officer for the OTBU;
  - 2.2.6.1 To represent OTBU members in Health & Safety issues or concerns;
  - 2.2.6.2 To assist OTBU members in completing Health & Safety forms;
  - 2.2.6.3 to advise members on matters related to the Occupational Health & Safety Act;
  - 2.2.6.4 to regularly provide updates to the OTBU Executive on Health & Safety matters related to the OTBU membership with consideration to any follow-up action needed;
  - 2.2.6.5 To act as the OTBU representative on the District Health & Safety Committee;
  - 2.2.6.6 to attend regional or provincial Health & Safety Conferences;
- 2.2.7 To assist with any Presidential duties at the request of the President or Executive’s request;
- 2.2.8 To replace the President in the event of the President’s resignation, illness, death or termination until the end of the term;
- 2.2.9 To provide a written report to the President for the General Membership for the Annual General Meeting.

## **2.3 DUTIES OF THE CHIEF NEGOTIATOR**

It shall be the duty of the Chief Negotiator:

- 2.3.1 To be a member of the Collective Bargaining Committee;
- 2.3.2 To be a member of the Grievance Committee;
- 2.3.3 To call and chair meetings of the CBC;
- 2.3.4 To report on the discussions of the Collective Bargaining Committee to the OTBU Executive;
- 2.3.5 To bring the OTBU negotiating brief to the OTBU Executive for consideration for final approval;
- 2.3.6 To attend regional and provincial Collective Bargaining Committee conferences;
- 2.3.7 To survey the OTBU membership with regards to bargaining priorities;
- 2.3.8 To participate in negotiations with the employer;
- 2.3.9 In consultation with the President, to arrange for information and/or ratification meetings of the OTBU;
- 2.3.10 To provide a written report to the President for the General Membership for the Annual General Meeting.

## **2.4 DUTIES OF THE COMMUNICATIONS OFFICER**

- 2.4.1 To maintain an up-to-date contact list of the OTBU membership;
- 2.4.2 To ensure that the membership is kept informed through regular publication of news and information;
- 2.4.3 To carry out duties as may be delegated by the President or approved by the OTBU Executive;
- 2.4.4 To provide a written report to the President for the General Membership for the Annual General Meeting.

## **2.5 DUTIES OF THE EDUCATIONAL SERVICES OFFICER**

- 2.5.1 To attend meetings of the District Educational Services Committee;
- 2.5.2 To attend regional or provincial Educational Services conferences;
- 2.5.3 To provide opportunities for the Professional Development of OTBU members.
- 2.5.4 to provide regular reports to the OTBU Executive;
- 2.5.5 to provide a written report to the President for the General Membership for the Annual General Meeting.

## **2.6 DUTIES OF THE POLITICAL ACTION OFFICER**

- 2.6.1 To attend meetings of the District Political Action Committee;
- 2.6.2 To attend regional or provincial Political Action conferences;
- 2.6.3 to provide regular reports to the OTBU Executive;
- 2.6.4 to provide a written report to the President for the General Membership for the Annual General Meeting.

## **2.7 DUTIES OF THE TREASURER**

- 2.7.1 To keep account of all monies received and disbursed by the OTBU;
- 2.7.2 to prepare a financial report for the OTBU Executive at each meeting, Annual General Meeting and as requested by the Executive;
- 2.7.3 to meet with the District Treasurer and/or Associate General Secretary-Operational Services Division Provincial Office as required;
- 2.7.4 to prepare a projected budget in consultation with the District Treasurer and OTBU Executive for presentation at the Annual General Meeting;
- 2.7.5 to act as a signing authority for the OTBU;
- 2.7.6 to provide a written report to the President for the General Membership for the Annual General Meeting.

## **2.8 DUTIES OF THE SECRETARY**

- 2.8.1 to record and arrange for the keeping of minutes of OTBU Executive meetings and OTBU General Membership meetings;
- 2.8.2 to distribute the draft minutes of meetings of the OTBU Executive and General Membership to the OTBU Executive for review and approval.

## **2.9 DUTIES OF THE CONSTITUTION OFFICER**

- 2.9.1 to be familiar with the Constitution and Bylaws of the OTBU, District 9 and OSSTF.
- 2.9.2 to oversee the democratic procedures and meetings and identify any action that is in contravention with the Constitution and Bylaws of the OTBU, District 9 or OSSTF;
- 2.9.3 to identify any amendments or changes of the OTBU Constitution and Bylaws that should be brought forward to the next OTBU Annual General Meeting;
- 2.9.4 in consultation with the OTBU Executive, convene a Constitution Committee, if required.

## **2.10 DUTIES OF THE EQUITY OFFICER**

- 2.10.1 to attend District meetings of the Equity, Human Rights and/or Status of Women Committee;
- 2.10.2 to act as the OTBU Anti-Harassment Officer;
- 2.10.3 to attend regional or provincial Human Rights/Status of Women conferences;
- 2.10.4 to promote policy, events and resources which fosters the dignity of all persons;
- 2.10.5 to provide a written report to the President for the General Membership at the Annual General Meeting.

## **2.11 DUTIES OF THE COLLECTIVE BARGAINING COMMITTEE**

- 2.11.1 to develop the Negotiations Brief based upon input of the OTBU membership and OSSTF Negotiation Priorities;
- 2.11.2 to present a Negotiation Brief to the OTBU Executive for approval;
- 2.11.3 to represent the membership in negotiating a collective agreement with the Employer;
- 2.11.4 to maintain up-to-date material on salary, employee benefits, working conditions for OTBU members;
- 2.11.5 to attend information and/or ratification meetings of the OTBU.

## **2.12 DUTIES OF THE NEGOTIATION TEAM**

- 2.12.1 The Negotiation Team shall submit any tentative agreement to the OTBU Executive for consideration prior to presentation to the OTBU membership.

## **2.13 OTHER DUTIES & RESPONSIBILITIES**

- 2.13.1 Other non-voting members on the OTBU Executive who are appointed or elected by a group other than the Bargaining Unit Membership to sit on committees deemed necessary by the OTBU Executive.

## **BYLAW 3 DUTIES OF MEMBERS**

- 3.1 The duties of Members are those prescribed in the Provincial OSSTF Constitution and Bylaws specifically by Bylaw 2 Membership.
- 3.2 Members shall notify the President – Grievance Officer of any alleged violation of the Collective Agreement in a timely fashion.

- 3.3 The duties of Members at OTBU Annual General Membership Meetings are:
- 3.3.1 to consider amendments to the OTBU Constitution and Bylaws;
  - 3.3.2 to elect OTBU Executive Members as outlined in Article 5;
  - 3.3.3 to receive and act on reports from the OTBU President, Executive Members and Committees.

#### **BYLAW 4 BARGAINING UNIT MEETINGS AND ELECTIONS**

##### **4.1 BARGAINING UNIT EXECUTIVE MEETINGS**

- 4.1.1 The Bargaining Unit Executive shall meet for regularly scheduled meetings, at the call of the Bargaining Unit President or additional meetings shall be called at the request of a minimum of three members of the Executive.
- 4.1.2 The Quorum for an OTBU Executive meeting shall be above fifty percent (50% +1) of the Members of the OTBU Executive.

##### **4.2 GENERAL MEMBERSHIP MEETINGS**

The OTBU Membership shall meet:

- 4.2.1 at a minimum, at an Annual General Meeting,
- 4.2.2 at the call of the OTBU President, or
- 4.2.3 to provide information meeting with respect to the ratification of a contract, a strike vote or any other matters deemed necessary for the welfare and interest of OTBU members or
- 4.2.4 at the request of ten (10) Active Members of the OTBU forwarded to any member of the Executive. Such requests are to be in a written form including the specific issue(s) to be brought forward to the membership and signed by each of the requesting members. The meeting shall be held within twenty (20) working days of the request being forwarded to the President.
- 4.2.5 Notice of the AGM Final Agenda shall be given to the membership by email / electronically posted at least 15 days prior to the AGM.
- 4.2.6 The Quorum for an OTBU Annual General Meeting shall be twelve percent (12%) of the OTBU Full Time Equivalent Members as of April 1<sup>st</sup> prior to the AGM.

### **4.3 PROCEDURES FOR MEETINGS**

- 4.3.1 General meetings will be conducted in accordance with the established procedures (Bylaw 9) of District 9 and the Rules of Order outlined in the OSSTF Constitution and Bylaws.
- 4.3.2 Each speaker will be allotted a total maximum of two (2) minutes to speak to any single motion on the floor.
- 4.3.3 A notice of the AGM meeting, along with a 'Draft' Agenda will be sent out to all members at least 30 days in advance of the AGM.
- 4.3.4 At the Annual General Meeting, each candidate for an office of the OTBU Executive will be allotted a maximum of three (3) minutes to speak prior to elections.
- 4.3.5 A Returning Officer, who is not running for an elected position, shall be appointed by the OTBU Executive to oversee the Election process at the Annual General Meeting.

### **4.4 ELECTIONS**

- 4.4.1 Election to the offices of the OTBU Executive shall take place at the Annual General Meeting.
- 4.4.2 Nominations for the offices of the OTBU Executive shall be submitted by email to the District 9 Office Manager two (2) weeks in advance of the Annual General Meeting.
- 4.4.3 Nominations from the floor of the Annual General Meeting will be received prior to nominations being declared closed by the Chair.
- 4.4.4 Election of OTBU Officers shall be in the following order:
  - 1) President – Grievance Officer,
  - 2) Vice-President – Health & Safety Officer,
  - 3) Chief Negotiator
  - 4) Communications Officer
  - 5) Educational Services Officer
  - 6) Political Action Officer
  - 7) Treasurer
  - 8) Secretary
  - 9) Constitution Officer
  - 10) Equity Officer
- 4.4.5 An unsuccessful candidate for one position may be nominated from the floor for another position on the OTBU Executive prior to nominations being declared closed.

### **4.5 BALLOTING**

- 4.5.1 Balloting for Executive positions shall be conducted in accordance with Procedures as established at the start of the meeting.

- 4.5.2 Members elected to offices at the Annual General Meeting of the OTBU must have a majority of the ballots cast to win. If there is no majority, the person with the least votes must withdraw and a further ballot must be held. In the event of a tie, this procedure continues until there is a majority vote.

## **BYLAW 5 DUES & LEVY**

### **5.1 DUES**

- 5.1.1 The amount of annual dues shall be prescribed in the Bylaws of Provincial OSSTF, District OSSTF and the OTBU;
- 5.1.2 the method of payment of dues shall be prescribed in the Collective Agreement made between the Secondary Occasional Teachers' Bargaining Unit and the employer;

### **5.2 LEVY**

- 5.2.1 the bargaining unit levy shall be an ongoing deduction from each member's salary as approved by the membership at the Annual General Meeting;
- 5.2.2 the employer shall be asked to outline the local OTBU levy deduction amount as a separate item from the provincial OSSTF dues for Active Members;
- 5.2.3 the OTBU approve a levy of 0.7% (.seven percent) to be used for release time of OTBU Executive Officers or OTBU members as approved at the Annual General Meeting.

## **BYLAW 6**

### **6.1 TIME RELEASE**

- 6.1.1 The President of the OTBU will have the equivalent of 0.5 FTE release time for executive duties.
- 6.1.2 President – Grievance Officer will be paid at the Long Term Assignment rate according to the current year's Salary Grid from the District 9 OTBU levy, unless it is agreed upon in the Collective Agreement to be paid from the Board. The amount of Time Release will be clearly specified and determined by the OTBU annual budget as approved at the Annual General Meeting.
- 6.1.3 District 9 OTBU may distribute time release funds for OTBU members, defined as the reimbursement to the employer for the costs associated with release from a member's employment duties during normal hours of paid employment, as approved by the OTBU Executive. These funds will be determined by the OTBU annual budget as approved at the Annual General Meeting.

## **BYLAW 7      APPEALS**

- 7.1. Any member of the OTBU affected by decision to deny a grievance may appeal this decision using the following procedure:
  - 7.1.1 Within three (3) working days of notice of the decision, the affected member shall contact the Vice-President and request in writing a meeting to appeal the decision;
  - 7.1.2 Within three (3) working days of receiving the request, the Vice-President shall notify the OTBU Executive of the appeal and three Executive members with no earlier involvement with the decision upon which the appeal is based will meet as soon as possible to ensure that timelines for the filing of any grievance are met.
  - 7.1.3 The Vice-President will meet with the affected member and allow the member to provide reasons why the grievance should not be denied. These reasons will be noted and reported to the Grievance Appeals Committee.
  - 7.1.4 The President-Grievance Officer will meet with the Grievance Appeals Committee to provide reasons for denying the grievance. Every attempt should be made for this meeting to occur as soon as possible following the meeting with the affected member.
  - 7.1.5 The Grievance Appeals Committee will consider the information provided and render its decision, with reasons, either in support of the grievance or against it.
  - 7.1.6 The Vice-President will communicate with the affected member the decision of the Grievance Appeals Committee. If the denial of the grievance is upheld, the Vice-President shall communicate with the member the reasons for the denial. If the appeal is upheld, the Vice-President will notify the affected member that the grievance will be filed on their behalf and outline the process.
  - 7.1.7 If the Grievance Appeals Committee finds that the grievance should be filed, the President-Grievance Officer shall proceed in the manner outlined in the Collective Agreement.

## **BYLAW 8      ANTI-HARASSMENT & EQUITY**

- 8.1 Any member of OSSTF has the right to an equitable work and union environment free from the destructive effects of discrimination and harassment.
- 8.2 Any OTBU member who feels targeted by harassment or discrimination at any OSSTF function must be able to speak up and know their concerns will be responded to immediately in accordance with OSSTF Policies and Procedures.
- 8.3 Any OTBU meeting shall have an identified Anti-Harassment Officer that will be declared at the start of any meeting.
- 8.4 The Anti-Harassment Officer will provide initial assistance to any member who reports being harassed or discriminated against at any OSSTF event. This initial assistance will include providing information on:



- 8.4.1 informal and formal processes
- 8.4.2 how to file a formal complaint
- 8.4.3 external mechanisms (police or Human Rights Commission)
- 8.5 The informal processes may include the Anti-Harassment Officer facilitating communication between the complaining member with the other person either directly or indirectly.
- 8.6 The informal process may include the Anti-Harassment Officer or a member of the OTBU Executive acting as a mediator to help settle the complaint. However, either party has the right to refuse mediation.
- 8.7 The formal use of the Anti-Harassment Complaint Procedure is detailed in Bylaw 9.

## **BYLAW 9 PROCEDURES**

### **9.1 DEPENDENT CARE**

- 9.1.1 OTBU Executive members shall be provided with reimbursement for child care as outlined in the current OSSTF Federation Allowable Expenditure Guidelines for meetings outside of normal working hours.
- 9.1.2 OTBU Members shall be provided with reimbursement for child care as outlined in the current OSSTF Federation Allowable Expenditure Guidelines for any OTBU General Meetings.
- 9.1.3 Expenses must be submitted during the current fiscal year.

### **9.2 MILEAGE**

- 9.2.1 OTBU Executive members shall be paid mileage as outlined in the current OSSTF Federation Allowable Expenditure Guidelines for attendance at meetings related to union business. Mileage claims should reflect the accurate distance from the member's location prior to the meeting and the return to either home or the workplace.
- 9.2.2 Expenses must be submitted during the current fiscal year.

### **9.3 ANTI-HARASSMENT & EQUITY**

- 9.3.1 The Anti-Harassment & Equity statement will be read at the start of each OTBU event. An Anti-Harassment Officer will be identified.
- 9.3.2 Any member who believes they have been the target of harassment or discrimination at an OTBU sponsored meeting or event is encouraged to take immediate action to request the behaviour be stopped. This can be done personally, either in writing or verbally, or with the assistance of a third party.

- 9.3.3 If the behaviour continues, or if the member does not feel safe approaching the individual(s) responsible for the behaviour, the member is encouraged to speak with the Anti-Harassment Officer.

### **RESOLUTION & COMPLAINT PROCEDURE**

- 9.3.4 The Anti-Harassment Officer will review the complaint with the member and determine whether informal processes can be utilized to resolve the situation. This may include speaking with the parties privately or if necessary, consulting the Chairperson or Facilitator of the event to determine if the person(s) responsible for the behaviour should be asked to leave should circumstances warrant.
- 9.3.5 The complaint shall be handled confidentially; however, all complaints will be reported to the President.
- 9.3.6 In the event that the President is named in the complaint, the complaint will be reported to the Vice-President.
- 9.3.7 If the complaint cannot be resolved informally, the 'complainant' will be asked to put all relevant information in writing. If the complainant chooses to provide a written complaint, it will be submitted to the President for action. It shall be the joint responsibility of the President and one other OTBU Executive member not connected to the complaint to conduct an investigation, determine if the behaviour falls under the definition of harassment and recommend appropriate action.
- 9.3.8 Resolutions may include, but are not limited to apologies, mediation, warnings, and limited access to future meetings or events or removal. The President, or in the event the President is named in the complaint, the Vice-President will contact the complainant and respondent about the outcome of the investigation.
- 9.3.9 Decisions may be reviewed by OTBU Executive members not involved with the complaint or the investigation at the request of the 'respondent'.

### **APPEAL PROCEDURE**

- 9.3.10 Members of the OTBU affected by a decision resulting from a complaint under the Anti-Harassment & Equity Procedure, may appeal the decision by submitting a request to the President within five (5) days of the decision.
- 9.3.11 Within two (2) days of receiving the request, the President, in consultation with the OTBU Executive, shall appoint an Appeal Committee of up to three (3) members to meet and consider the appeal.
- 9.3.12 The Appeals Committee shall review the complaint, the investigation process and findings, and the decision. Following the review, the Committee shall either confirm or modify the decision.
- 9.3.13 The decision of the Appeal Committee shall be communicated by the President within five (5) days of the review.
- 9.3.14 The decision of the Appeal Committee shall be considered final and not subject to any appeal.

## **BYLAW 10.1 POLICY**

10.1.1 A copy of the OTBU Policy and Procedure Handbook will be kept with the 'Constitution and Bylaw Book'.

**O.S.S.T.F., DISTRICT 9**  
**OCCASIONAL TEACHERS' BARGAINING UNIT**

July 1, 2018

(Addendum to Constitution Booklet)

**Policy and Prodedures**

**Handbook**

**CREATION OF COMMITTEES REQUESTING GENERAL MEMBERSHIP PARTICIPATION**

- 1) The Chair of the Committee will electronically post to the membership at least 2 (two) times a request and requirements for committee members by Feb. 1.
- 2) If no applicants have been received by Feb. 15 of that school year, it will be the responsibility of the Committee Chair to notify other executive members of the need for committee members and elicit executive participation on the committee.
- 3) The Chair of the Committee will then begin the group portion of committee work within a couple of weeks.

**EXECUTIVE COMPENSATION****1) President's Allotted Days of Paid Work**

The President will be paid according to LTA rates (on salary grid) for 2.5 days per week (1/2 time position).

**2) President's Sick Leave and Miscellaneous Leaves.**

Access to sick days or leave of absence will be the same as those afforded regular OTs on LTA according to the prorated assigned days of the approved policy for the 'President's Allotted Days of Paid Work' according to Bylaw 6.1.

**3) President's Access to Paid Benefits**

The president will have full access to LTA benefits, with the bargaining unit providing payment of the benefits according to the LTA prorated release time as determined by the Policy for 'President's Allotted Days of Paid Work' and adding another 5% above that release time up to a max of 100% coverage. The extra added percentage accounts for days worked at the provincial level but not counted toward the salary grid pay.

**4) Executive Members Payment for Executive Work**

If an executive member is asked to work on behalf of the executive during the daytime work hours, they will be paid the daily rate if working as a daily OT, but paid LTA rate if they are working on an LTA (such that the Board pays their regular salary grid rate and the bargaining unit will reimburse the Board for the replacement daily OT needed to fill the spot of the executive for that day, – or as otherwise indicated in the Collective Agreement)

**TREASURER'S PREPARATION FOR AGM BUDGET**

- 1) The Treasurer will meet with the President to discuss ideas for the budget prior to the first Budget presentation to the Executive.
- 2) The Treasurer will make the proposed Budget available to the executive on the 2<sup>nd</sup> (second) last executive meeting before the AGM. Amendments can then be made between this meeting and the final executive meeting before the AGM. A vote and final amendments will be made to the Budget at the last executive meeting before the AGM.

**PREPARING FOR THE AGM**

- 1)The president will contact the Provincial Liaison to see if they are available to attend the AGM as a guest speaker to update membership about Provincial matters.
- 2) The president will arrange for an impartial person to chair the meeting and be responsible for voting procedures and counts. This may be the field secretary, another provincial staff, a district executive member or a past retired executive member, etc.
- 3) The president will arrange for an AGM secretary who may be the bargaining unit secretary or the district office manager.
- 4)The president will notify the executive of upcoming deadlines for their written reports to the AGM.  
(usually 2 weeks prior to the AGM)
- 5) AGM booklets will be brought to the meeting, along with ballots.
- 6) The president will bring last year's AGM minutes or ask the communication's officer to send them to members electronically.
- 7) The president will bring 15 copies of the OTBU Constitution (so that people have a copy to follow when motions are being voted on).

**Protocol for Draft Agenda for the AGM**

1. Call to Order
2. Chairperson's Remarks – Dave Barrowclough (field secretary)
3. Reading of the OSSTF/FEESO Pledge

I solemnly dedicate myself to promote and advance the cause of education. I will strive to achieve and maintain the highest degree of professional competence and will always uphold the honour, dignity, and ethical standards of my profession. I pledge my loyalty and support to the Ontario Secondary School Teachers' Federation and will comply with the constitution, bylaws, policies, and established practices which govern its members.

4. Reading of the D9 Indigenous Land Acknowledgement:

We would like to acknowledge the original caretakers of this land and recognize the relationship outlined in the First Nations Treaties, as well as acknowledge the contributions made by the Inuit and Metis peoples, so that we may come together today in a good way.

4. Appointment of Anti-Harassment Officer:

Anti-harassment statement: A member of OSSTF/FEESO has the right to a workplace and union environment free from harassment and bullying. 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 the OSSTF/FEESO Policies and Procedures which are available on the provincial website.

5. Adoption of the Agenda
6. Approval of the Previous Year's Minutes :
7. Provincial Office Greeting and Report: Martha Hradowy
8. Presentation of Executive Reports
9. Treasurer: Presentation and vetting questions concerning the Budget .

Budget related items: ex. Levy motion , Motion to Pass/Amend the Budget.

10. Presentation of Constitution and Bylaws Motions if there are any changes to be made. – (copies handed out)

(If 20 day notice is given for constitution and bylaw motions then they require a 2/3 vote to pass, the floor motions (or less than 20 days notice) require a 9/10 vote to pass.)

\* Chair asks if there are any questions/positions for each motion, (2 minutes allotted for those taking a position for or against ) \*\* Chair calls the question on each motion.

11. Presentation of anything new put into the Policy/Procedure Handbook (attached to Consitution electronically)

12. ELECTIONS – Term normally runs from July 1 until June 30.

Candidates for elected positions will be allowed up to 3 minutes to speak on their candidacy.

a. Remarks by the Elections Officer

b. Election Speeches and Balloting in the following order (drop down for elected positions is allowed)

Nominees are accepted by notification through the district office or from the floor before final call for voting. 2 (two) person nomination required.

- President + Grievance Officer

- VP + H&S

- Chief Negotiator

-Communications Officer

-Educational Services Officer

-Political Action Officer

-Treasurer

-Secretary

-Constitution Officer

-Equity Officer

13. Selection of AMPA delegates and alternate

a) President is assigned as one delegate

b) election of other ‘designated number of delegates by provincial office’ – simple one person nomination (if two tied, then another vote to break the tie)

c) election of an alternate (drop down from delegates and vote off)

d) election of an alternate in-waiting in case someone has to drop out from above

14. President’s Final Remarks (Optional)

15. Adjourn



**PROCEDURES**

**Communication within the Executive**

- The Vice President (VP) will be made aware of the password to the President’s official email. The VP may access this email in the case of the President’s illness, absence or if steps mentioned below are followed:
- Should the President not respond to communications from the members/executive, the VP will follow these steps:
  - 1) Talk to the President about the lack of communication.
  - 2) Through an email, the VP should officially request further communication from the President, and specific areas of concern may be noted.
  - 3) If communication still remains an issue, the VP will notify the rest of the executive.
  - 4) After the executive has been notified, a period of 5 days will be given for the President to respond to the request for communication. If the President does not sufficiently respond, the VP will be granted permission to access the President’s email system.

**AMPA Delegate and Alternate Selection**

Delegate numbers may change yearly depending on FTE calculation at Provincial Office. One alternate will also be selected after the delegate(s) .

- 1) a) President is assigned as one delegate
- b) election of other ‘designated number of delegates by provincial office’ – simple one person nomination (can self-nominate)
  - pick from the highest vote numbers, if a tie occurs then revote between tied people
- c) election of an alternate (drop down from delegates after vote off)
  - pick from the highest vote numbers, if a tie occurs then revote between tied people

**Advertisement for those Nominated and Running for Elections**

- 1)

**The Previous Year's AGM Minutes will be kept at the end of the Policy and Procedures Handbook**

Occasional Teachers' Bargaining Unit  
Annual General Meeting, Tuesday, May 8, 2018

**MINUTES**

-24 members present and signed in.

- a. Call to Order; 4:54 p.m. Dave Barrowclough
- b. Chairperson's Remarks – Dave Barrowclough 4:54 p.m.
- c. Reading of the OSSTF/FEESO Pledge Scott Hunt; 4:55pm
- d. Reading of the D9 Indigenous Land Acknowledgement: Christina Wagner 4:56pm
- e. Appointment of Anti-Harassment Officer: Scott Hunt  
Reading of the anti-harassment statement Megan Primeau
- f. Adoption of the Agenda Amend #15/strike as it is duplicate  
Moved by: Linda Lewicki Seconded by: Christina Wagner **CARRIED**
- g. Approval of the Previous Year's Minutes  
Moved by: Linda Lewicki Seconded by: Scott Hunt
- h. Provincial Office Greeting and Report: Martha Hradowy 5:00 p.m.  
-Much discussion and info on upcoming election  
-OSSTF 100 year anniversary next year  
-Questions to Martha
- i. Executive Reports 5:18 p.m.  
-President; Linda Lewicki 5:24 p.m. Some discussion about Bill 148 and procedures of dailies  
-Vice President; H&S 5:44 p.m. No questions.  
-Chief Negotiator 5:45 p.m.  
-Communications 5:48 p.m.  
-Constitution Officer 5:48 p.m.  
-PAC 5:50 p.m.  
-Ed Services Officer 5:56 p.m.
- j. Treasurer Report: Presentation and vetting questions concerning the Budget. Linda Lewicki presents the Budget as the Treasurer was unable to attend 5:57 p.m.

**Motion A**

BIRT that the Levy for the OSSTF OT BU for the 2018/2019 School Year to be set at 0.7% (point seventy percent) of the members' gross salary and deducted from every pay. (no increase from current levy)

Moved by Linda Lewicki  
Seconded by Scott Hunt

Linda; opening remarks  
Enver speaking FOR the motion  
Al speaking FOR the motion

**CARRIED**

**Motion B**

*Insertion: Bylaw 6 Time Release*

*BIRT (the new 6.1 come before the existing 6.1)*

6.1 The President of the OTBU will have the equivalent of 0.5 FTE release time for executive duties.

Moved Linda Lewicki

Second: Christina Wagner

Linda; opening remarks

Enver asks a question/clarity

Al speaks AGAINST the motion

Christina speaks FOR the motion

Megan speaks FOR the motion

Jim speaks FOR the motion

Scott speaks FOR the motion

Courtney speaks FOR the motion

**CARRIED**

**Motion C**

BIRT that the proposed budget for the 2018-2019 school year be approved.

Moved by Linda Lewicki

Seconded by Megan Primeau

**CARRIED**

k. Presentation of Constitution and Bylaws

**Motion 1**

**BYLAW 4.2**

1) BIRT Bylaw 4.2

section 4.3.4 should be numbered 4.2.4.

Moved: Linda Lewicki

Second: Christina Wagner

**CARRIED**

**Motion 2**

2) BIRT an addition to Bylaw 4.2 will be made such that it reads 4.2.5 “Notice of the AGM Final Agenda shall be given to the membership by email / electronically posted at least 15 days prior to the AGM.”

and then the current 4.2.5 to be renumbered to bylaw 4.2.6.

Moved: Linda Lewicki

Second: Christina Wagner

**CARRIED**

**Motion 3**

Since there is a new bylaw 6.1, then renumber as follows:

**BIRT** the original

6.1 be renumbered to 6.2 and

6.2 be renumbered to 6.3  
Moved: Linda Lewicki  
Second: Christina Wagner

**CARRIED**

**Motion 4**

***HOUSEKEEPING CHANGE bylaw 2.10***

**BIRT** the numbering of Duties of the Equity Officer be renumbered to reflect correct sequencing from 2.10.1 to 2.10.5

Moved: Christina Wagner  
Second: Linda Lewicki

**CARRIED**

**Motion 5**

***Move EN BLOC***

Moved: Linda Lewicki  
Second: Christina Wagner

**BLOC IS CARRIED**

**a) BIRT** current 4.1 be reformatted to correctly represent the format for consistency to become 4.1.1.

Moved: Christina Wagner, Second: Linda Lewicki

**b) BIRT** current 5.1 be reformatted to correctly represent the format for consistency to become 5.1.1.

Moved: Christina Wagner, Second: Linda Lewicki

**c) BIRT** current 5.4 be reformatted to correctly represent the format for consistency to become 5.1.2.

Moved: Christina Wagner, Second: Linda Lewicki

**d) BIRT** current 5.2 be reformatted to correctly represent the format for consistency to become 5.2.1.

Moved: Christina Wagner, Second: Linda Lewicki

**e) BIRT** current 5.3 be reformatted to correctly represent the format for consistency to become 5.2.2.

Moved: Christina Wagner, Second: Linda Lewicki

**f) BIRT** current 5.5 be reformatted to correctly represent the format for consistency to become 5.2.3.

Moved: Christina Wagner, Second: Linda Lewicki

**MOTION 5 IS CARRIED**

**Motion 6**

***Move EN BLOC all main Bylaw Sequencing Numbers and Titles***

**BIRT** sequencing numbers from Bylaws 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, 2.10, 2.11, 2.12, 2.13, 4.1, 4.2, 5.1, 5.2 be correctly reformatted to keep the bylaws in one format.

Moved: Linda Lewicki,  
Second: Christina Wagner

**CARRIED**

Enver questions if we have quorum 6:41 p.m.

Confirmed FTE from P.O.; quorum is 15.99, 17 are present (24 were present)

**Motion 7**

Bylaw 4.3

BIRT the title of Bylaw 4.3 Procedures at Meetings be changed to 'Procedures for the Meetings'.

Moved: Linda Lewicki

Second: Enver Villamizar

**CARRIED**

**Motion 8**

Bylaw 4.3.3, 4.3.4 and new 4.3.5

BIRT Bylaw 4.3.4 become 4.3.5, and current 4.3.3 become 4.3.4, and the new 4.3.3 will become 'A notice of the AGM meeting, along with a 'Draft' Agenda, will be sent out to all members at least 30 days in advance of the AGM.'

Moved: Enver Villamizar

Second: Linda Lewicki

Enver opens motion

**CARRIED**

**Motion 9**

Article 6

BIRT Article 6 be amended such that 6.1.1 will have 'thirty (30) days' replaced with '**twenty (20) days**', and '15 days' replaced with '**ten (10) days**' as follows:

'by two-thirds (2/3) vote of the members present, qualified to vote and voting, provided that the notice of any proposed amendment shall have been given to the Bargaining Unit Secretary **twenty (20) days** prior to the meeting and provided that written notice of the proposed amendments have been electronically posted/emailed to the members current personal e-mail address of the Bargaining Unit **ten (10) days** prior to the meeting.

Moved by Linda Lewicki

Seconded by Megan Primeau

Linda opens

**CARRIED**

**Motion 10**

BIRT there be a new addition of Bylaw 10.

Bylaw 10 POLICY

**10.1** A copy of the OTBU Policy and Procedure Handbook will be kept with the 'Constitution and Bylaw Book'.

(see below)

Moved: Linda Lewicki

Second: Christina Wagner

Linda opens

**CARRIED**

**Late Motions (require 9/10 vote)**

Late By-Law Amendment 1-

4.2 General Membership Meetings

Article 4.2.5

BIRT that the portion '*twelve percent (12%) of the OTBU Full Time Equivalent Members as of April 1st prior to the AGM*' be removed and '*those OTBU members present and qualified to vote at the AGM.*'

Mover: Linda Lewicki

Second: Megan Primeau

pertaining to the complete clause

4.2.5 The Quorum for an OTBU Annual General Meeting shall be *twelve percent (12%) of the OTBU Full Time Equivalent Members as of April 1st prior to the AGM.*

Linda opens

Enver asks a question on why this motion not on time

Enver speaks AGAINST the motion

Maria speaks AGAINST the motion

Al speaks AGAINST the motion

Amy speaks AGAINST the motion

Andrea speaks FOR the motion

Courtney asks a question about proxy voting/off site

Megan speaks FOR the motion

Bassem speaks FOR the motion

Scott speaks FOR the motion

Raymond asks a question

Christina speaks FOR the motion

Linda closes debate

**DEFEATED**

Late By-Law Amendment 2-

4.4 Elections:

Article 4.4.3

BIRT this article be deleted in its entirety.

and then

Articles 4.4.4 and 4.4.5 be renumbered accordingly.

Mover: Linda Lewicki

Second: Megan Primeau

Original article 4.4.3 Nominations from the floor of the Annual General Meeting will be received prior to nominations being declared closed by the Chair

Linda opens

Enver speaks AGAINST the motion

**DEFEATED**

Late By-Law Amendment 3-

4.4 Elections

Article 4.4.2

BIRT there be the addition to the article at the end.....after 'Annual General Meeting' so that the addition reads

*'and then nominations will be considered closed.'*

Mover: Linda Lewicki

Second: Megan Primeau

Original article reads: 4.4.2 Nominations for the offices of the OTBU Executive shall be submitted by email to the District 9 Office Manager two (2) weeks in advance of the Annual General Meeting.

**CHAIR RULES MOTION OUT OF ORDER DUE TO DEFEAT OF MOTION BEFORE.**

l. Policy/Procedure Updates by Executive to membership if applicable. 7:14 P.M.

m. ELECTIONS

President / Grievance Officer **ACCLAIMED**

Linda Lewicki - (Megan Primeau, Christina Wagner)

Vice President / Health & Safety Officer **ACCLAIMED**

Megan Primeau - (Linda Lewicki, Christina Wagner)

Chief Negotiator **ACCLAIMED**

Scott Hunt - (Rafael Perez, Linda Lewicki)

Communications Officer **ACCLAIMED**

Christina Wagner - (Linda Lewicki, Megan Primeau)

Educational Services Officer **ACCLAIMED**

Andrea Inglesi - (Linda Lewicki, Megan Primeau)

Political Action Committee **ACCLAIMED**

Enver Villamizar (Linda Lewicki, Christina Wagner)

Treasurer **ACCLAIMED**

Bassem Kandil (Megan Primeau/Christina Wagner)

Secretary **ACCLAIMED**

Blessing Igbokwe - (Linda Lewicki, Megan Primeau)

Constitution Officer **ACCLAIMED**

Courtney Woodward (Linda Lewicki/Andrea Inglesi)

Equity Officer – open/VACANT

- n. Selection of AMPA delegates and alternate  
Megan Primeau (Enver Villamizar/Blessing Igbokwe) ACCLAIMED AS DELEGATE  
Christina Wagner (Andrea Inglesi/Linda Lewicki) ACCLAIMED as Alternate to forward  
to District  
Courtney Woodward (Andrea Inglesi/Blessing Igbokwe) as Alternate in Waiting
- o. ~~Comments from the Provincial Liaison:~~ Strike through item, duplicate
- p. President's Final Remarks (Optional) 7:32 p.m.
- q. Adjournment by the Chair 7:33 p.m.