

**OSSTF**

**DISTRICT 12**

***OCCASIONAL TEACHERS'  
BARGAINING UNIT***



**2021-2022**

**CONSTITUTION AND BYLAWS**

Amended May 19, 2021

## Article 1 - Name and Authority

- 1.1 This bargaining unit shall be known as the Ontario Secondary School Teachers' Federation, District 12, Toronto, Occasional Teachers' Bargaining Unit (OTBU).
- 1.2 Nothing in this constitution shall contravene the OSSTF Provincial Constitution and Bylaws or the OSSTF District 12, Toronto, Constitution and Bylaws.
- 1.3 Should a procedural issue not be addressed by this Constitution and Bylaws or by the OSSTF Constitution and Bylaws, Robert's Rules of Order Newly Revised (11<sup>th</sup> edition) shall prevail. (AGM06).

## Article 2 – Definitions

- 2.1 Definitions shall be as specified in the Articles of the OSSTF Provincial Constitution and Bylaws except (AGM06)
- 2.2 "Bargaining Unit" shall mean the Ontario Secondary School Teachers' Federation, District 12, Toronto, Occasional Teachers' Bargaining Unit.
- 2.3 "Member" shall mean an active member of the Bargaining Unit **employed by district school boards or other educational institutions, or agencies which provide services to educational institutions within the province of Ontario, and who pay active member dues to OSSTF/FEESO in accordance with the Constitution and Bylaws. The membership of Members who are employed on a casual basis shall continue for a period of ninety-five school days after the date of the last day employed. (AGM 21)**
- 2.4 "Day" shall mean school day.
- 2.5 "Bylaws" shall mean standing rules governing the membership of OSSTF D 12 OTBU made under this Constitution on matters of internal regulations and matters which are entirely within the control of D12 Occasional Teachers' Bargaining Unit. (AGM 12)

## Article 3 – Objects

- 3.1 The objects of the Bargaining Unit shall be as specified in the Articles of the OSSTF Provincial Constitution, and in addition, shall be to
  - 3.1.1 enhance the dignity, professionalism, unique identity and solidarity of the Occasional Teachers,
  - 3.1.2 advance the common interest of Members whenever possible, by appropriate means including collective bargaining, public education and political action,
  - 3.1.3 bring about improvement in the salaries and working conditions of the membership,

- 3.1.4 foster cooperation with labour unions and other organizations with objectives similar to those of the Bargaining Unit,
- 3.1.5 promote and defend quality public education, democratic principles, human rights and the wellbeing of working people generally.

#### **Article 4 – Membership**

- 4.1 Membership shall consist of active Occasional Teacher members as defined in the Bylaws of the OSSTF Provincial Constitution who are employed within the jurisdiction of OSSTF District 12, Toronto.

#### **Article 5 – Fees**

- 5.1 The fees for Members shall be as specified in the Bylaws of OSSTF.
- 5.2 Supplementary fees or assessments may be levied by the Bargaining Unit according to the Bylaws.
- 5.3 Payment of fees and levies shall be as prescribed in the Collective Agreement made between the Bargaining Unit and the Toronto District School Board.

#### **Article 6 - Organization (AGM05)**

- 6.1 There shall be an Executive consisting of the following:
  - 6.1.1 voting members
    - 6.1.1.1 President,
    - 6.1.1.2 First Vice-President,
    - 6.1.1.3 Second Vice-President,
    - 6.1.1.4 Treasurer,
    - 6.1.1.5 Secretary,
    - 6.1.1.6 Four (4) Executive Officers, **one of which will be designated the Liaison to the Equity Committee (AGM 21)**
  - 6.1.2 non-voting member:
    - 6.1.2.1 Chief Negotiator.
    - 6.1.2.2 Bargaining Unit Health and Safety Officer. (AGM12)
    - 6.1.2.3 Bargaining Unit Educational Services Officer. (AGM12)
    - 6.1.2.4 Bargaining Unit Communications and Political Action Officer.(AGM 2014)
    - 6.1.2.5 Bargaining Unit Constitution Officer (AGM 2016)
- 6.1.3 The voting members of the Executive shall be elected in a vote open to all the Members
- 6.2 Representatives to other bodies shall be selected according to the Bylaws
- 6.3 The Bargaining Unit shall have the following standing committees:
  - 6.3.1 Collective Bargaining Committee,
  - 6.3.2 Election Committee,

6.3.3 Constitution and Steering Committee. (AGM09), and

**6.3.4 Equity Committee (AGM 21)**

6.4 All workplaces within the Toronto District School Board to which OTBU Members are assigned as Occasional Teachers are deemed to be collectively one Branch and the OSSTF OTBU representative in each workplace is the OTBU President or designate. (AGM11)

**Article 7 - General Meetings**

7.1 There shall be an Annual General Meeting of the Members held in April or May.

7.2 There may be other General Meetings.

7.3 The Chair shall be appointed by the Executive.

7.4 Quorum for a General Meeting shall be sixty-five (65) Members. (AGM05)

7.5 The Rules of Order for a General Meeting shall be as established in the Bylaws. (AGM06)

7.6 Officially authorized meetings of the Bargaining Unit Executive and Standing Committees may be held electronically. (AGM 2014)

**7.7 General and Annual General Meetings of the Bargaining Unit may be held electronically/virtually. Under no circumstances can any part of the electronic meeting be recorded except for the use of the OTBU Secretary to ensure accuracy of the minutes. (AGM 21)**

**Article 8 - Collective Bargaining**

8.1 There shall be a Chief Negotiator appointed according to the Bylaws.

8.2 The Collective Bargaining Committee shall consist of the Chief Negotiator and other Members selected according to the Bylaws.

8.3 There shall be a Negotiating Team consisting of the Chief Negotiator and up to four (4) Members selected according to the Bylaws.

8.4 Ratification of a Collective Agreement shall be according to the Bylaws. (AGM06)

**Article 9 – Grievances**

9.1 The Grievance Officer shall be responsible for all grievances.

9.2 There shall be a Grievance Appeal Committee that shall consist of all voting members of the Executive except the Grievance Officer, plus one other Member appointed by the Executive **and who is not a member of the current Executive (AGM 21)**

9.2.1 The President shall be the Chair.

9.3 The Executive shall periodically publish procedures for dealing with grievance appeals.

## **Article 10 – Bargaining Unit Funds (AGM 2016)**

10.0.0 Any year end surplus in the general operating budget may be placed into any of the following fund/accounts in the name of the OSSTF District 12 Occasional Teachers' Bargaining Unit.

### **10.1.0 Capital Equipment Fund**

10.1.1 This fund is to provide for the purchase, replacement or repair of office equipment when the need was not anticipated and was not budgeted for in the budget.

10.1.2 Expenditure from this fund must be approved by a motion of the Bargaining Unit Executive

10.1.3 A year end surplus in the budget of up to \$10, 000 may be allocated by the Bargaining Unit Executive to the Capital Equipment Fund.

10.1.4 The Capital Equipment Fund shall not exceed \$75,000.

10.1.5 Capital Equipment expenditures in excess of \$25,000 must be approved by a Bargaining Unit General Meeting.

### **10.2.0 Strike Fund**

10.2.1 This fund is to finance expenses arising from negotiations with the Board and the Provincial Government or its agents and/or to provide emergency loans to members in extreme need during a strike of more than 3 weeks.

10.2.2 Expenditure from this fund must be approved by a motion of the Bargaining Unit Executive.

10.2.3 A year end surplus in the budget of up to \$25, 000 may be allocated by the Bargaining Unit Executive to the Strike Fund.

10.2.4 The Strike Fund shall not exceed \$500,000.

### **10.3.0 Property Fund**

10.3.1 This fund is to provide for the acquisition of a property for the use of the Bargaining Unit as its headquarters and offices.

10.3.2 A year end surplus in the budget of up to \$50,000 may be allocated by the Bargaining Unit Executive to the Property Fund.

10.3.3 The Property Fund shall not exceed \$1,000,000.

10.3.4 Expenditures from the Property Fund shall be approved by a Bargaining Unit General Meeting.

### **10.4.0 The General Reserve Fund**

10.4.1 The General Reserve Fund may be used to finance Bargaining Unit expenses not anticipated nor budgeted for in the budget.

10.4.2 Funds may be transferred from OTBU Funds to the General Reserve Fund or from the General Reserve Fund to OTBU Funds when approved by a motion of the Bargaining Unit Executive

- 10.4.3 Expenditures from the General Reserve Fund shall be approved by a motion of the Bargaining Unit Executive.
- 10.4.4 The Annual General Meeting of the Bargaining Unit shall be informed of all expenditures from the General Reserve.

## **Article 11 - Amendments to the Constitution**

- 11.1 Amendments to this Constitution may be made by a 2/3 vote at an Annual General Meeting provided that written notice of the proposed amendment (AGM05)
  - 11.1.1 has been received by the Bargaining Unit Secretary at least twenty (20) Days prior to the Annual General Meeting and
  - 11.1.2 posted on the Bargaining Unit web-site at least fifteen (15) Days prior to the Annual General Meeting. (AGM 2007)
  - 11.1.3 If notice outlined in 11.1 has not occurred, amendments to this Constitution may be made by a 9/10 vote at an Annual General Meeting. (AGM2010)

# **Bylaws**

## **Bylaw 1 - Supplementary Fees or Assessments**

- 1.1 The Member local levy shall be one-quarter of one percent of the Member's total daily pay.
- 1.2 Notwithstanding Bylaw 13, amendment to Bylaw 1.1 requires a 3/4 vote if the resolution is 'on-time', or a 9/10 vote if the resolution is late".(AGM2010)

## **Bylaw 2 – Executive**

### **2.1 Elections**

- 2.1.1** Any **active** (AGM 21) Member may be nominated to stand for election upon providing to the Election Committee their name and the signature of a supporting Member in good standing, twenty (20) Days prior to the Annual General Meeting.
- 2.1.2 Any Member may be nominated for up to two (2) different elected positions on the Executive.
- 2.1.3 Votes will be counted in the order of
  - President,
  - First Vice-President,
  - Second Vice-President,
  - Treasurer,
  - Secretary, and
  - Executive Officer.

- 2.1.4 Candidates elected to office shall have their names removed from any subsequent vote count.
- 2.1.5** Candidates who submit their nominations to the Election Committee, through the **Chief Returning Officer (AGM 21)**, on the official OTBU nomination forms, at least twenty (20) Days prior to the Annual General Meeting shall be provided:
  - 2.1.5.1 one opportunity to make an election speech at the Annual General Meeting for a time not to exceed five (5) minutes for the position of President or two (2) minutes for any other position
  - 2.1.5.2 the opportunity to advertise their candidacies in an election issue of the OTBU Newsletter by providing, concurrent to their nomination:
    - 2.1.5.2.1 a copy of the advertisement submitted in the format proscribed by the Election Committee
    - 2.1.5.2.2 the advertisement to be no bigger than 2 3/8 inches by 6 3/4 inches. which may be edited by the Elections Committee to adhere to a standard format if necessary (AGM 21)**
    - 2.1.5.2.3 A candidate for Executive elections may, in an election year, distribute election literature at the Annual General Meeting (AGM). All literature to be distributed at the AGM must be presented for the approval of the CHAIR of the AGM, via the OTBU Secretary, at least ten (10) Days prior to the AGM. (AGM 2018)
- 2.1.6 A voters' list shall be posted at the Annual General Meeting.
  - 2.1.6.1 Members wishing to appeal the voters' list may do so to the Executive at the Annual General Meeting.
  - 2.1.6.2 The Executive shall inform the Member of its decision regarding the appeal within two (2) Days of the Annual General Meeting.
  - 2.1.6.3 The decision of the Executive regarding appeals is final.
- 2.1.7 Within two (2) Days of the Annual General Meeting, Members will be provided instructions for voting by phone or electronically. (AGM 2019)
- 2.1.8 A ballot shall be considered valid if it is received by phone or electronically in the manner, and on the date as prescribed by the Elections Committee in the instructions provided to members. (AGM 2019)
- 2.1.9 Only one vote per Member shall be valid. (AGM 2019)
- 2.1.10 The ballots shall be counted by the third party firm administering the telephone and electronic formats under the supervision and with the participation of the Election Committee. (AGM 2019)
  - 2.1.10.1 Each candidate shall be allowed one scrutineer **to verify** (AGM 21) the counting process
  - 2.1.10.2 No candidate may act as a scrutineer. (AGM09)
- 2.1.11 The candidate with the highest number of votes shall be elected.
  - 2.1.11.1 Notwithstanding 2.1.11, for the position of Executive Officer, the candidates with the four (4) highest numbers of votes shall be elected.

2.1.12 Ties shall be determined by lot by the Chief Returning Officer in the presence of the scrutineers.

**2.1.13 The results of the election shall be first provided, by the third-party firm administering the election, to the Chief Returning Officer who will authorize the OTBU Secretary to post the results on the OTBU Website within two (2) Days following the deadline set by the Elections Committee (AGM 21)**

2.1.14 The data pertaining to the results of the Election shall be destroyed on the last day of the school year.(AGM2019)

## 2.2 **Term of Office**

2.2.1 The term of office of the elected voting members of the Executive shall be two (2) years commencing July 1 in the year of the election. (AGM 2010)

## 2.3 **Vacancies**

2.3.1 Any positions not filled by election shall be appointed by the Executive at the first Executive meeting of the federation year. (AGM09)

2.3.2 A mid-term vacancy exists whenever a voting member of the Executive dies, resigns from employment as a secondary Occasional Teacher at the TDSB, retires, resigns the Executive position or is unable to carry out the duties of the office as indicated by that Executive member's absence from three consecutive Executive meetings, without reasons acceptable to the Executive. (AGM09)

2.3.3 A mid-term vacancy shall be filled by appointment by the Executive for the remainder of the term at the next Executive meeting.

2.3.3.1 Notwithstanding 2.3.3, a mid-term vacancy of the position of President or First Vice-President shall be filled by the First Vice-President.

2.3.3.2 Notwithstanding 2.3.3, a mid-term vacancy of the position of First Vice-President shall be filled by the Second Vice-President.

## 2.4 **Duties of the Executive**

2.4.1 It is the duty of the Executive to

2.4.1.1 determine and request time release,

2.4.1.2 fulfill all the financial and other obligations of a Bargaining Unit under the OSSTF Bylaws,

2.4.1.3 administer the business of the Bargaining Unit between General Meetings,

2.4.1.4 establish interim policies in order to facilitate the business of the Bargaining Unit, and to present those interim policies for approval at the next General Meeting. (AGM 2010)

2.4.1.5 communicate regularly with the Members,

2.4.1.6 prepare a projected budget for presentation to the Annual General Meeting,

2.4.1.7 give final approval to the Bargaining Unit's negotiating brief,



- 2.4.1.8 make prior to the beginning of the federation year, the following one year term appointments to commence July 1. These appointments are to be made subsequent to the posting of the vacancies and the procedure for application only on the OTBU Website at least twenty (20) Days prior to the meeting at which the appointments are to be made. (AGM 2014)
- 2.4.1.8.1 Chief Negotiator,
- 2.4.1.8.2** an additional member of the Grievance Appeal Committee **who is not a member of the current Executive (AGM 21)**
- 2.4.1.8.3 the Bargaining Unit's members of the TDSB Joint Health and Safety Committees, (AGM05)
- 2.4.1.8.4 the Bargaining Unit Health and Safety Officer,
- 2.4.1.8.5 five (5) Members of the Bargaining Unit Anti-Harassment and Anti-Bullying Appeals Committee, (AGM08)
- 2.4.1.8.6 members of the Collective Bargaining Committee. (AGM09)
- 2.4.1.8.7 Bargaining Unit Educational Services Officer. (AGM12)
- 2.4.1.8.8 Bargaining Unit Communications and Political Action Officer. (AGM 2014)
- 2.4.1.8.9 Bargaining Unit Constitution Officer. (AGM 2016)
- 2.4.1.9** **Designate one (1) of the four (4) Executive Officers to be Liaison to the Equity Committee (AGM 21)**
- 2.4.1.10 having received notification from the Secretary Treasurer of District 12 of proposed amendments to the District 12 Constitution or by-laws, provide the proposed amendments to the Members, on the OTBU Website. (AGM 2010)
- 2.4.1.11 establish ad hoc committees as required. (AGM07)
- 2.4.1.12 appoint anti-harassment and anti-bullying **officers** (AGM 21) for each OTBU meeting.
- 2.4.1.13 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. (AGM12)
- 2.4.1.14 appoint an alternate to represent the Bargaining Unit for all or part of a Provincial Council meeting should any Bargaining Unit Provincial Councillor be unable to attend. (AGM12)
- 2.4.1.15 make best efforts to implement OTBU Policies. (AGM12)

## 2.5 **Duties of Officers**

- 2.5.1 It shall be the duty of the **President** to
- 2.5.1.1 be the Chief Executive Officer and official representative of the Bargaining Unit, (AGM07)
- 2.5.1.2 report to each Executive Meeting and General Meeting,
- 2.5.1.3 be an *ex officio* member of all Bargaining Unit committees,
- 2.5.1.4 maintain on-going liaison with the President of OSSTF District 12 and the Presidents of other District 12 Bargaining Units (AGM 2010)

- 2.5.1.5 be one of the signing officers,
- 2.5.1.6 serve on the District 12 Executive,
- 2.5.1.7 serve on the Secondary Occasional Teachers' Consultation Committee.  
(AGM06)
- 2.5.1.8 serve on Provincial Council as the Bargaining Unit Provincial Councillor.  
(AGM12)
  
- 2.5.2 It shall be the duty of the **First Vice-President** to
  - 2.5.2.1 perform the duties of the President in the President's absence,
  - 2.5.2.2 be the Bargaining Unit Grievance Officer,
  - 2.5.2.3 serve on the District 12 Executive,
  - 2.5.2.4 serve on the Secondary Occasional Teachers' Consultation Committee(AGM06)
  - 2.5.2.5 be one of the signing officers, (AGM07)
  - 2.5.2.6 serve on Provincial Council as the second Bargaining Unit Provincial  
Councillor. (AGM 2018)
  - 2.5.2.7 perform duties as assigned by the Executive.
  
- 2.5.3 It shall be the duty of the **Second Vice-President** to
  - 2.5.3.1 perform the duties of the First V-President in the First V-President's absence
  - 2.5.3.2 serve on the District 12 Executive,
  - 2.5.3.3 serve on the Secondary Occasional Teachers' Consultation Committee(AGM07)
  - 2.5.3.4 perform duties as assigned by the Executive.
  
- 2.5.4 It shall be the duty of the **Treasurer** to
  - 2.5.4.1 be one of the signing officers,
  - 2.5.4.2 keep accurate accounts of Bargaining Unit finances,
  - 2.5.4.3 report to each Executive and General Meeting the status of  
Bargaining Unit finances,
  - 2.5.4.4 present the projected budget on behalf of the Executive for approval by the  
Membership at the Annual General Meeting,
  - 2.5.4.5 submit all books and receipts for required audits,
  - 2.5.4.6 serve on the District 12 Finance Committee,
  - 2.5.4.7 caution against unnecessary and wasteful expenditures of any Bargaining Unit  
funds,
  - 2.5.4.8 perform duties as assigned by the Executive.
  
- 2.5.5 It shall be the duty of the **Secretary** to
  - 2.5.5.1 receive and keep accurate records of correspondence on behalf of the Bargaining  
Unit,
  - 2.5.5.2 take and maintain the minutes of Executive and General Meetings,
  - 2.5.5.3 perform duties as assigned by the Executive. (AGM07)

2.5.6 It shall be the duty of an **Executive Officer** to perform duties as assigned by the Executive. (AGM05)

**2.5.6.1 It shall be the duty of the Executive Officer holding the role of Liaison to the Equity Committee to:**

**2.5.6.2 Call and facilitate the first meeting of the Equity Committee.**

**2.5.6.3 Attend meetings of the OTBU Equity Committee unless otherwise requested by respective chairpersons.**

**2.5.6.4 Liaise with the OTBU Equity Committee, the OTBU Executive/Officers, and the OSSTF/FEESO Provincial Equity Officer to support growth and change through anti-racist and diversity-oriented initiatives. (AGM 21)**

2.5.7 It shall be the duty of the **Chief Negotiator** to (AGM05)

2.5.7.1 lead the negotiating team, (AGM05)

2.5.7.2 act as the primary spokesperson at the table during negotiations, (AGM05)

2.5.7.3 attend Bargaining Unit collective bargaining meetings, (AGM05)

2.5.7.4 report at Executive and General Meetings regarding the status of negotiations, (AGM05)

2.5.7.5 present the negotiations brief to the Executive, (AGM05)

2.5.7.6 attend provincial and regional collective bargaining (CBC) meetings when invited, (AGM05)

2.5.7.7 report to the Provincial CBC attaché, and (AGM05)

2.5.7.8 chair the Collective Bargaining Committee. (AGM05)

2.5.8 It shall be the duty of the **Health and Safety Officer** to:

2.5.8.1 be a member of the District 12 Health and Safety Committee,

2.5.8.2 assign workplace health and safety inspections to OTBU members of the TDSB Joint Health and Safety Committees or their alternates, and

2.5.8.3 represent the Bargaining Unit in matters of health and safety.” (AGM 2010)

2.5.9 It shall be the duty of the **Educational Services Officer** to:

2.5.9.1 Promote and co-ordinate the growth of the members through educational services initiatives

2.5.9.2 To identify, promote and access funding for professional growth and training activities for members

2.5.9.3 To act as a link and consult with the Provincial Educational Services Committee

2.5.9.4 Be a member of the District Educational Services Committee

2.5.9.5 Attend the Educational Services Officers’ Conference. (AGM12)

2.5.10 It shall be the duty of the **Communications and Political Action Officer** to:

2.5.10.1 Promote and co-ordinate the growth of the members through Communication and Political Action initiatives

- 2.5.10.2 To act as a link and consult with the Provincial Communications/Political Action Committee and communicate pertinent information and materials to members which have been forwarded from the provincial Communications/Political Action Committee
- 2.5.10.3 To identify communications and political concerns of OSSTF members and make recommendations to the Executive
- 2.5.10.4 To be a member of the District Political Action Committee and to provide for maintaining links with the Political Action Committees in the Districts of the Greater Toronto Area
- 2.5.10.5 To advise the Executive on matters relating to establishing and maintaining liaison with OTF affiliates and other groups supportive of public education.
- 2.5.10.6 To advise the Executive on matters concerning political action aimed at serving the Interests of the membership at all levels of government.
- 2.5.10.7 To implement political action activities approved by Provincial OSSTF or the Executive.
- 2.5.10.8 To promote the views and policies of OSSTF/FEESO through communications and political action
- 2.5.10.9 To attend the provincial Communications and Political Action Conferences and regional meetings. (AGM 2014)
  
- 2.5.11 It shall be the duty of the **Constitution Officer** to be Chair of the Constitution and Steering Committee and carry out the duties as per Bylaw 6 of the OTBU Constitution and as directed by the OTBU Executive. (AGM 2016)

## 2.6 **Executive Meetings**

- 2.6.1 There shall be an Executive meeting within the first two weeks of the school year.
- 2.6.2 The Executive shall select a Chair at its first meeting. (AGM07)
- 2.6.3 There shall be a minimum of one meeting per month during the school year, the schedule of which shall be established during the first meeting of the year.
- 2.6.4 Additional meetings may be called by a minimum of four Executive voting members provided that five (5) days notice has been given to all Executive members. (AGM09)
  - 2.6.4.1 Notwithstanding 2.6.4, additional meetings may be called, upon the majority consent of the voting Executive members. (AGM09)
  - 2.6.4.2 Bargaining Unit Executive and Standing Committee meetings may be held via electronic means using simultaneous aural communications among all participating members equivalent to those meetings held in one room or area. Motions may be made, debated and voted on by electronic means upon the majority consent of the voting Executive and Standing Committee

members. These electronic meetings will be reported and become part of the official minutes of the Executive or Standing Committee. (AGM 2014)

2.6.5 There shall be a quorum of a majority of the voting members (AGM 2010).

## 2.7 **Time Release**

2.7.1 Subject to the approval of the Executive, Members working on behalf of the Bargaining Unit may be entitled to time release paid at a rate referred to in the Collective Agreement. (AGM09)

## **Bylaw 3 - General Meetings**

3.1 The Annual General Meeting is the highest authority of the Bargaining Unit.

3.2 It is the purpose of the Annual General Meeting

3.2.1 in election years, to allow time for the speeches of candidates for election prior to the election,

3.2.2 to conduct the business of the Bargaining Unit,

3.2.3 to establish policies of the Bargaining Unit.

3.3 General Meetings shall be called by the Executive. (AGM05)

3.3.1 The Executive shall consider granting a request for a General Meeting when a petition, including a rationale, from 150 Members is presented to the Secretary. (AGM05)

3.4 The Executive shall set

3.4.1 the time of the General Meeting outside of the regular school day and

3.4.2 the place of the General Meeting, within the boundaries of the City of Toronto.

3.5 Notice of the General Meetings shall be posted on the OTBU Website at least thirty (30) Days prior to the meeting. (AGM 2014)

3.6 It is the purpose of a General Meeting to conduct the business of the Bargaining Unit between Annual General Meetings.

3.7 Resolutions to a General Meeting will be considered "on time" provided that written notice of the proposed resolution (AGM07)

3.7.1 has been received by the Bargaining Unit Secretary at least twenty (20) Days prior to the meeting and

3.7.2 posted on the Bargaining Unit web-site at least fifteen (15) Days prior to the meeting. (AGM07)

**3.7.3 Resolutions with an associated cost, must be accompanied by a reasonable cost estimate. (AGM 21)**

3.8 Resolutions, other than amendments to the Constitution or to the Bylaws,

3.8.1 if "on-time", require a vote of the majority of the Members present and voting to carry, and

3.8.2 if late, require a vote of 2/3 of the Members present and voting to carry.

- 3.8.3 Members may distribute literature at General Meetings (GM). All literature to be distributed at the GM must be presented for the approval of the CHAIR of the GM, via the OTBU Secretary, at least ten (10) Days prior to the GM. (AGM 2018)
- 3.8.4. The General Meeting and the Annual General Meetings may be held via electronic means using simultaneous aural and/or visual communications among all participating members , equivalent to those meetings held in one room or area. Motions may be made, debated and voted on by electronic means. The platform in which these electronic meetings can be held is designated by the President.**
- 3.8.4.1 The designated platform must support anonymous balloting and, where feasible, support visible displays identifying those participating; identify those seeking to speak; show the text of pending motion; show results of balloting.**
- 3.8.4.1.1 The OSSTF Provincial database shall be the official list for verification of meeting participants.**
- 3.8.4.2. Meeting participants must pre-register using their OSSTF membership number to attend the electronic/vitual meeting as delegates and will be authenticated via the pre-registration information prior to being admitted from the “waiting room” into the meeting itself.**
- 3.8.4.3 During balloting at a virtual General Meeting or Annual General Meeting only those authenticated as delegates and present in the meeting at the moment of balloting shall have the ability to vote on resolutions and motions.**
- 3.8.4.3.1 A vote conducted through the designated platform shall be deemed a ballot vote, if it is a requirement of the Constitution and Bylaws that a vote be conducted by ballot. When required other methods of voting can be used**
- 3.8.4.4 Following the official announcement of results for each ballot during balloting at an electronic/virtual General Meeting or electronic/virtual Annual General Meeting, in the absence of an immediate call for a recount within 15 minutes, the ballots shall be destroyed.**
- 3.8.4.5 The use/non-use of the communication features of a platform such as “chat”; “ formal debate process” ;“presentation of motions”; “ asking questions”; “speaking” etc. will be outlined and formulated by the Chair and Steering Committee based on the requirements of the platform to be used for the electronic/ virtual meeting and must not contravene Bylaw 3.9 Procedures for Debate of the OTBU Constitution, nor the OSSTF Provincial Constitution and Bylaws. (AGM 21)**

### 3.9 Procedures for Debate

- 3.9.1 Each speaker shall have a ninety (90) second time limit.
- 3.9.2 The mover of a resolution shall be heard first on a White Card (PRO).
- 3.9.3 If present, the next speaker to be heard is in opposition, on a Blue Card (CON).
- 3.9.4 If present, the next speaker to be heard, on a Yellow Card (OTHER), may
  - 3.9.4.1 make a parliamentary inquiry or
  - 3.9.4.2 propose an amendment, a referral, a postponement, or a tabling or
  - 3.9.4.3 make a resolution to call the question.
- 3.9.5 Subsequent debaters shall be recognized by the Chair in the order PRO, CON, OTHER.
- 3.9.6 If at least four debaters have been heard and all the remaining debaters are identified as PRO or as CON, the Chair shall judge the debate as exhausted.
- 3.9.7 Upon recognition by the Chair, a speaker with a Red Card (STOPPAGE) may interrupt the regular order of debate only for a Point of Order or a Question of Personal Privilege.
- 3.9.8 Notwithstanding 3.9.1 a speaker on a Yellow Card making a parliamentary inquiry has a time limit of thirty (30) seconds and the answer has a time limit of ninety (90) seconds.
- 3.9.9 Except for the mover of a resolution, debaters may speak only once on a White Card (PRO) or a Blue Card (CON). (AGM06)

### Bylaw 4 - Collective Bargaining Committee

- 4.1 Committee Membership
  - 4.1.1 Openings for positions on the committee shall be posted on the OTBU Website (AGM 2018)
  - 4.1.2** If more than **twelve (12)** Members indicate their willingness to serve on the Committee, the Executive will appoint up to **twelve (12)** members. (AGM 21)
- 4.2 It is the duty of the Collective Bargaining Committee to
  - 4.2.1 select up to four (4) of its members to be members of the Negotiating Team prior to serving notice to bargain,
  - 4.2.2 solicit input from the Membership regarding collective agreement issues,
  - 4.2.3 prepare a negotiating brief in accordance with the Constitution and Bylaws of OSSTF,
  - 4.2.4 recommend a tentative settlement to the Executive.

### Bylaw 5 - Election Committee (AGM05)

- 5.1 Openings for membership on the Election Committee shall be posted on the OTBU Website (AGM 2016) before the end of January in an election year.

- 5.2 Only Members not seeking election to the Executive are eligible to be members of the election committee.
- 5.3** The Executive shall select up to **three (3) (AGM 21)** of those eligible Members who apply, before the end of February, and call a meeting of the Election Committee in March.
- 5.4 The Elections Committee shall elect a chair at its first meeting.
- 5.5 The Chair of the Election Committee shall serve as the Chief Returning Officer for the election of the Executive, and the other members of the Election Committee shall serve as Returning Officers. (AGM 2010)
- 5.6 The terms of reference of the Election Committee shall be to conduct elections for Executive positions pursuant to Bylaw 2.1, determining and implementing procedures for the whole election process including, but not limited to:
  - 5.6.1 reviewing and coordinating with the Executive, Newsletter Editor, and other OTBU committees in developing a time line for all activities related to the Election
    - 5.6.1.1** publishing the rules governing OTBU elections **as per bylaw 2.1 of the OTBU Constitution (AGM 21)**
  - 5.6.2 receiving nominations, through the OTBU Secretary, and at close of nominations hold secure all nomination forms of candidates for the term of the Executive
  - 5.6.3. communicating with candidates
  - 5.6.4. determining procedures for candidates' speeches at the Annual General Meeting
  - 5.6.5. determining and implementing procedures for processing the ballots
  - 5.6.6.** **The Chief Returning Officer and the Election Committee will conduct the election according to the bylaws and authorize the OTBU Secretary to post the results on the OTBU website within two (2) Days following the deadline set by the Elections Committee (AGM 21)**
  - 5.6.7. examine the election process and present a report, to the Executive within ninety ( 90) days with any recommendations
  - 5.6.8. perform other duties as assigned by the executive
  - 5.6.9. A member of the Election Committee shall resign from the Election Committee upon submission of his/her nomination for election to the OTBU Executive. (AGM12)

## **Bylaw 6 – Constitution and Steering Committee**

- 6.1 The Executive shall appoint up to five (5) Members to the Committee.
- 6.2 The duties of the Constitution and Steering Committee shall be to
  - 6.2.1 edit the constitution and bylaws for appropriate sequencing, numbering and grammatical construction for clarity,
  - 6.2.2 propose amendments as perceived as necessary,
  - 6.2.3 assist Members in construction of resolutions to be presented at General Meetings,



- 6.2.4 assist the President in structuring the agenda and ordering the resolutions for a General Meeting, and providing assistance and advice to the Chair of a General Meeting. (AGM09)
- 6.2.5 the Executive shall appoint up to three (3) members to the District 12 Constitution and Steering Committee.(AGM12)

### **Bylaw 7 – Equity Committee**

- 7.1 Openings for membership on the Committee shall be posted on the OTBU website.**
- 7.1.1 If more than twelve (12) Members indicate their willingness to serve on the Committee, the Executive will appoint up to twelve (12) members on recommendation of the Liaison of the Equity Committee.**
- 7.1.2 The chairperson shall be elected internally by members of the Equity Committee, subject to ratification by the OTBU Executive. The Committee chairperson shall be elected annually, at the first meeting of the committee, and hold office until the following June 30<sup>th</sup>.**
- 7.2 The terms of reference of this Committee shall be to:**
- 7.2.1 Identify and eliminate unfair biases and systemic barriers that limit full participation in the OTBU.**
- 7.2.2 Promote marginalized members to be leaders, mentors, and role models who value and respect diversity, and endeavour to create a safe and inclusive workspace for all members.**
- 7.2.3 Inform OTBU members of available equity related training, resources and supports. (AGM21)**

### **Bylaw 8 – Grievances**

- 8.1 A Member shall notify the Grievance Officer of an alleged Collective Agreement violation immediately upon being denied resolution by the Member's immediate supervisor.
- 8.2 The Grievance Officer shall
  - 8.2.1 report to the Executive on matters related to grievances,
  - 8.2.2 consult with a Member who has a potential grievance,
  - 8.2.3 maintain a confidential file of all alleged grievances,
  - 8.2.4 conduct the grievance procedure in accordance with the Collective Agreement,
  - 8.2.5 inform the Member as to the decision regarding the filing of the grievance within five (5) Days of the Member's notification as outlined in Bylaw 8.1.
- 8.3 Grievance Appeals
  - 8.3.1 A Member may appeal a decision of the Grievance Officer by submitting the appeal, with reasons, to the Secretary no later than two (2) Days following the receipt of the decision of the Grievance Officer.

- 8.4 Within five (5) Days of the request to appeal, the Grievance Appeal Committee shall convene in order to hear and decide upon the appeal.
- 8.4.1 *In camera* presentations shall be made by the appellant Member and the Grievance Officer.
- 8.5 The decision of the Grievance Appeal Committee shall be final.
- 8.6 Upon a decision by the Grievance Appeal Committee in favour of the appellant, the Grievance Officer shall file the grievance.
- 8.7 Grievances shall be the property of the Bargaining Unit until such time as the grievance is dropped or is taken over by Provincial OSSTF. (AGM12)

### **Bylaw 9 – Annual Meeting of the Provincial Assembly (AMPA) Delegates**

- 9.1 The President of the Bargaining Unit as the Provincial Councillor, and other Provincial Councillors, shall be members of the Bargaining Unit delegation to AMPA (AGM12)
- 9.2 Election to the office of AMPA Delegate shall take place at a General Meeting prior to the third Monday in December each year. (AGM07)
- 9.2.1 Notice of the AMPA elections will be posted on the OTBU Website 30 days prior to the date of the election.(AGM 2016)
- 9.3 The names of all unsuccessful candidates for the office of AMPA Delegate shall be recorded in the order of decreasing vote count and shall be forwarded to the District Secretary/Treasurer for the purpose of replacement of AMPA Delegates and selection of Alternates.
- 9.4 Any Member may be nominated to stand for the office of AMPA Delegate upon providing the Secretary his or her name and the signature of a supporting Member at least five (5) Days prior to the General Meeting to elect AMPA Delegates. (AGM 2010)
- 9.5 The election shall be conducted by three Members not seeking Delegate status and appointed by the Executive (AGM 2010)
- 9.6 Candidates for election as AMPA delegates, or their representative, shall have one (1) minute to make their candidate speech at the General Meeting where the election will take place . (AGM 2014)

### **Bylaw 10 – Ratification**

- 10.1 Prior to the ratification vote there shall be one or more Information Meetings to explain the proposed Collective Agreement and answer Members' questions. The Information Meetings may be held through a live telephone town hall, with opportunities for member questions. (AGM2019)
- 10.2 Following the Information Meeting(s) members will vote electronically. Information on the voting procedures will be provided to the members at their email address and or on the website. (AGM17)

- 10.3 Only one ballot per Member shall be valid. (AGM17)
- 10.4 The electronic ballots shall be counted by the third party provider of the electronic voting service as per Provincial OSSTF systems use.(AGM17)

**Bylaw 11 – Anti-Harassment and Anti-Bullying Policy**

- 11.1 The Bargaining Unit shall have an Anti-Harassment and Anti-Bullying Policy and Procedure to be followed at all OTBU workplaces and functions.
- 11.2 Any amendments to the Anti-Bullying and Anti-Harassment Policy and Procedure shall be approved at an Annual General Meeting.

**Bylaw 12 - Anti-Harassment and Anti-Bullying Appeals Procedure**

- 12.1 Members of the Bargaining Unit affected by a decision resulting from a complaint under the Bargaining Unit’s Anti-Harassment and Anti-Bullying Policy may appeal this decision using the following procedure:
  - 12.1.1 Within five (5) days of the decision, the affected member (herein called the Appellant) shall submit a request in writing to the Bargaining Unit President for an Appeal Hearing.
  - 12.1.2 Within six (6) days of receiving the request, the Bargaining Unit President shall appoint three members of the Bargaining Unit Anti-Harassment and Anti-Bullying Appeals Committee to consider the appeal.
    - 12.1.2.1 Notwithstanding 12.1.2, if the President is the subject of the complaint, the First Vice-President shall appoint three members of the Bargaining Unit Anti-Harassment and Anti-Bullying Appeals Committee to consider the appeal. (AGM 2010)
  - 12.1.3 Within ten (10) days of appointment, the Bargaining Unit Appeals Committee shall meet to consider the appeal.
    - 12.1.3.1 The Bargaining Unit Appeals Committee shall review the complaint, the investigation process and findings, and the decision.
    - 12.1.3.2 Following the review, the Committee shall either confirm or modify the decision.
    - 12.1.3.3 The decision of the Bargaining Unit Appeals Committee shall be consistent with the Bargaining Unit Anti-Harassment and Anti-Bullying Policy and Procedures.
  - 12.1.4 The Bargaining Unit Appeal Committee shall report the decision on the Appeal to the Bargaining Unit President within five (5) days after the meeting at which the Appeal is considered.
  - 12.1.5 Within five (5) days of receiving the decision of the Bargaining Unit Appeals Committee, the Bargaining Unit President shall communicate the decision to the Appellant in writing.
  - 12.1.6 The decision of the Bargaining Unit Appeals Committee shall be final and not subject to any appeal. (AGM08)

### **Bylaw 13 - Members' Personal Information**

- 13.1 Members' personal information collected and or held by the OTBU shall only be used by the Bargaining Unit to conduct Bargaining Unit business (AGM12)

### **Bylaw 14 - Amendments to the Bylaws**

- 14.1 Amendments to these Bylaws may be made by a majority vote at an Annual General Meeting provided that written notice of the proposed amendment (AGM09)
- 14.1.1 has been received by the Bargaining Unit Secretary at least twenty (20) Days prior to the meeting and
- 14.1.2 posted on the Bargaining Unit web-site at least fifteen (15) Days prior to the meeting. (AGM07).
- 14.2 If notice according to this Bylaw has not occurred, amendments to these Bylaws may be made by a 2/3 vote at an Annual General Meeting. (AGM 2010)

### **Bylaw-15 Duties of Members**

- 15.1 It shall be the duty of every Member to comply with the OSSTF rules of order at any meeting called by the Bargaining Unit Executive, a Resumption of Bargaining Team, or a Bargaining Unit committee or council.

**15.1.1 All matters discussed in Executive Session shall remain absolutely confidential to those members present during the Executive Session. (AGM 21)**

- 15.2 It shall be the duty of every member to comply with the Constitution and Bylaws of the OTBU and to seek to change the Constitution, Bylaws or Policies only through the proper procedures of the OTBU/OSSTF.
- 15.3 Where a member's actions are not constrained by agencies external to the Bargaining Unit, it shall be the duty of every Member to act in accordance with the established Policies of the OTBU/OSSTF.
- 15.4 It shall be the duty of every Member who holds elected or appointed office with OTBU/OSSTF to refrain from holding or seeking office with another union where the interests of the union are in conflict, or appear to be in conflict, with the interests of OTBU/OSSTF.
- 15.5 It shall be the duty of every Member who is seeking office in the OTBU and who is also a member of another union to declare such dual membership.
- 15.6 It is the duty of every Member to maintain the confidentiality of any document, communication or any other information deemed confidential. (AGM 2014)

# **POLICY**

## **Anti-Harassment and Anti-Bullying Policy**

A member of OTBU has the right to a union environment free from harassment and discrimination.

Harassment, discrimination and bullying can take many forms and may be verbal or physical.

The goal of this Policy is to formally recognize and protect human rights, to promote mutual respect and trust, and to foster inclusion. Therefore, OTBU can not condone intimidating, demeaning, hostile and/or aggressive behaviour against another member by a member.

A Member who feels targeted by harassment or discrimination at an OTBU sponsored event should be assured that the concerns will be responded to promptly in accordance with OSSTF Policies and Bylaws and OTBU Policies, Bylaws and the Complaint and Resolution Procedure as approved by OTBU Executive.

### **Complaint and Resolution Procedure**

A Member who believes (s)he has been the target of bullying, harassment or discrimination at an OTBU event are 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 the behaviour is 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, the Member should speak with the designated anti-harassment officer and ask the anti-harassment officer to act.

The anti-harassment officer will investigate the complaint within a reasonable amount of time with a view to informal resolution.

The investigation shall be handled confidentially. Resolutions may be informal including, but not limited to: an apology, mutual acknowledgement of a misunderstanding, or where both parties agree, mediation. Resolutions may also be more formal and include, but not be limited to: a verbal warning, a written warning, the exclusion of that Member from the remainder of the event, or from future events, depending upon the severity of the circumstance.

Nothing in this Policy precludes a Member from pursuing all rights under the Bylaws of OSSTF pertaining to Judicial Council. Should a Member choose to file a charge at Judicial Council while an investigation is still underway, the investigation shall cease and the case shall be resolved in accordance with the Bylaws governing Judicial Council.

Nothing in this Policy precludes a Member from filing a complaint with the Ontario Human Rights Commission or making a complaint to police. (AGM08).

***CON 101-21-May***

***As per the above resolution, the membership resolved that the OTBU Constitution and Bylaws be edited to use gender neutral language.***