

# OSSTF District 12

## Occasional Teachers' Bargaining Unit

### Constitution

Amended April 28, 2010

#### 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 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 shall prevail. (AGM06)

#### Article 2 – Definitions

- 2.1 Definitions shall be as specified in the Articles of the OSSTF 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.
- 2.4 "Day" shall mean school day.

#### Article 3 – Objects

- 3.1 The objects of the Bargaining Unit shall be as specified in the Articles of the OSSTF 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 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, and
  - 6.1.2 non-voting member:
    - 6.1.2.1 Chief Negotiator.
  - 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,
  - 6.3.2 Election, and
  - 6.3.3 Constitution and Steering. (AGM09)

## **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)

## **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.
  - 9.2.1 The President shall be the Chair.
- 9.3 The Executive shall periodically publish procedures for dealing with grievance appeals.

## **Article 10 - Reserve Fund (AGM05)**

- 10.1 All reserve funds shall be placed into a General Reserve Fund in an account in the name of the OSSTF District 12 Occasional Teachers Bargaining Unit.
- 10.2 The General Reserve Fund may be used to finance special Bargaining Unit expenses, including but not limited to, Bargaining Unit property and its upkeep, and the purchase, replacement and repair of Bargaining Unit office equipment.
- 10.3 Expenditures from the General Reserve Fund shall only be authorized by a motion at an Executive Meeting.
- 10.4 The Annual General Meeting of the Bargaining Unit shall be informed of all expenditures from the General Reserve Fund.

## **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 levy shall be one-quarter of one percent of the Member's total daily pay. (AGM 2007)
- 1.2 Notwithstanding Bylaw 13, amendment to Bylaw 1.1 requires a 3/4 vote. (AGM2007) 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 Prior to the Annual General Meeting any Member may be nominated to stand for election upon providing to the Election Committee his or her name and the signature of a supporting Member.(AGM 2010)
- 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 at least twenty (20) Days prior to the Annual General Meeting shall be provided the opportunity to advertise their candidacies on one-quarter page (8.5 inches by 11 inches) in an election issue of the OTBU newsletter and may address the Annual General Meeting. (AGM06)
- 2.1.5.1 Candidates for office shall be allowed one opportunity to address the Members 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.
- 2.1.6 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 five (5) Days of the Annual General Meeting, a ballot, a voter declaration form, a secret ballot envelope and an addressed, stamped reply envelope shall be sent to each Member whose name appears on the voters' list.
- 2.1.8 A ballot shall be considered valid if it is received within fifteen (15) Days of the Annual General Meeting, singly in the same addressed, stamped envelope with which it was sent.
- 2.1.9 Only one voter declaration form and ballot per Member shall be valid.
- 2.1.10 The ballots shall be counted by the Election Committee.
- 2.1.10.1 Each candidate shall be allowed one scrutineer to witness 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 posted on the OTBU Website within two (2) Days of the deadline for the receipt of ballots. (AGM 2010)
- 2.1.14 The ballots shall be destroyed on the last day of the school year.

## 2.2 **Term of Office**

- 2.2.1 The term of office of the elected voting members of the executive shall be two 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 July1. These appointments are to be made subsequent to the publishing of the vacancies and a procedure for application in an OTBU newsletter sent to Members at least ten (10) Days prior to the meeting at which the appointments are to be made.
  - 2.4.1.8.1 Chief Negotiator,
  - 2.4.1.8.2 an additional member of the Grievance Appeal Committee
  - 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)
  - 2.4.1.9 having received notification from the Secretary Treasurer of District 12 of proposed amendments to the District 12 constitution or bylaws, provide the proposed amendments to the Members, on the OTBU Website (AGM 2010)
  - 2.4.1.10 establish ad hoc committees as required. (AGM07)
  - 2.4.1.11 appoint an anti-harassment and anti-bullying officer for each OTBU meeting. (AGM08)

## 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 Teacher/Occasional Teacher Sector Council of Presidents,
  - 2.5.1.8 serve on the Secondary Occasional Teachers' Consultation Committee. (AGM06)

- 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 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 Vice-President in the First Vice-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)
  
- 2.5.7 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
- 2.5.8.3 Joint Health and Safety Committees or their alternates, and  
represent the Bargaining Unit in matters of health and safety.” (AGM 2010)
  
- 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 2.7.4, additional meetings may be called, upon the majority consent of the voting Executive members. (AGM09)
- 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 Written notice of the meeting shall be sent to each Member at least thirty (30) Days prior to the meeting. (AGM 2010)
- 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)
- 3.8 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.
- 3.9 **Procedures for Debate**
  - 3.9.1 Each speaker shall have a ninety 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 3.1.1.1 a speaker on a Yellow Card making a parliamentary inquiry has a time limit of thirty seconds and the answer has a time limit of ninety 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 in an OTBU newsletter. (AGM07)
  - 4.1.2 If more than ten (10) Members indicate their willingness to serve on the Committee, the Executive will appoint up to ten (10) members. (AGM06)
- 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 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 10 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 for the Election Committee shall be to run the election of the Executive according to the Bylaws.

## **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)

## **Bylaw 7 – Grievances**

- 7.1 A Member shall notify the Grievance Officer of an alleged Collective Agreement violation immediately upon being denied resolution by the Member's immediate supervisor.
- 7.2 The Grievance Officer shall
  - 7.2.1 report to the Executive on matters related to grievances,
  - 7.2.2 consult with a Member who has a potential grievance,
  - 7.2.3 maintain a confidential file of all alleged grievances,
  - 7.2.4 conduct the grievance procedure in accordance with the Collective Agreement,
  - 7.2.5 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 7.1.
- 7.3 Grievance Appeals
  - 7.3.1 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.
- 7.4 Within five (5) Days of the request to appeal, the Grievance Appeal Committee shall convene in order to hear and decide upon the appeal.
  - 7.4.1 *In camera* presentations shall be made by the appellant Member and the Grievance Officer.
- 7.5 The decision of the Grievance Appeal Committee shall be final.
- 7.6 Upon a decision by the Grievance Appeal Committee in favour of the appellant, the Grievance Officer shall file the grievance.

## **Bylaw 8 – Annual Meeting of the Provincial Assembly (AMPA) Delegates**

- 8.1 Election to the office of AMPA Delegate shall take place at a General Meeting prior to the third Monday in December each year. (AGM07)
- 8.2 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.
- 8.3 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)
- 8.4 The election shall be conducted by three Members not seeking Delegate status and appointed by the Executive (AGM 2010)

## **Bylaw 9 – Ratification**

- 9.1 Prior to the ratification vote there shall be one or more Information Meetings to explain the proposed collective agreement and answer Members' questions.

- 9.2 Following the Information Meeting(s) a ballot, a voter declaration form, a secret ballot envelope and an addressed, stamped reply envelope shall be sent to each Member.
- 9.3 A ballot shall be considered valid if it is received back within ten (10) Days of being sent to each Member, singly in the secret ballot envelope in the same addressed, stamped envelope with which it was sent.
- 9.4 Only one voter declaration form and ballot per Member shall be valid.
- 9.5 The ballots shall be counted by the Executive. (AGM06)

### **Bylaw 10 – Anti-Harassment and Anti-Bullying Policy**

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

### **Bylaw 11 - Anti-Harassment and Anti-Bullying Appeals Procedure**

- 11.1 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:
  - 11.1.1 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.
  - 11.1.2 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.
    - 11.1.2.1 Notwithstanding 11.1.2, 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)
  - 11.1.3 Within ten (10) days of appointment, the Bargaining Unit Appeals Committee shall meet to consider the appeal.
    - 11.1.3.1 The Bargaining Unit Appeals Committee shall review the complaint, the investigation process and findings, and the decision.
    - 11.1.3.2 Following the review, the Committee shall either confirm or modify the decision.
    - 11.1.3.3 The decision of the Bargaining Unit Appeals Committee shall be consistent with the Bargaining Unit Anti-Harassment and Anti-Bullying Policy and Procedures.
  - 11.1.4 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.

- 11.1.5 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.
- 11.1.6 The decision of the Bargaining Unit Appeals Committee shall be final and not subject to any appeal. (AGM08)

## **Bylaw 12 – Provincial Councillors**

- 12.1 The term of office of Part X *Education Act* Provincial Councillor shall be one year, commencing July 1 following election or appointment.
- 12.2 The election for Part X *Education Act* Provincial Councillor shall be held jointly by the OTBU and the STBU at a joint General Meeting of members of OTBU and STBU convened jointly by the OTBU and STBU Executives.
- 12.3 Up to twenty (20) Days prior to the election any member of OTBU and/or STBU may be nominated to stand for election as Part X *Education Act* Provincial Councillor upon providing to the OTBU Secretary or to the STBU President his or her name and the signature of a supporting member of OTBU and/or STBU. (AGM 2010)
- 12.3.1 Candidates for Part X *Education Act* Provincial Councillor may address the election meeting for up to five (5) minutes each.
- 12.3.2 Candidates for Part X *Education Act* Provincial Councillor may insert one page (8 1/2 inches by 11 inches) of literature in a joint publication of OTBU and STBU that is sent to all eligible voters no later than twenty (20) Days prior to the election
- 12.4 The election shall be conducted by the Part X *Education Act* Provincial Councillor Election Committee.
- 12.4.1 Each member of OTBU and STBU present at the meeting shall be provided with a secret ballot listing the candidates.
- 12.4.2 The Part X *Education Act* Provincial Councillor Election Committee shall collect and count the ballots.
- 12.4.3 Each candidate may appoint one scrutineer who is not also a candidate.
- 12.4.4 The number of Part X *Education Act* Provincial Councillors elected shall be the same as the number of the Part X *Education Act* Provincial Councillors determined by the OSSTF Bylaws and those candidates elected shall have the highest vote counts.
- 12.5 If there are fewer candidates than the number of the Part X *Education Act* Provincial Councillors determined by the OSSTF Bylaws, the Executives of OTBU and STBU shall meet jointly to appoint sufficient members from OTBU and/or STBU to complete the complement of Part X *Education Act* Provincial Councillors, within ten (10) Days following the election,
- 12.6 The Part X *Education Act* Provincial Councillor Election Committee shall consist of five (5) members of OTBU and/or STBU who are not candidates for Part X *Education Act* Provincial Councillor.

- 12.6.1 The members of the Part X *Education Act* Provincial Councillor Election Committee shall be appointed at a joint meeting of the Executives of OTBU and STBU held not less than twenty (20) Days before the election. (AGM09)

### **Bylaw 13 - Amendments to the Bylaws**

- 13.1 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)
- 13.1.1 has been received by the Bargaining Unit Secretary at least twenty (20) Days prior to the meeting and
- 13.1.2 posted on the Bargaining Unit web-site at least fifteen (15) Days prior to the meeting. (AGM07).
- 13.2 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)

## **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)