

CONSTITUTION

District 28 Renfrew

EARLY CHILDHOOD EDUCATORS' BARGAINING UNIT



Amended October 26, 2010

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DEFINITIONS

In this Constitution:

1. The “**Bargaining Unit**” shall be the Early Childhood Educators’ Bargaining Unit, District 28 Renfrew, for whom OSSTF/FEESO holds bargaining rights and who are covered by the same collective agreement.
2. “**ECE**” shall mean the Early Childhood Educator.
3. “**Executive**” shall mean those members duly elected by the membership at the Annual General Meeting.
4. “**District**” shall mean the OSSTF District 28 Renfrew.
5. “**OSSTF/FEESO**” shall mean the Ontario Secondary School Teachers’ Federation.
6. “**Board**” shall mean the Renfrew County District School Board.
7. “**Member**” shall mean an active member (in good standing) of OSSTF/FEESO, Early Childhood Educators’ Bargaining Unit District 28 Renfrew.
8. “**Constitution**” shall mean a system of fundamental principles by which OSSTF District 28 Renfrew Early Childhood Educators’ Bargaining Unit is governed. The constitution of the Early Childhood Educators’ Bargaining Unit shall not contravene that of OSSTF/FEESO nor of OSSTF District 28 Renfrew.
9. “**Bylaws**” shall mean standing rules governing the membership of OSSTF District 28 Renfrew Early Childhood Educators’ Bargaining Unit on matters which are entirely within the control of the Bargaining Unit. The Bylaws of the Early Childhood Educators’ Bargaining Unit shall not contravene those of OSSTF/FEESO nor of OSSTF District 28 Renfrew.
10. “**Policy**” shall mean a stand or position taken by OSSTF/FEESO or OSSTF District 28 Renfrew Early Childhood Educators’ Bargaining Unit.
11. “**AMPA**” shall mean Annual Meeting of Provincial Assembly.

ARTICLES

ARTICLE 1 – NAME

- 1.1 This organization shall be known as OSSTF/FEESO Early Childhood Educators' (ECE) Bargaining Unit, District 28 Renfrew.

ARTICLE 2 – ADHERENCE TO OSSTF/FEESO

- 2.1 No part of this constitution may contravene any of the constitution or bylaws of OSSTF/FEESO. If any parts are found to contravene the OSSTF/FEESO constitution or bylaws, then the provincial constitution and bylaws shall apply.

ARTICLE 3 – OBJECTS

- 3.1 The ECE shall strive to achieve the objects specified in Article 3 of the OSSTF/FEESO Constitution and Bylaws.

ARTICLE 4 – MEMBERSHIP

- 4.1 Members shall include all employees employed as Early Childhood Educators by the Renfrew County District School Board, as described in the Ontario Labour Relations Board Certificate issued September 16, 2010.

ARTICLE 5 – AIMS OF THE EXECUTIVE

- 5.1 The ECE Bargaining Unit Executive shall act in the name of the Bargaining Unit and shall be responsible for the effective administration, within the ECE Bargaining Unit, of the policy of OSSTF/FEESO.
- 5.2 The ECE Bargaining Unit Executive shall determine and respect the wishes and needs of the membership and ensure that the concerns of the local membership are brought to the attention of OSSTF/FEESO.
- 5.3 The ECE Bargaining Unit President shall be responsible for the Collective Agreement of the Bargaining Unit.

ARTICLE 6 – BARGAINING UNIT EXECUTIVE

- 6.1 There shall be an Executive consisting of the following members: President/Grievance Officer, Vice President, Chief Negotiator and Secretary-Treasurer. An individual may occupy more than one office.
- 6.2 The Executive shall be elected at the Annual General Meeting of the Bargaining Unit.

6.3 The duties of the Executive and its members shall be as prescribed in the bylaws.

ARTICLE 7 – BYLAWS AND AMENDMENTS

7.1 The ECE Bargaining Unit, at the Annual General Meeting, provided that there has been fifteen (15) school days prior notice to the Secretary-Treasurer in writing, who shall make it available in each ECE work location ten (10) school days prior to the AGM, may pass bylaws or revisions thereto not inconsistent with the constitution concerning:

7.1.1 the procedure for the election of its various office holders;

7.1.2 the management of its property and its own internal organization and administration;

7.1.3 the time, place, and conduct of the annual and other meetings of the ECE Bargaining Unit;

7.1.4 the establishment, amendment, and rescission of ECE Bargaining Unit policy;

7.1.5 all other matters as are deemed necessary or convenient for the promotion of the welfare of the members or the conduct of the business of the ECE Bargaining Unit.

7.2 For the purpose of this article, quorum shall be a majority of the members.

7.3 Interim bylaws or the amendment or rescission thereof may be passed by a two-thirds (2/3) vote of the members qualified to vote, present and voting, previous notice as in Article 7.1 not having been given.

ARTICLE 8– CONSTITUTION AMENDMENTS

8.1 Amendments to this constitution may be made:

8.1.1 at the Annual General Meeting of the ECE Bargaining Unit by a two thirds (2/3) vote of the members qualified to vote, present and voting, provided that notice of the proposed amendments shall have been given in writing to the Secretary-Treasurer fifteen (15) school days prior to the date of the meeting, and who shall make it available in each work location ten (10) school days prior to the date of the meeting;

8.1.2 at the Annual General Meeting of the ECE Bargaining Unit by a nine-tenths (9/10) vote of the members qualified to vote, present and voting, previous notice as in 8.1.1 not having been given.

ARTICLE 9– DUES AND LEVY

- 9.1 Members shall pay annual dues as prescribed in the Bylaws of OSSTF/FEESO.
- 9.2 There may be a special levy of the ECE Bargaining Unit, the amount to be determined by the budget presented for ratification at the May Annual Meeting of the membership.

BYLAWS

BYLAW 1 – GENERAL MEETINGS

- 1.1 There shall be an Annual General Meeting in May to:
 - (a) discuss the business of the ECE Bargaining Unit;
 - (b) receive reports;
 - (c) approve a budget;
 - (d) hold election of the Executive biannually in even numbered years, and
 - (e) amend the constitution and bylaws.
- 1.2 General Meetings will be at the call of the President or where three (3) or more members make such a request in writing to the President.
- 1.3 The President shall convene a General Meeting at which the terms of a tentative settlement will be presented (*Ratification Meeting*).

BYLAW 2 – QUORUM

- 2.1 Quorum shall be a majority of the voting members.

BYLAW 3 – EXECUTIVE MEETINGS

- 3.1 The Executive shall meet at the call of the President but not less than two (2) times per year.
- 3.2 The President shall call a meeting of the Executive when at least two (2) of the members of the Executive make such a request in writing to the President.

BYLAW 4 – VOTING

- 4.1 Any OSSTF/FEESO member of the ECE Bargaining Unit may attend, speak, and vote at any duly convened General Meeting.
- 4.2 Where a vote is held, any OSSTF/FEESO member of the ECE Bargaining Unit may vote by secret ballot on the ratification of a proposed collective agreement or a sanction against the employer.
- 4.3 Voting by proxy will not be permitted in the election of officers, at any strike vote, or in the ratification of a collective agreement.

BYLAW 5 – ELECTIONS

- 5.1 Elections for Executive and other Officers shall be by secret ballot at the Annual General Meeting of the ECE Bargaining Unit.
- 5.2 Candidates who wish their name to appear on the ballot may indicate their intention to run for office by submitting their name to the Vice President of the Bargaining Unit, at least seven (7) school days prior to the election.
- 5.3 Any member of the Bargaining Unit may be nominated “from the floor”, for any position for which there is no on-time nomination.
- 5.4 All nominations must be supported by two (2) other members, one member being the mover of the motion to nominate and the other member being the seconder of the motion to nominate.
- 5.5 Elections for the Executive shall be in the following order:
 - 5.5.1 President/Grievance Officer/Communications Officer,
 - 5.5.2 Vice President,
 - 5.5.3 Chief Negotiator,
 - 5.5.4 Secretary-Treasurer.
- 5.6 The ECE Bargaining Executive shall be elected by the majority vote of those present, qualified to vote and voting.
- 5.7 Defeated candidates shall be considered for other offices if they choose.
- 5.8 The term of office for the elected positions shall be two (2) years from the Annual General Meeting in which elections are held.

- 5.9 Where no candidates present themselves for offices on the Bargaining Unit Executive, it shall be the duty of the Bargaining Unit Executive, newly elected, to appoint members to those positions at the first constituted business meeting in its term of office. Such appointments may be made, as interim appointments, from among the existing members of the Bargaining Unit Executive.

BYLAW 6 – DUTIES OF THE BARGAINING UNIT EXECUTIVE

- 6.1 It is the duty of the Executive to:
- 6.1.1 manage the affairs of the Bargaining Unit between General Meetings;
 - 6.1.2 propose a bargaining unit budget for presentation at the Annual General Meeting;
 - 6.1.3 communicate regularly with the members of the Bargaining Unit regarding the management of the ECE Bargaining Unit business;
 - 6.1.4 establish a Grievance Committee which shall investigate and determine the manner in which grievances are conducted;
 - 6.1.5 establish procedures for the ratification of a Collective Agreement;
 - 6.1.6 fill any vacant position on the Executive, with the exception of the position of President which shall be filled in accordance with the Bylaws;
 - 6.1.7 serve as the Grievance Appeals Committee for the Bargaining Unit, excluding any Executive member who was a party to the original ruling on the grievance in question;
 - 6.1.8 ensure Bargaining Unit representation on District, Sector, and Provincial Councils and Committees as may be required.

BYLAW 7 – DUTIES OF EXECUTIVE OFFICERS

- 7.1 The duties of the President shall be to:
- 7.1.1 call meetings of the Executive and of the membership;
 - 7.1.2 preside over all general meetings of the membership;
 - 7.1.3 be an ex-officio member of all Bargaining Unit Committees;
 - 7.1.4 act as a liaison agent between other bodies and the ECE Bargaining Unit Executive;
 - 7.1.5 receive grievances arising from the Collective Agreement, to serve as Grievance Officer and to act as Chair of the Grievance Committee;

- 7.1.6 assess the validity of the grievance under the terms of the Collective Agreement and to make appropriate recommendations to the Grievance Committee;
 - 7.1.7 be a member of the Collective Bargaining Committee and the Table Team;
 - 7.1.8 represent the Bargaining Unit at District Council Meetings of OSSTF District 28;
 - 7.1.9 represent the Bargaining Unit, or assign a designate, at meetings of the Sector Council of Presidents (SCOP) and report back to the Bargaining Unit;
 - 7.1.10 appoint the Educational Service Officer and the Health and Safety Officer;
 - 7.1.11 act as the Communications Officer for the Bargaining Unit.
- 7.2 The duties of the Vice President shall be to:
- 7.2.1 perform the duties of the President in the President's absence;
 - 7.2.2 carry out the duties as may be assigned by the President;
 - 7.2.3 represent the membership on the Grievance Appeals Committee;
 - 7.2.4 attend meetings of the Collective Bargaining Committee;
 - 7.2.5 be a member of the Negotiating Team.
- 7.3 The duties of the Secretary-Treasurer shall be to:
- 7.3.1 record and verify all minutes of Executive, Annual and General Meetings;
 - 7.3.2 keep all financial records;
 - 7.3.3 authorize payments for legitimate District and Bargaining Unit purposes;
 - 7.3.4 work in close co-operation with the ECE Bargaining Unit President and other Officers;
 - 7.3.5 be a member of the Bargaining Unit and District Finance Committee;
 - 7.3.6 serve as a member of the Grievance Appeals Committee.
- 7.4 The duties of the Chief Negotiator shall be to:
- 7.4.1 chair the Bargaining Unit Collective Bargaining Committee;
 - 7.4.2 attend all meetings of the Collective Bargaining Committee;

- 7.4.3 act as chief spokesperson in the negotiations between the ECEs and the Board;
- 7.4.4 assist with the President, in the selection of the Table Team for negotiations;
- 7.4.5 report to the Collective Bargaining Committee and to the Executive on progress, or lack of such, made in negotiations;
- 7.4.6 work in cooperation with the appropriate bodies or persons at the provincial level;
- 7.4.7 be a member of the Grievance Committee;
- 7.4.8 carry out the duties as determined by the President.

BYLAW 8 – WORKPLACE REPRESENTATIVE

- 8.1 The duties of the Workplace Representatives shall be to:
 - 8.1.1 act on behalf of the Bargaining Unit in communications with the members;
 - 8.1.2 carry out the duties as determined by the President.

BYLAW 9– VACANCY

- 9.1 Vacancies during any term of office, except the position of President, shall be filled by a member appointed by the Executive.
- 9.2 Where the vacancy occurs in the position of President, the Vice President shall assume the position for the remainder of the term of office.

BYLAW 10– FINANCES

- 10.1 The fiscal year of the Bargaining Unit shall be from July 1 to June 30.
- 10.2 The Secretary-Treasurer shall be the administrator of the Bargaining Unit funds and shall allocate those funds in accordance with an approved budget.
- 10.3 The Secretary-Treasurer shall prepare an up-to-date financial report of the Bargaining Unit for presentation at each of the Executive Meetings and at the Annual General Meeting.
- 10.4 Expenses incurred on behalf of the Bargaining Unit shall be paid only if they are submitted on OSSTF/FEESO Bargaining Unit or District expense voucher forms with appropriate receipts, within spending guidelines and with appropriate approval.

BYLAW 11– COLLECTIVE BARGAINING COMMITTEE

- 11.1 The Collective Bargaining Committee (CBC) shall consist of five (5) members including the President, the Vice President, the Chief Negotiator and two (2) members at large to be appointed by the Executive.
- 11.2 The Chief Negotiator will chair this committee.
- 11.3 The Bargaining Unit Executive shall appoint members to fill any vacancies.

BYLAW 12– DUTIES OF THE COLLECTIVE BARGAINING COMMITTEE

- 12.1 It shall be the duty of the Collective Bargaining Committee to:
 - 12.1.1 survey the membership;
 - 12.1.2 prepare a negotiating brief;
 - 12.1.3 seek approval for the brief from the Bargaining Unit Executive and OSSTF/FEESO Provincial Office;
 - 12.1.4 communicate regularly with the ECEs on the progress of negotiations;
 - 12.1.5 advise the Table Team on strategies to be used in negotiations;
 - 12.1.6 meet jointly with the Executive prior to the presentation of any contract offer to the membership;
 - 12.1.7 ensure a mechanism for contract ratification by the Membership.

BYLAW 13 – GRIEVANCES

- 13.1 Grievance Committee
 - 13.1.1 The Grievance Committee shall consist of the President and the Chief Negotiator.
 - 13.1.2 The President shall act as Chairperson of the Grievance Committee.
 - 13.1.3 In the event a member of the Grievance Committee is directly involved in a possible grievance, that person will be excused from the committee and an alternate from the Bargaining Unit Executive will be appointed by the Grievance Committee to become the representative.
- 13.2 Duties of the Grievance Committee
 - 13.2.1 Determine if an alleged grievance is actually a grievance and to resolve the grievance.

13.2.2 The Grievance Committee will consider in camera whether to recommend that the Bargaining Unit should proceed with the grievance.

13.2.3 All decisions by the Grievance Committee shall be by simple majority.

13.2.4 The President will notify the grievor in writing within seven (7) school days of the decision.

13.3 Grievance Appeals Committee

13.3.1 The Grievance Appeals Committee shall consist of the remaining elected members of the Bargaining Unit Executive: The Vice President, the Secretary-Treasurer and a member at large, to be appointed by the Executive.

13.3.2 A member may appeal a decision of the Grievance Committee in writing within seven (7) school days of receiving the Committee's decision.

13.3.3 The appeal hearing shall be held in camera.

13.3.4 The President shall notify the grievor on the decision of the appeal within seven (7) school days of the decision.

13.3.5 A member may further appeal the decision to the Field Secretary at the Provincial Office of OSSTF/FEESO.

BYLAW 14 – PROVINCIAL COUNCILLOR

14.1 The selection of Provincial Councillor(s) shall be in accordance with the District and Provincial Constitutions and Bylaws.

BYLAW 15 – DELEGATE(S) TO ANNUAL MEETING OF PROVINCIAL ASSEMBLY

15.1 The delegate (s) to AMPA shall be selected in accordance with the District and Provincial Constitutions and Bylaws.

BYLAW 16 – RATIFICATION PROCEDURE

16.1 Call a General Meeting when necessary for the purpose of ratifying a new collective agreement.

16.2 Ensure that all members have a copy of the new collective agreement at least 24 hours in advance of this ratification meeting.

- 16.3 Conduct a vote by secret ballot at the ratification meeting following procedures published to each member at least 48 hours in advance of the vote.

BYLAW 17 – AUTHORITIES AND RULES OF ORDER

- 17.1 The parliamentary authorities for OSSTF/FEESO in order of priority and precedence are

17.1.1 The OSSTF/FEESO Rules of Order as determined under Bylaw 26 of the OSSTF/FEESO Constitution and Bylaws.

17.1.2 Robert's Rules of Order Newly Revised, Scott, Foresman & Co., (most recent edition).

17.1.3 Sturgis Standard Code of Parliamentary Procedure, 3rd Edition, McGraw-Hill Book Co., 1993.

17.1.4 Bourinot's Rules of Order, 4th Edition, revised by J. Gordon Dubroy, McLelland and Stewart Limited, Toronto, 1995.

BYLAW 18 – ANTI-HARASSMENT

- 18.1 The ECE Bargaining Unit will develop and implement an Anti-Harassment Policy.

Article 3 - Objects

- 3.1 The objects of the OSSTF shall be
 - 3.1.1 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;
 - 3.1.2 to secure and maintain for all Active Members of OSSTF equal collective bargaining rights including the right to strike; (A.84)
 - 3.1.3 to bargain collectively on behalf of its Active Members;
 - 3.1.4 to promote and advance the cause of public education; (A.90)
 - 3.1.5 to promote a high standard of professional ethics and a high standard of professional competence;
 - 3.1.6 to secure for members active participation in formulating policies and practices affecting education; (A.88)
 - 3.1.7 to work toward control of our professional destiny;
 - 3.1.8 to promote political action to ensure that legislation regulating educational structures and policies is in the best interests of members, public education, students and the community; (A.90)
 - 3.1.9 to support and promote equal opportunity for members, employees, and students; (A.83)
 - 3.1.10 to foster and promote the dignity of all persons regardless of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, socio-economic status, age, marital status, family status or disability. (A.10)
 - 3.1.11 to associate and unite teachers and other employees of educational institutions, or agencies which provide services to educational institutions, within the Province of Ontario. (A.97)
 - 3.1.12 to promote political action to ensure that legislation regulating labour structures and policies is in the best interest of members. (A.10)