

## **Constitution For Elementary Teachers' Federation of Ontario Upper Canada Local**

### **CONSTITUTION**

#### **Definitions:**

Federation means the Elementary Teachers' Federation of Ontario.

#### **ARTICLE I - NAME**

This organization shall be known as the Elementary Teachers' Federation of Ontario Upper Canada Local. Hereafter to be known as ETFO-UCL.

#### **ARTICLE II - AFFILIATION**

- 2.1 ETFO-UCL is a Bargaining Unit under the Labour Relations Act.
- 2.2 ETFO-UCL is a member Local of the Elementary Teachers' Federation of Ontario representing elementary teachers of the Upper Canada District School Board (UCDSB).

#### **ARTICLE III - OBJECTS**

The objects of the Local shall be:

- 3.1 to represent members of ETFO-UCL;
- 3.2 to regulate relations between the members of the ETFO-UCL and the UCDSB including but not limited to securing and maintaining through collective bargaining, the best possible terms and conditions of employment;
- 3.3 to advance the cause of education and the status of teachers in the local;
- 3.4 to promote a high standard of professional ethics and to promote professional development;
- 3.5 to foster a climate of social justice in Ontario and continue a leadership role in such areas as: anti-poverty, non-violence and equity;
- 3.6 to promote and protect the interests of all members of ETFO-UCL and the students in their care;
- 3.7 to co-operate with other organizations having the same or like objects;
- 3.8 to promote and protect the physical and psychological health and safety of members of ETFO-UCL.

#### **ARTICLE IV – MEMBERSHIP**

##### **Section 1 - Active Membership**

- 4.1.1 Active members shall be all public elementary school teachers who are covered by the Collective Agreement between the ETFO-UCL and the UCDSB including members on Board approved Leaves and members on long term disability.

##### **Section 2 - Honorary Life Membership**

- 4.2 Honorary Life Membership may be granted to a member or staff who has retired from ETFO-UCL and has given outstanding service to ETFO-UCL or its predecessor affiliates.

#### **ARTICLE V - RIGHTS AND PRIVILEGES**

##### **Section 1 - Rights and Privileges of Active Membership**

- 5.1.1 An active member shall have full rights, privileges and responsibilities of membership in the Union unless limited by disciplinary action taken in accordance with Article VII: Disciplinary Procedures of the ETFO Constitution

- 5.1.2 The rights of an active member shall be:
- a) to hold office in the Local;
  - b) to attend general meetings of ETFO-UCL;
  - c) to participate in the ratification of the Collective Agreement;
  - d) to participate in any general membership votes;
  - e) to request ETFO-UCL support through the grievance process;
  - f) to request ETFO-UCL support in any problem related to professional duties;
  - g) to receive ETFO-UCL communications;
  - h) to serve on ETFO-UCL Committees, task forces and work groups as approved by the Executive.
- 5.1.3 An active member who accepts a position as a Temporary or Acting Principal or Vice Principal shall not also be the workplace Steward or hold a local elected position for the duration of the appointment.

### **Section 2- Rights and Privileges of Honorary Life Membership**

The rights of an Honorary Life Member shall be:

- 5.2
- a) to attend ETFO-UCL functions in a non-voting capacity;
  - b) to receive ETFO-UCL publications;
  - c) to serve by invitation on ETFO-UCL committees, task forces, and work groups;
  - d) to attend the Annual Dinner as a guest of the ETFO-UCL.

### **Section 3 – Fees**

- 5.3.1 Each active member of ETFO-UCL who is receiving a salary under the ETFO-UCL Collective Agreement may be levied an amount which shall be determined by the Executive to a maximum of four dollars and fifty cents (\$4.50) per pay.
- 5.3.2 The Benefits Bridge Fund Committee will be administered by a Standing Committee consisting of the President, two members of the Executive and two members at large. A separate account with a minimum balance of \$10 000 will be maintained for the Benefits Bridge Fund Committee.

## **ARTICLE VI - LOCAL ORGANIZATION**

### **Section 1 - Local Executive**

- 6.1.1 The elected Executive of ETFO-UCL shall consist of twelve (12) members plus one Non-voting representative of the ETFO-UCOL;
- a) President released full-time;
  - b) Two (2) Vice Presidents released full-time
  - c) Nine (9) Executive members of whom one (1) will be Secretary and one (1) will be Treasurer elected by the Executive members.
- 6.1.2 The Executive of the Local shall be elected subsequent to the Annual General Meeting.
- 6.1.3 The term of office for the Executive shall be two (2) years. If a member is unable to complete their term of office, the election process in Article X will be followed and there shall be an election for the vacated position in May of the interim year.
- 6.1.4 The Executive shall take office on July 1.
- 6.1.5 Additional Responsibility Allowance:
- a)
    - i) President 10% of the maximum grid rate
    - ii) Vice-Presidents 5% of the maximum grid rate
  - b) The allowance to the President and Vice-Presidents shall be paid with salary in 26 equal payments.
- 6.1.6 Communications allowance:
- a) The allowance to the other Executive members and Stewards shall be paid in April of

each year by the ETFO-UCL Treasurer.

- i) *Secretary & Treasurer \$500 each*
- ii) *Other Executive \$250 each*
- iii) *The Steward in each school \$100 each*

## **Section 2 - Committees**

6.2.1 There shall be the following Standing Committees:

*Awards  
Benefits Bridge Fund Committee  
Collective Bargaining  
Elections  
Equity & Social Justice  
Finance  
FSL  
Health and Safety  
Political Action/Public Relations  
Professional Learning  
Social  
Status of Women*

6.2.2 Other ad hoc committees required to carry out the work of ETFO-UCL may be established by the Executive or by general meetings as necessary. Committee expenses shall be paid from the committee's budget line.

6.2.3 Standing Committees shall elect a chair from its members. With the exception of the Elections Committee, every committee shall have an Executive member who shall report to the Executive.

6.2.4 Committee members must be active members.

6.2.5 Appointment to Committees:

- a) Application shall be submitted to the Executive.
- b) The Executive shall appoint members to the Committees from the applications.
- c) Each Committee shall endeavour to have regional representation.
- d) Each Committee shall consist of a maximum of six (6) members unless otherwise determined by the Executive. The exception shall be the Collective Bargaining Committee which shall consist of a maximum of 12 members. Membership of the ETFO-UCL Collective Bargaining Committee shall include the Released Officers. In a bargaining cycle, the ETFO-UCL Collective Bargaining Committee shall remain constituted until ratification of the tentative agreement.

6.2.6 Removal of Committee Member/Executive Member:

The Executive may remove a Committee member or an Executive member for the following reasons:

- a) Absence for three (3) consecutive meetings without just cause;
- b) Violation of the ETFO-UCL Constitution, Provincial or Local Advisories, Directives, Code of Ethics and/or Policy Statements.

6.2.7 An Administrative Committee shall be established each school year consisting of the released officers.

Duties of the Administrative Committee shall be:

- a) to study and act on motions referred by the Executive;
- b) to serve as a structure which can discuss ongoing issues and provide recommendations to the Executive;
- c) to receive recommendations from Standing Committees, task forces, workgroups and focus groups and make recommendations to the Executive for their dispensation;
- d) to negotiate terms of working conditions for office staff and to recommend approval to the Executive;

- e) to review issues and determine in cooperation with the provincial liaison, possible grievances;
  - f) to discuss other relevant administrative matters;
- 6.2.8 Notwithstanding the guidelines existing in the Constitution for Committees, the Election Committee shall exist under the following terms:
- a) The Committee shall consist of a minimum of four (4) members
  - b) The Elections Committee shall nominate one of its members to act as Chair of the Committee subject to the approval of the Executive;
  - c) The Terms of Reference shall be those requirements as set out in the Directives' document and approved by the Executive.

### **Section 3 - Programs for Women**

- 6.3 There shall be guaranteed programs for women.

### **Section 4 – Equity Fund**

- 6.4 An Equity Fund shall be set at 8% of the sum of the ETFO fee rebate and the local levy for the purposes of funding activities relating to social justice and Status of Women.

## **ARTICLE VII - ORGANIZATIONAL DUTIES**

### **Section 1 - Duties of the Executive**

- 7.1 The duties of the Executive shall be:

- a) to uphold the Constitution, By-laws and Policies of the Elementary Teachers' Federation of Ontario;
- b) to execute the business of the ETFO-UCL in accordance with the Constitution, the Directives and the decisions of the Annual General Meeting of the ETFO-UCL;
- c) to hold at least eight (8) Executive meetings on a monthly schedule;
- d) to hold an Executive meeting at the request of the President;
- e) to receive a financial report at each Executive meeting;
- f) to forward to the provincial office each year the annual report of the Local;
- g) to determine committee membership;
- h) to appoint members to ad hoc committees and to determine terms of reference of such ad hoc committees;
- i) to appoint, when necessary, a successor to complete any unexpired term of an elected or appointed Local representative;
- j) to recommend the appointment of the auditors to the Annual General Meeting;
- k) to approve an investment policy;
- l) to ensure that each Executive member serves on at least one Standing Committee;
- m) to receive recommendations from the Administrative Committee in regards to terms of working conditions for office staff and to approve the final terms and working conditions;
- n) to receive reports and recommendations from the Administrative Committee for discussion and approval;
- o) to elect a Grievance Officer from the released officers.

### **Section 2 - Duties of Officers**

- 7.2.1 In addition to 7.1, the duties of the President shall be:
- a) to abide by and uphold the Constitution and Directives of ETFO-UCL;
  - b) to be the official spokesperson for ETFO-UCL;
  - c) to act as an ex-officio member of all committees;
  - d) to make provisions for the counseling of ETFO-UCL members;
  - e) to act as a signing officer;
  - f) to serve as a member of the Grievance Committee;

- g) to serve as a delegate at the Provincial Annual Meeting;
  - h) to administer office staff;
  - i) to keep open direct two-way communication with the membership;
  - j) as Chief Executive Officer of the ETFO-UCL to carry out the business of ETFO-UCL between meetings of the Executive;
  - k) to preside at meetings of the Executive;
  - l) to call a General Meeting when necessary subject to the approval of the Executive;
  - m) to perform other duties as by custom fall to the President;
  - n) to act as a member and to chair the Administrative Committee.
- 7.2.2 In addition to 7.1, the duties of the Vice Presidents shall be:
- a) to assume Presidential duties upon request of or absence of the President;
  - b) to act as an alternate signing officer (two);
  - c) to make provisions for the counseling of ETFO-UCL members;
  - d) to serve as a delegate at the Provincial Annual Meeting;
  - e) to keep open direct two-way communication with the membership ~~in their designated region~~;
  - f) to represent members in meetings with senior and school administrators;
  - g) to act as a member of the Administrative Committee;
  - h) to serve as a member of the Grievance Committee.
- 7.2.3 The duties of the Treasurer shall be:
- a) to keep accurate and detailed financial records of the ETFO-UCL based on the Local fiscal year, July 1 to June 30;
  - b) to receive, answer and file all correspondence directed to the Treasurer;
  - c) to act as a signing officer;
  - d) to receive monies and to pay bills as directed;
  - e) to present financial reports at all Executive and Annual General Meetings;
  - f) to present an audited report of ETFO-UCL financial activities at the Annual General Meeting and send a copy to the Provincial Federation Office by September 30 each year;
  - g) to prepare in consultation with the Finance Committee, a budget for the ensuing year;
  - h) to make investments with the approval of the Executive;
  - i) to report investments during each financial report;
  - j) to act as chair at Finance Committee meetings.
- 7.2.4 The duties of the Secretary shall be:
- a) to maintain accurate records of all meetings of the Local;
  - b) to prepare and circulate minutes of Executive and general meetings;
  - c) to keep on file an up-dated copy of the ETFO-UCL Constitution and to notify the membership in writing ten (10) days before the ETFO-UCL Annual General Meeting of any proposed amendments to the Constitution;
  - d) to receive and bring forward a written complaint against the President at the next Executive meeting.

### **Section 3 - Duties of Committees**

- 7.3.1 Every committee shall maintain terms of reference which have been approved by the Executive. The terms of reference shall be reviewed yearly by the committee and any recommended changes made shall be brought to the Executive.
- 7.3.2 Each committee shall appoint a secretary who will prepare minutes for each meeting.
- 7.3.3 Each committee member shall follow the ETFO provincial constitution, by-laws, policies and advisories in addition to the ETFO-UCL Constitution and Directives.
- 7.3.4 Committees shall make recommendations to the Executive.
- 7.3.5 Committees shall be responsible to the Executive.

### **Section 4 - Workplace Stewards**

- 7.4.1 Stewards shall be elected by the ETFO-UCL members at their worksite.
- 7.4.2 The duties of the Stewards shall be:
  - a) to act as the communications link between the provincial/local offices of the Union and the members;
  - b) to assist members in accessing services, programs and resources available at the local and provincial levels;
  - c) to monitor the implementation of the Collective Agreement in their workplace;
  - d) to attend Stewards' meetings;
  - e) to represent a positive Union presence in the workplace;
  - f) to welcome new members;
  - g) to be in constant contact with ETFO-UCL officials;
  - h) to serve as picket captain (if need arises);
  - i) to advise members to contact regional Vice President or President prior to a sensitive meeting requiring an ETFO presence.

## **ARTICLE VIII - MEETINGS**

### **Section 1 –Local Meetings**

- 8.1 The official authority for conducting all ETFO-UCL meetings shall be the current Roberts Rules of Order.

### **Section 2 - Annual General Meeting**

- 8.2.1 The Annual General Meeting of the members of ETFO-UCL shall be held by the end of May.
- 8.2.2 The Annual General Meeting shall:
  - a) receive the annual reports of the officers and committees of ETFO-UCL;
  - b) provide the opportunity for the presentation of candidates seeking election for any executive position;
  - c) approve the budget for the next year;
  - d) appoint the auditor for the following fiscal year;
  - e) receive the financial statements;
  - f) take place in a central location;
  - g)
    - i) conduct a vote on any constitutional amendments;
    - ii) election of delegates/alternates to the ETFO Annual Meeting.

## **ARTICLE IX - ELECTIONS**

### **Section 1 - Eligibility**

- 9.1.1 An active member in good standing may be nominated to stand for elected office.
- 9.1.2 Only active ETFO-UCL members in good standing may vote.

## **Section 2 - Nominations**

- 9.2.1 Members shall be notified of the request for nominations with the notice of the ETFO-UCL Annual Meeting.
- 9.2.2 Notwithstanding the above, nominations duly moved and seconded and with the consent of the nominee, shall be accepted until 24 hours prior to the Annual Meeting in person, via mail, by fax or email to the ETFO-UCL Office.  
Nominations from the floor shall be duly moved and seconded with the nominee present to accept.

## **Section 3 - Election Procedures**

- 9.3.1 The President, Vice-Presidents and the Executive of the ETFO-UCL shall be elected after the ETFO-UCL Annual General Meeting by an all member vote.
- 9.3.2 Candidates shall have the opportunity to address the Local membership at the ETFO-UCL Annual General Meeting prior to the Elections.
- 9.3.3 The election shall be by secret ballot or by an all-member electronic vote. The steward/alternate then follows procedure laid out by the Elections Committee.
- 9.3.4 Elections will be held in three stages, President, Vice-Presidents and Executive.
- 9.3.5 Candidates with the largest number of votes will be declared elected.
- 9.3.6 An unsuccessful candidate may seek another position on the Executive for which the member is eligible.
- 9.3.7 In the case of a paper ballot, each candidate may appoint one scrutineer to observe the counting of the vote and any recount. ETFO-UCL shall pay for any release time required.
- 9.3.8 The vote count for all elected positions shall be released to the members following each ballot.
- 9.3.9 In the case of a paper ballot, the ballots will be destroyed by motion at the next Executive meeting following completion of the elections.
- 9.3.10 If there is a tie for the position of President, Vice-President or Executive member (when it determines a final spot on the Executive) there shall be a revote for those candidates who are tied.
- 9.3.11 Teachers who work in more than one location, shall vote based on his/her home school (as determined by the Board)
- 9.3.12 There shall be no proxy votes.
- 9.3.13 Teachers who are absent during the voting period may vote electronically by emailing the Chair of the Elections Committee or ETFO-UCL office in the case of a paper ballot.
- 9.3.14 In the event of a paper ballot, all candidates have a right to a recount of the ballots cast. In the event of a recount, the ballots shall be picked up at each worksite by a member of the Elections Committee or a neutral party as defined by the Elections Committee. The recount of ballots shall take place at the ETFO-UCL office by members of the Election Committee. Candidates must request a recount within 48 hours. The recount shall be completed within 7 days of the request.

## **ARTICLE X – PROCEDURE TO FILL A VACANCY ON THE EXECUTIVE**

### **Section 1 – Vacancy on the Executive**

- 10.1.1 a) An Executive position shall be deemed vacant if the person elected:  
\* retires or resigns before her/his term of office is scheduled to end
- b) An Executive position shall be deemed temporarily vacant if the person elected:  
\* notifies the Executive that they will be on leave or otherwise absent from duties for a period greater than 40 school days
- 10.1.2 The appointment of a member to fill a vacancy or temporary vacancy on the Executive shall be confirmed by a motion of the Executive.
- 10.1.3 A vacancy or temporary vacancy on the Executive shall be filled within 30 days. Should a vacancy or temporary vacancy occur over the summer months, the vacancy shall be filled within 30 school days of the start of the school year.

- 10.1.4 The term of office shall commence immediately after the conclusion of the Executive meeting at which the appointment is made.
- 10.1.5 When appointing a new Executive member to fill a vacancy or temporary vacancy, the Executive shall invite applications from ETFO-UCL candidates who ran in the previous election and stewards, and appoint a candidate from those who apply.
- 10.1.6 In the event there is a vacancy on the Executive before the Annual General Meeting, during the first year of a two-year term, an election shall be held following the Annual General Meeting to fill the vacancy pursuant to Article IX as it applies.
- 10.1.7 A candidate, who has been appointed by the Executive to fill a vacancy during the first year prior to the Annual General Meeting, shall revert July 1<sup>st</sup> to the position held prior to that appointment.

### **Section 2 - Vacancy for the Position of Released Officer**

The procedure to fill a vacancy for the position of Released Officer shall be:

- 10.2.1 a) A position of Released Officer shall be deemed to be vacant if the person elected:
  - \* retires or resigns before her/his term of office is scheduled to end
- b) A position of Released Officer shall be deemed to be temporarily vacant if the person elected:
  - \* notifies the Executive that they will be on leave or otherwise absent from duties for a period greater than 20 school days
- 10.2.2 A vacancy or temporary vacancy in the position of President shall be filled within 10 school days.
- 10.2.3 A vacancy or temporary vacancy in the position of President shall be filled by an election by the Executive from among the current Vice Presidents. The Vice President receiving the highest number of votes shall be appointed by the Executive to the position of President.
- 10.2.4 Notwithstanding the above, if a vacancy in the position of President is not filled for any reason, the vacancy or temporary vacancy shall be filled by the Executive by the election of a member of the Executive.
- 10.2.5 A vacancy or temporary vacancy at the position of Vice-President shall be filled by a vote of the Executive from among the current Executive.
- 10.2.6 In the event there is a vacancy or temporary vacancy in the position for Released Officer before the Annual General Meeting, during the first year of a two-year term, an election shall be held following the Annual General Meeting to fill the vacancy pursuant to Article IX as it applies.
- 10.2.7 A candidate, who has been appointed by the Executive to fill a vacancy or temporary vacancy for Released Officer during the first year prior to the Annual General Meeting, shall revert July 1<sup>st</sup> to the position held prior to that appointment.

### **ARTICLE XI - DELEGATES TO THE ETFO ANNUAL MEETING**

- 11.1 An active member of the ETFO-UCL may be nominated as a delegate/alternate to the provincial Annual Meeting.
- 11.2 Delegates of the ETFO-UCL to the provincial Annual Meeting shall include;
  - i) the President
  - ii) the Vice President(s)
- 11.3 Other delegates/alternates shall be nominated and elected at the ETFO-UCL Annual General Meeting.
- 11.4 Names of delegates/alternates to the provincial ETFO Annual Meeting shall be forwarded to the provincial office.
- 11.5 Executive shall appoint alternates to create a full delegation.



**ARTICLE XII - RESOLUTIONS TO THE ETFO ANNUAL MEETING**

- 12.1 Proposed resolutions shall be forwarded to the ETFO-UCL Executive by January 31<sup>st</sup>.
- 12.2 Resolutions to the provincial ETFO Annual Meeting shall be passed by the ETFO-UCL Executive and the ETFO-UCL membership prior to March 1<sup>st</sup>.

**ARTICLE XIII - AMENDMENTS TO THE LOCAL CONSTITUTION**

- 13.1 Proposed amendments to the Local Constitution must be submitted to the Executive 30 days prior to the Annual General Meeting.
- 13.2 The Executive shall publish all proposed amendments to the general membership 10 days prior to the Annual General Meeting.
- 13.3 The Constitution shall be amended if 2/3 of the members present at the Annual General Meeting vote in favour of the proposed amendment.

**ARTICLE XIV - FINANCES**

- 14.1 The Executive of ETFO-UCL shall develop financial directives.
- 14.2 All financial transactions shall be signed by two signing officers.
- 14.3 The fiscal year of ETFO-UCL shall be the period from July 1<sup>st</sup> of one calendar year to June 30<sup>th</sup> of the succeeding calendar year.

Approved: April 11, 2018