

CONSTITUTION AND BYLAWS

of

Ontario Secondary School Teachers' Federation

District 23

Plant Support Staff
Bargaining Unit

Revised September 2014

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Definitions

In this Constitution:

1. “Area Representative” shall mean the Member of the Bargaining Unit who has been elected to coordinate OSSTF activities within a given Organizational Area.
2. “Bargaining Unit” shall be the Plant Support Staff which is the OSSTF organization of those members for whom OSSTF holds bargaining rights under the Ontario Labour Relations Act.
3. “By-laws” shall mean the standing rules governing the membership of the Bargaining Unit on matters which are entirely within the control of the Bargaining Unit.
4. “Constitution” shall mean a system of fundamental principles by which the Bargaining Unit is governed, and includes a basic organization of the Bargaining Unit.
5. “District” shall mean District 23, Brant Haldimand Norfolk, OSSTF.
6. “General Meeting” shall mean a meeting of the Bargaining Unit membership to conduct the business of the Unit.
7. “Member” shall mean an active member (in good standing) of the Plant Support Staff who is a member of OSSTF.
8. “Organizational Area” shall mean an organizational sub-division of the Bargaining Unit as defined in the By-Laws.
9. “OSSTF” shall mean the Ontario Secondary School Teachers’ Federation.
10. “Policy” shall mean a stand or a position taken by the Bargaining Unit in accordance with its By-laws on matters whose resolution is beyond the internal legislative power of the Bargaining Unit.
11. “Procedures” shall mean detailed rules established by the Bargaining Unit Executive Council to govern the “day-to-day” operation of the Bargaining Unit which are consistent with the constitution, bylaws, and policy.
12. “In Camera” Confidential Discussions; There may be times when it is in the best interests of the Union that confidential discussions be held during Executive or General Meetings. In that event it is proper to agree (by the chairperson’s proposal or by formal motion, whichever the meeting prefers) to move in camera.

Constitution

Article 1 - Name and Membership

- 1.1 The name of this organization shall be Plant Support Staff of District 23 OSSTF.
- 1.2 The membership of the Plant Support Staff Bargaining Unit shall consist of active members of OSSTF who are employed at the Brant Haldimand Norfolk Catholic District School Board as Cleaners, Custodians & Maintenance.

Article 2 - Objects and Ethics

- 2.1 The objects of the Plant Support Staff Bargaining Unit shall be as specified in Article 2 (Appendix A) of the OSSTF Constitution
- 2.2 The ethics of the Plant Support Staff shall be those described in Article 4 (Appendix B) of the OSSTF Constitution.

Article 3 - Fees

- 3.1 The annual dues for every member shall be as prescribed in Bylaw 11 (Appendix C) of the OSSTF Constitution and Bylaws.
- 3.2 An additional levy or special assessment for every member of the bargaining unit may be implemented provided that it is approved by a 2/3 majority vote of the members qualified to vote, present and voting at the Annual General Meeting.
- 3.3 The method of payment of dues shall be as prescribed in the collective agreement.

Article 4 - Bargaining Unit Organization

- 4.1 There shall be a Bargaining Unit Executive consisting of the following voting members: President/Grievance Officer, Vice President, Chief Negotiator (to be elected by the Collective Bargaining Committee), Secretary, Treasurer, Communications Officer/Pay Equity Officer and Health & Safety Officer.
- 4.2 The Executive shall be elected at the Annual General Meeting of the bargaining unit by a method as prescribed in the Bylaws.

Article 5 - General Meetings

- 5.1 There shall be an Annual General Meeting (AGM) of the membership held in May of each school year.
- 5.2 The membership will be given at least 15 school days notice of the date, time and location of the AGM.
- 5.3 Other General Meetings may be call by the President, provided that the membership is given at least 5 school days notice, in writing, of the date, time and location of the

- meeting.
- 5.4 Upon the written request of at least 15 members, the President shall call a General Membership Meeting within 5 school days of receiving the request.
 - 5.5 The date, time and location of General Meetings shall be determined by the Executive.
 - 5.6 The quorum for any General Meeting shall be those qualified to vote, present and voting. Members can issue a proxy vote when medical care prohibits their attendance. A medical certificate may be required as proof before a proxy vote is allowed.
 - 5.7 All General Meetings shall be conducted in accordance with the OSSTF Rules of Order as outlined in the OSSTF Constitution and Bylaws. (Appendix D)
 - 5.8 Active OSSTF members have the right to attend, speak and vote at General Meetings.
 - 5.9 Anti-Harassment Policy and Procedure
There shall be an Anti-Harassment Policy and Procedure in effect for the Annual General Meeting and for all meetings of OSSTF District 23 PSS Bargaining Unit.

Article 6 - Amendments

- 6.1 Amendments to the Articles of this Constitution shall be made at the Annual General Meeting, provided that the members have received notification of the proposed amendment 10 school days prior to the meeting, and that amendments are approved by a 2/3 majority of those qualified to vote, present and voting. Received amendments will be posted on the District 23 website and members will receive notification of the posting.
- 6.2 If 10 school days prior notice is not provided, amendments may be approved by a 9/10 majority vote of members qualified to vote, present and voting at the Annual General Meeting.

Bylaws

Bylaw 1 - Duties of Bargaining Unit Executive

- 1.1 It shall be the duty of the Executive to:
 - 1.1.1 administer the business of the bargaining unit between Annual Meetings.
 - 1.1.2 communicate with members regularly regarding bargaining unit business.
 - 1.1.3 fulfil the financial obligations of the bargaining unit in accordance with OSSTF procedures.
 - 1.1.4 give final approval to the bargaining unit's negotiating brief.
 - 1.1.5 call General Meetings when necessary for the ratification of the collective agreement.
 - 1.1.6 ensure members receive fair representation in accordance with the Ontario Labour Relations Act (OLRA).
 - 1.1.7 appoint other Officers, who shall be non-voting, as deemed appropriate.
 - 1.1.8 ensure the OSSTF Constitution and Bylaws are not contravened in the conduct of bargaining unit business.
 - 1.1.9 appoint a delegate to attend the Educational Support Staff Sector Council of Presidents should the President not attend.
- 1.2 The Executive shall meet at the call of the President, but not less than five times in a school year.

Bylaw 2 - Elections

- 2.1 The term of office for Executive members and officers shall be for two (2) years from July 1 to June 30.
- 2.2 Executive members and officers are elected by secret ballot of those qualified to vote, present and voting at the AGM.

Bylaw 3 - Nominations

- 3.1 Candidates who wish their names to appear on the ballot may indicate their intention to run for office by submitting their name, supported by two (2) other Members' signatures, to the District 23 Secretary, at least fifteen (15) days prior to the election after which nominations shall be closed. Names of such members will be posted on the District website. Members will be notified of such posting.
- 3.2 When there is only one nomination received at closing for a position(s); the nominated person shall be acclaimed except where there is the potential for a candidate to drop down to contest a lower position than the one for which he or she was nominated, sole candidates for lower positions that may be affected by a drop down will not be declared acclaimed unless the losing candidate(s) for the higher position declare, after defeat, that they do not intend to contest the lower position. When there is more than one nomination there shall be an election at the Annual General Meeting.

- 3.3 Notwithstanding the above, when there is a position which there were no nominations received at closing of nominations, nominations may be received from the floor supported by a mover and seconder at the Annual General Meeting.

Bylaw 4 - Balloting

- 4.1 Members present at the AGM at the time of the ballot have the right to vote.
- 4.2 The candidate receiving the highest number of votes on the ballot shall be declared elected.
- 4.3 In the event of a tie, a second ballot shall be held involving only those candidates who tied with the greatest number of votes; if the result is still inconclusive the candidates who are tied shall draw lots to determine the winner.
- 4.4 Balloting shall be conducted in the following order: President/Grievance Officer, Vice President, Secretary, Treasurer, Communications Officer, Health & Safety Officer, Area Representatives, additional members of the Collective Bargaining Committee.
- 4.5 An unsuccessful candidate for office may be nominated for subsequent elections to office at the AGM.
- 4.6 Area representatives must hold a position within the area and shall be elected from the members in that area.

Bylaw 5 - Vacancies

- 5.1 If the President is unable to complete the term of office, the Vice President shall assume the Presidency.
- 5.2 For other vacancies, the Executive shall appoint a member to complete the term of office.

Bylaw 6 - Duties of the President/Grievance Officer

- 6.1 The President shall:
- 6.1.1 assume the role of the Chief Executive Officer for the Collective Agreement.
- 6.1.2 call, preside over and report to Executive and General Meetings.
- 6.1.3 assume the role of Grievance Officer.
- 6.1.4 be an ex-officio member of all bargaining unit committees.
- 6.1.5 be one of the two signing authorities for all bargaining unit financial transactions.
- 6.1.6 report to the Bargaining Unit Executive and Members the activities and concerns of the district.
- 6.1.7 be a member of the Collective Bargaining Committee and the Table Team.
- 6.1.8 represent all members of the Bargaining Unit fairly.
- 6.1.9 ensure that all vital functions of an office which has been vacated be carried out on an interim basis until the vacancy is filled.
- 6.1.10 represent the Bargaining Unit on the Educational Support Staff Sector Council of Presidents.
- 6.1.11 represent the Bargaining Unit at the Annual Meeting of the Provincial Assembly (AMPA).

- 6.1.12 The President in the role of Grievance Officer shall be:
- 6.1.13 responsible for administering all grievances, in consultation with the Executive and OSSTF Provincial Office. (Appendix F)
- 6.1.14 ensure grievances are conducted in accordance with the terms of the collective agreement, and maintain appropriate files for all grievances.
- 6.1.15 There shall be a Grievance Appeals Committee, composed of the Executive.
- 6.1.16 The Grievance Appeals Committee shall establish procedures for dealing with grievance appeals and shall communicate such procedure to the membership.
- 6.1.17 A member may further appeal to the Field Secretary assigned to the bargaining unit by Provincial OSSTF.
- 6.1.18 The bargaining unit has carriage of the grievance in accordance with Ontario Labour Relations Act; decisions to proceed to arbitration will be made by Provincial OSSTF.

Bylaw 7 - Duties of the Vice President

- 7.1 The Vice President shall:
 - 7.1.1 carry out duties assigned by the President.
 - 7.1.2 perform the duties of the President in the President's absence.
 - 7.1.3 assume the office of President should the President be unable to complete the term of office.

Bylaw 8 - Duties of the Chief Negotiator

- 8.1 The Chief Negotiator shall:
 - 8.1.1 chair the bargaining unit Collective Bargaining Committee.
 - 8.1.2 report on a regular basis to the Executive and membership on the status of negotiations.
 - 8.1.3 consult and liaise with OSSTF Provincial Protective Services Department.

Bylaw 9 - Duties of the Secretary

- 9.1 The Secretary shall:
 - 9.1.1 keep a record of all Executive and General Meeting minutes.
 - 9.1.2 submit minutes for approval to Executive and General Meetings.

Bylaw 10 - Duties of the Treasurer

- 10.1 Duties of the Treasurer shall be:
 - 10.1.1 prepare a proposed budget for approval at the Annual General Meeting.
 - 10.1.2 supervise payment of all authorized expense vouchers, subject to the submission of appropriate receipts.
 - 10.1.3 keep an account of all monies received and disbursed by the bargaining unit.

- 10.1.4 report regularly to the Executive on the status of bargaining unit finances.
- 10.1.5 be one of the two signing authorities for all financial transactions of the bargaining unit.

Bylaw 11 - Duties of the Communications Officer/Pay Equity Officer

- 11.1 The duties of the Communications Officer shall be to:
- 11.1.2 work with the Bargaining Unit Executive, Standing Committees, District Executive and the Provincial Communications Committee.
- 11.1.3 to co-ordinate the dissemination of information to Bargaining Unit members at the instruction of the executive.
- 11.1.4 to generate a newsletter at least two times a year.
- 11.1.5 to be responsible for the maintaining of the Pay Equity Plan
- 11.1.6 to attend any Provincial Pay Equity training
- 11.1.7 to report to the members at the Annual General Meeting

Bylaw 12 - Duties of the Health and Safety Officer

- 12.1 The duties of the Health and Safety Officer shall be to:
- 12.1.2 attend approved relevant meetings/workshops and keep membership current on the pertinent issues.
- 12.1.3 keep in contact with the District Health and Safety Officer.
- 12.1.4 provide a written report for the Annual General Meeting.
- 12.1.5 represent the Bargaining Unit on the Board's Joint Health and Safety Committee.

Bylaw 13 - Area Organization

- 13.1 The Bargaining Unit shall be represented by the following Area Representatives: one per secondary school; one for Haldimand-Norfolk - elementary; one for Brant - elementary; one maintenance.
- 13.2 Area Representatives shall be elected at the Annual General Meeting.

Bylaw 14 - Duties of the Area Representatives

- 14.1 The duties of the Area Representative shall be to:
- 14.1.2 attend the Bargaining Unit Executive meetings.
- 14.1.3 communicate regularly with the Members within the Area.
- 14.1.4 communicate problems to the Executive.
- 14.1.5 report possible violations of the collective agreement to the grievance officer.
- 14.1.6 be a member of the Grievance Committee.

Bylaw 15 - Duties of the Members

- 15.1 It shall be the duty of every Member to comply with the duties of members of the OSSTF as defined OSSTF Provincial Bylaw 5 - Rights, Privileges and duties, Section 5.3 - Duties of Members. (Appendix E)

Bylaw 16 - Duties of the Collective Bargaining Committee

- 16.1 It shall be the duty of the Collective Bargaining Committee to:
- 16.1.2 elect a Chief Negotiator from the Committee.
 - 16.1.3 elect the table team.
 - 16.1.4 survey the membership.
 - 16.1.5 prepare a negotiating brief.
 - 16.1.6 seek approval for the brief from the Bargaining Unit Executive Council and Provincial Office of OSSTF.
 - 16.1.7 communicate regularly with the Members on the progress of negotiations.
 - 16.1.8 seek the ratification of the collective agreement from bargaining unit members.

Bylaw 17 - Collective Bargaining Committee (CBC)

- 17.1 The Collective Bargaining Committee shall consist of the President and six other members, elected at the AGM.
The Collective Bargaining Committee shall include:
one maintenance; two caretakers - one elementary and one secondary; two cleaners - one elementary and one secondary; one lead hand.
- 17.2 All members of the CBC shall be voting members.
- 17.3 A quorum for meetings of the CBC shall be 5 of the 8 voting members.
- 17.4 The CBC shall develop the negotiating brief based upon input from the membership.
- 17.5 The Executive will approve the final negotiating brief and submit it to the Provincial Director of the Protective Services Department for approval.
- 17.6 The table team shall consist of the President and one member from each group: one cleaner, one caretaker and one maintenance.
- 17.7 If no member is put forth for a job classification or for any reason cannot fulfill their duties of the table team, a member shall be appointed by the executive.

Bylaw 18 - Ratification of Collective Agreement

- 18.1 The proposed collective agreement shall be ratified by secret ballot of a majority of members who submit their ballots in person during the hours the ratification vote is conducted.

Bylaw 19 - Delegate(s) to Education Support Staff Sector Council

- 19.1 The Bargaining Unit President shall be a delegate to the ESS Sector.
- 19.2 Additional delegates to ESS Sector shall be elected at a general meeting.
- 19.3 Duties of delegates shall be in accordance with the OSSTF Provincial Constitution.
 - (a) Represent the Bargaining Unit at the General Sector Council meeting held every alternate September.

Bylaw 20 - Delegates to the Annual Meeting of the Provincial Assembly (AMPA)

- 20.1 The delegate(s) to AMPA shall be selected in accordance with the District and Provincial Constitution and bylaws.
- 20.2 The number of delegates shall be determined by the General Secretary of OSSTF in accordance with the OSSTF Constitution and bylaws.

Bylaw 21 - Representation at OSSTF Provincial Council

- 21.1 The selection of Provincial Councillor(s) shall be in accordance with the District and Provincial Constitution and bylaws.
- 21.2 In the event that the Councillor is unable to attend a Provincial Council meeting, the Executive shall appoint a replacement.

Bylaw 22 - Amendments

- 22.1 Amendments to the Bylaws shall be made at the Annual General Meeting, provided that the members have received notification at least 10 school days prior to the meeting and that the amendments are approved by a majority of the members qualified to vote, present and voting.
- 22.2 In the event that prior notice is not given, amendments to the bylaws may be approved by a 3/4 majority of the members qualified to vote, present and voting.

Bylaw 23 - Precedence

- 23.1 Any portion of this Constitution and Bylaws which contravenes the OSSTF Constitution and Bylaws shall be superseded by the terms of the OSSTF Constitution and Bylaws.

Bylaw 24 - Status of Women Representative; Communications/Excellence in Education/Political Action Representative; Human Rights Representative, Educational Services Representative

- 24.1 There shall be up to two Status of Women representative elected at the Annual General Meeting who shall attend District 23 Status of Women Committee meetings.
- 24.2 There shall be up to two Communication/Excellence in Education/Political Action representative elected at the Annual General Meeting who shall attend District 23 Communications/Excellence in Education/Political Action Committee meetings.
- 24.3 There shall be up to two Human Rights representative elected at the Annual General Meeting who shall attend District 23 Human Rights Committee meetings.
- 24.4 There shall be up to two Educational Services Officer Representatives elected at the Annual General Meeting to attend District 23 Educational Services Committee Meetings.

Plant Support Staff Bargaining Unit
OSSTF District 23
Appendix A

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, age, marital status, family status or disability. (A.97)
 - 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)

**Plant Support Staff Bargaining Unit
OSSTF District 23
Appendix B**

Article 4 - Ethics

- 4.1 The OSSTF shall maintain under its Bylaws
 - 4.1.1 a motto,
 - 4.1.2 a pledge,
 - 4.1.3 a statement of ethics,
 - 4.1.4 principles of professional conduct, (A.78)
 - 4.1.5 a bill of rights for members. (A.88)

**Plant Support Staff Bargaining Unit
OSSTF District 23
Appendix C**

Bylaw 11 - Fees

11.1 Active Members (A.91)

11.1.1 The fee for Active Members shall be 1.3% of total annual salary earned through an OSSTF-employer collective agreement. (A.02)

11.1.2 Total annual salary shall include all monies earned by Members through an OSSTF collective agreement while in the employ of their employer from July 1 to the following June 30. (A.91)

11.1.3 Amendments to the fee structure for Members must be approved by the Provincial Assembly through such vote count as that prescribed for amending the Bylaws. (A. 98)

11.2 Active Retired Members (A.99)

11.2.1 The annual fee for Active Retired Members shall be \$50.00. (A.99)

11.3 Voluntary Members

11.3.1 The annual fee for Voluntary Members who qualify as such under Bylaw 2.1.2.1.1 shall be \$50. If certification services are required, an additional charge shall be made for each Certification Rating Statement. Certification services for Voluntary Members are limited to the issuance of Certification Rating Statements and reviews by the Certification Board. (A.91)

11.3.2 The annual fee for Voluntary Members who qualify as such under Bylaw 2.1.2.1.3 shall be calculated in accordance with the scale of fees established for Members. (A.91)

**Plant Support Staff Bargaining Unit
OSSTF District 23
Appendix D**

OSSTF RULES OF ORDER

Rule 11 - Authorities

The Parliamentary authorities for OSSTF in order of priority and precedence are

- 11.1.1 the above Rules of Order
- 11.1.2 Robert's Rules of Order Newly Revised, Scott, Foresman & Co. (most recent edition)
- 11.1.3 Sturgis Standard Code of Parliamentary Procedure, 2nd Edition, McGraw-Hill Book Co., 1966.
- 11.1.4 Bourinot's Rules of Order, 2nd Edition, revised by J. Gordon Dubroy, McLelland and Stewart Limited, Toronto, 1963.
- 11.2 In the event that problems arise in the conduct of business which cannot be resolved by reference to the Rules of Order, then reference is to be made to Robert's, followed by Sturgis, followed by Bourinot's.

**Plant Support Staff Bargaining Unit
OSSTF District 23
Appendix E**

Bylaw 5 - Rights, Privileges and Duties

5.3 Duties of Members to OSSTF

- 5.3.1 It shall be the duty of every member to comply with the Constitution and Bylaws of OSSTF, and to seek to change the Constitution, Bylaws or Policies only through the proper procedures of the Federation. (A.83)
- 5.3.2 Where a member's actions are not constrained by agencies external to the OSSTF, it shall be the duty of every Member to act in accordance with the established Policies of the OSSTF. (A.83)
- 5.3.3 It shall be the duty of every Member to uphold the OSSTF Pledge and Statement of Ethics. (A.78)
- 5.3.4 It shall be the duty of every Member to act in accordance with Principles of Professional Conduct prescribed under Bylaw 4. (A.78)
- 5.3.5 It shall be the duty of a Member who is being represented by the Federation in a professional difficulty with a board of education or other external agency to honour the commitments made on his/her behalf by the Federation, if those commitments are made with his/her written consent.(A.78)
- 5.3.6 It shall be the duty of every Member to check with OSSTF before accepting a position to ensure that the board is in good standing. (A.88)
- 5.3.7 It shall be the duty of every Member who holds elected or appointed office with 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 OSSTF. (A.91)
- 5.3.8 It shall be the duty of every Member who is seeking office in OSSTF and who is also a member of another union to declare such dual membership. (A.91)
- 5.3.9 It shall be the duty of each member to support a modified work environment for members with disabilities. (A.99)
- 5.3.10 It shall be the duty of a Member of OSSTF to support the Federation's Constitution, Bylaws and Policies while representing or being sponsored by OSSTF at any external convention, conference or other decision-making bodies. (A.02)

**Plant Support Staff Bargaining Unit
OSSTF District 23
Appendix F**

Grievance Committee

The Grievance committee shall consist of the Grievance Officer and the Area Representatives.

Grievance Procedures

An alleged grievance may be communicated by any member to the area representative, who shall contact the Grievance Officer within 24 hours.

A grievance is defined as a complaint concerning the interpretation, the administration, or the alleged violation of the Collective Agreement.

The Grievance Officer shall ascertain the facts of the case, consult with the provincial office as necessary, and prepare the grievance letter(s).

Any decisions about taking a grievance beyond Step One will be made *in camera* by the Grievance Committee and communicated forthwith to the member(s) concerned.

Grievance Appeals Committee

The Bargaining Unit Executive shall function as the Grievance Appeals Committee.

A member may appeal a decision of the Grievance Committee in writing within seven calendar day of receiving the Committee's decision.

The appeal hearing shall be held in camera during the next regularly scheduled meeting of the Bargaining Unit Executive.