

**ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION
RAINBOW DISTRICT 3**

CONSTITUTION

&

BY-LAWS

of the

EDUCATIONAL SUPPORT STAFF UNIT

Revised April 2023

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THE ARTICLES

ARTICLE 1 – DEFINITIONS

In this Constitution:

- 1.1** “O.S.S.T.F.” shall mean the “Ontario Secondary School Teachers’ Federation”.
- 1.2** “Bargaining Unit” shall mean the Office, Clerical and Technical employees known as Educational Support Staff which is the O.S.S.T.F. organization of those members for whom O.S.S.T.F. holds bargaining rights under the appropriate legislation.
- 1.3** “District” shall mean Rainbow District 3, of O.S.S.T.F., unless otherwise stated.
- 1.4** “Member shall mean an active or member in good standing who is employed by the Rainbow District School Board and in the E.S.S.U.
- 1.5** “By-laws” shall mean the standing rules governing the membership of the Bargaining Unit made under this Constitution on matters of internal regulation and matters which are entirely within the control of the Bargaining Unit.
- 1.6** “Constitution” shall mean a system of fundamental principles by which the Bargaining Unit is governed, and includes a basic organization of the Bargaining Unit.
- 1.7** “Policy” shall mean a stand or 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.
- 1.8** “Procedures” shall mean detailed rules established by the Bargaining Unit Executive to govern the “day-to-day” operation of the Bargaining Unit which are consistent with the constitution, by-laws, and policy.
- 1.9** “Area Representative” shall mean a member of the Bargaining Unit who has been elected to represent one of the geographical areas of Manitoulin, Espanola, and Sudbury.
- 1.10** “AMPA” shall mean the Annual General Meeting of the Provincial Assembly.

ARTICLE 2 – NAME AND AUTHORITY

2.1 This Bargaining Unit shall be known as the Ontario Secondary School Teachers’ Federation, District 3, Education Support Staff Unit (E.S.S.U.)

2.2 Any part of the Bargaining Unit Constitution, By-laws, Policies, and/or Procedures which are in contravention of the O.S.S.T.F. and/or District Constitution, By-laws, Policies and/or Procedures are null and void.

2.3 Meetings of the Bargaining Unit and/or branches shall be conducted in accordance with the Rules of Order as outlined in the current OSSTF/FEESO Constitution and Bylaws.

ARTICLE 3 – OBJECTIVES

The objectives of the unit shall be:

3.1 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;

3.2 To bargain collectively on behalf of its members;

3.3 To promote a high standard of professional ethics and a high standard of professional competence;

3.4 To support and promote equal opportunity within education;

3.5 To foster and promote the dignity of all persons regardless of gender, sexual orientation, race, religion, age or cultural origin.

ARTICLE 4 – MEMBERSHIP

4.1 Members shall include all permanent, temporary, and casual – office, clerical and technical employees employed by the Rainbow District School Board in District 3, O.S.S.T.F.

ARTICLE 5 – DUES & LEVIES

5.1 Members shall pay annual dues as prescribed by the By-laws of O.S.S.T.F.

5.2 In addition to the dues prescribed by O.S.S.T.F., a levy may be required by this Bargaining Unit. The amount of the levy shall be approved by a majority vote of those Members present, qualified to vote, and voting at the Annual General Meeting of the Bargaining Unit.

ARTICLE 6 – ORGANIZATION

6.1 Bargaining Unit Executive

The Bargaining Unit Executive shall consist of the following voting members:

- a) President
- b) Vice-President
- c) Secretary/Treasurer
- d) Chief Negotiator/Protective Services Committee (PSC) Chair
- e) Grievance Officer
- f) Area Representatives as defined in Article 10
- g) Equity, Anti-Racism and Anti-Oppression Officer

ARTICLE 7 – COLLECTIVE BARGAINING

7.1 There shall be a Protective Services Committee for the Bargaining Unit elected in accordance with the By-laws.

7.2 The Protective Services Committee shall be responsible to the Bargaining Unit Executive through the Lead Negotiator.

ARTICLE 8 – STANDING COMMITTEES

8.1 There shall be Bargaining Unit Standing Committees as designated in the By-laws.

ARTICLE 9 – AMENDMENTS TO THE CONSTITUTION

9.1 A constitutional review will take place yearly by March 1st.

9.2 Amendments to this constitution may be made at a General Meeting as provided in the By-laws.

ARTICLE 10 – AREA REPRESENTATIVES

10.1 There shall be area representatives for Manitoulin, Espanola, and Sudbury.

10.2 For each 50 members or part thereof in an area, there shall be one representative

- 10.3** The term of an area representative shall be one year.

THE BY-LAWS

BY-LAW 1 – UNIT FEDERATION YEAR

- 1.1** For fiscal matters, the Unit Federation Year shall be from July 1 to the following June 30.

BY-LAW 2 – GENERAL MEETINGS

- 2.1** Notice of General Meetings shall be given to the Members in writing at least ten (10) working days prior to the date of the meeting.
- 2.2** The Bargaining Unit President shall call a General Meeting where ten (10) percent or more of the Members make such a request in writing to the President.

BY-LAW 3 – ANNUAL GENERAL MEETING

- 3.1** Notice of the Annual General Meeting shall be given to the Members by the Bargaining Unit President or designate in writing at least thirty (30) calendar days prior to the date of the meeting.
- 3.2** The Annual General Meeting shall be held in the spring.
- 3.3** The meeting format, available functions and features shall be communicated to the membership no later than ten (10) working days before the meeting.
- 3.4** Agenda items from the units should be received in writing at the District Office no later than fifteen (15) calendar days prior to the meeting.

BY-LAW 4 – EXECUTIVE MEETINGS

- 4.1** The Bargaining Unit Executive shall meet by November and at the call of the President but not less than five (5) times per school year.
- 4.2** The Bargaining Unit President shall call a meeting of the Executive when at least thirty (30) percent of the members of the Executive make such a request in writing to the

President.

BY-LAW 5 – QUORUM

- 5.1** A quorum for meetings shall be a simple majority of those members present and voting.

BY-LAW 6 – ELECTIONS

- 6.1** Elections for the Executive shall be held by secret ballot on the following schedule:

6.1.1 President, Secretary/Treasurer, and Grievance Officer in even numbered years.

6.1.2 Vice-President, Lead Negotiator/PSC Chair and Equity, Anti-Racism and Anti-Oppression Officer in odd numbered years.

6.1.3 Area representatives shall be elected annually.

- 6.2** There shall be a nominations committee appointed by the Bargaining Unit Executive to bring forward a list of candidates for election to the Bargaining Unit Executive at the Annual General Meeting.

6.2.1 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 other Members' signatures, to the Secretary/Treasurer of the Bargaining Unit, at least ten (10) calendar days prior to the election.

6.2.2 Any Member of the Bargaining Unit may be nominated "from the floor" supported by two other Members as mover and seconder of the motion to nominate.

6.2.3 Nominations shall close 30 minutes before elections commence.

- 6.3** Elections for Executive shall be in the order listed in Article 6 of the Constitution.

- 6.4** The procedures for voting for elected positions shall be communicated to the membership no later than ten (10) working days before the meeting.

- 6.5** A candidate who receives a majority of the votes cast on any ballot shall be declared elected. Should no candidate receive a majority on the first ballot, the candidate receiving the fewest number of votes shall be dropped from succeeding ballots until a majority is reached. In the event of the two lowest candidates receiving the same number of votes, with more than three candidates on the ballot, both the tied candidates shall be dropped.

6.5.1 The Nominations Officer shall oversee the counting of the ballots. The Nominations Officer may appoint additional members, who cannot be associated with the campaign for a candidate, to assist with the counting of the ballots.

6.5.2 Each candidate may appoint a scrutineer.

6.6 Defeated candidates shall be considered for other offices remaining for election if they choose.

6.7 Any vacant positions will be held by the President or other member of the Executive.

BY-LAW 7 – APPOINTED POSITIONS

7.1 The Bargaining Unit shall be represented by members of the Bargaining Unit on these District Committees:

- a) Status of Women
- b) Communication & Political Action
- c) Education Services
- d) Human Rights
- e) Health and Safety

7.1.1 These committee members shall be appointed by the Bargaining Unit Executive at the last meeting of the school year.

7.2 Candidates who wish to be considered may indicate their intention to run for office by submitting their name, supported by two other Members' signatures, to the Secretary/Treasurer of the Bargaining Unit, at least ten (10) calendar days prior to the election.

BY-LAW 8 – DUTIES OF THE BARGAINING UNIT EXECUTIVE

It is the duty of the Executive to:

8.1 Manage the affairs of the Bargaining Unit Executive between the Annual General Meetings.

8.2 Recommend and evaluate policy; assign or recommend projects to the Unit; and establish Ad Hoc Committees when needed, and their terms of reference.

- 8.3** Communicate regularly with the O.S.S.T.F. District office and the Unit members regarding the management of Unit business.
- 8.4** Appoint an alternate to represent the Bargaining Unit President for all or part of a Provincial Council meeting should the Bargaining Unit President be unable to attend.

BY-LAW 9 – DUTIES OF EXECUTIVE MEMBERS

- 9.1** The duties of the President shall be to:
 - 9.1.1** Call and preside over all Executive and General Meetings
 - 9.1.2** Fulfill the duties of the Bargaining Unit President as outlined in the O.S.S.T.F. Handbook
 - 9.1.3** Be an ex-officio member of all Bargaining Unit committees
 - 9.1.4** Report to the Bargaining Unit Executive and Members of the activities and concerns of the District.
 - 9.1.5** Report to the Members at the Annual General Meeting
 - 9.1.6** Be a member of the Negotiating Team
 - 9.1.7** Serve as the Bargaining Unit's Provincial Councillor
 - 9.1.8** Represent the Bargaining Unit at the Bargaining Unit Presidents' Meetings; the District Executive Meetings; and the District Annual General Meeting
 - 9.1.9** Represent the Bargaining Unit at AMPA
- 9.2** The duties of the Vice-President shall be to:
 - 9.2.1** Perform the duties of the President in the President's absence
 - 9.2.2** Carry out duties as may be assigned by the Bargaining Unit Executive
 - 9.2.3** Act as chairperson of the unit nominating committee and Bargaining Unit Nominations Officer
 - 9.2.4** Review the Unit's Constitution yearly along with the District Officer and present suggested amendments to the Annual General Meeting
- 9.3** The duties of the Secretary/Treasurer shall be to:
 - 9.3.1** Take minutes at all meetings and distribute them to the Executive members and the District 3 Office Administrator prior to the following meeting
 - 9.3.2** Email a copy of the minutes of General Membership meetings to all members and the District 3 Office Administrator.
 - 9.3.3** Prepare a financial report in conjunction with the District Treasurer and Unit Executive for presentation at the Annual General Meeting
 - 9.3.4** Prepare a proposed budget in conjunction with the District Treasurer and Unit Executive for presentation and vote at the Annual General Meeting

9.3.5 Be a participating member representing the Unit, on the Rainbow District 3 Finance Committee

9.4 The duties of the Lead Negotiator/PSC Chair shall be to:

9.4.1 Be a member of the negotiating team

9.4.2 Be the spokesperson for the negotiating team

9.4.3 Chair the Bargaining Unit Protective Services Committee meetings

9.4.4 Report on a timely and regular basis to the Executive and the members

9.4.5 Be a member of the Protective Services Committee

9.5 The duties of the Grievance Officer shall be to:

9.5.1 Attend all approved Provincial, Regional and Super Regional and-or District workshops pertaining to the grievance process

9.5.2 Inform the President and the Executive of all requests for assistance and potential grievances

9.5.3 Evaluate alleged grievances, analyze relevant contract terms and development of arguments and policies in pursuing the grievance procedure

9.5.4 Determine to what extent and in what areas legal counsel is required and seek advice from appropriate sources, i.e. Provincial/District, and with assistance if necessary.

9.5.5 Ensure that the provisions of the Collective Agreement are maintained;

9.5.6 Advise individuals in processing grievances;

9.5.7 Assist in preparation of documentation for Steps 1 to 3 of grievances;

9.5.8 Maintain a liaison with the Provincial Office through the Field Secretary in regard to grievances.

9.6 The duties of the Area Representatives shall be to:

9.6.1 Represent the area members at the Unit and District Executive meetings

9.6.2 Carry out duties as determined by the Bargaining Unit Executive

9.6.3 Encourage members in their area to become members of the District Standing Committees

9.6.4 Carry out the duties as outlined in the By-laws

9.7 The duties of the Equity, Anti-Racism and Anti-Oppression Officer shall be to:

9.7.1 Act as a resource person in the Bargaining Unit which may include reviewing local OSSTF policies, bylaws, events, communications and processes from an equity perspective to advance equity at the local level

9.7.2. Assist in the creation and maintenance of accessible and inclusive local practices and processes to remove barriers to participation

- 9.7.3 Assist the executive regarding equity issues
- 9.7.4 Attend and report to meetings of the Executive
- 9.7.5 Build awareness on equity, anti-racism and anti-oppression issues

BY-LAW 10 – AMENDMENTS TO THE CONSTITUTION

- 10.1** Amendments to this Constitution may be made at the ESSU Annual General Meeting as follows:

10.2 Amendments to Articles

- 10.2.1** Amendments to Articles within this Constitution shall be made as follows:

- 10.2.1.1** By a two-thirds majority of the members present and qualified to vote and voting providing that:

10.2.1.1.1 Notice of the proposed amendment shall have been given in writing to the President and Secretary no later than twenty (20) calendar days prior to the ESSU Annual General Meeting, and

10.2.1.1.2 Such notice shall have been forwarded to all members in order to arrive no later than then (10) working days before the date of the Annual General Meeting.

- 10.2.1.2** By a nine-tenths majority of the members present and qualified to vote and voting, providing previous notice as in 11.2.1.1 not having been given.

10.3 Amendments to By-Laws

- 10.3.1** Amendments to By-Laws within this Constitution shall be made as follows:

- 10.3.1.1** By a one-half majority of the members present and qualified to vote and voting providing that:

10.3.1.1.1 Notice of the proposed amendment shall have been given in writing to the President and Secretary no later than twenty (20) calendar days prior to the Annual General Meeting.

10.3.1.1.2 Such notice shall have been forwarded to the work locations in order to arrive no later than ten (10) working days before the date of the Annual General Meeting.

- 10.3.1.2** By a three-quarters majority of the members present and qualified to vote and voting, providing previous notice as in 11.3.1.1 not having been given.

BY-LAW 11 – VACANCY

- 11.1** If a vacancy occurs in any Bargaining Unit Executive position, except the position of President, the Bargaining Unit Executive shall appoint a Member to fill the vacancy.
- 11.2** Where the vacancy occurs in the position of President, the Vice-President shall assume the position for the remainder of the term of office.

BY-LAW 12 – PROTECTIVE SERVICES COMMITTEE

- 12.1** The Protective Services Committee for the Bargaining Unit shall consist of the following members:

- 12.1.1** the Unit President
- 12.1.2** the Lead Negotiator who will act as the Committee Chair
- 12.1.3** Five (5) Members-at-Large, and whenever possible, at least one from each of Espanola, Manitoulin, and Sudbury
- 12.1.4** the Unit Grievance Officer
- 12.1.5** additional representative(s) where any job category does not have representation otherwise

- 12.2** The Bargaining Unit Executive shall appoint a Member to fill any vacancies.
- 12.3** The members of the Protective Services Committee shall elect from its own members the Negotiating Team.
- 12.4** The Negotiating Team shall include the President, Lead Negotiator, and Grievance Officer plus up to three additional members.

BY-LAW 13 – DUTIES OF THE PROTECTIVE SERVICES COMMITTEE

- 13.1** It shall be the duty of the Protective Services Committee:
- 13.1.1** To survey the membership
 - 13.1.2** To prepare a negotiating brief
 - 13.1.3** To seek approval for the brief from the Bargaining Unit Executive and Provincial Office of O.S.S.T.F.

- 13.1.4** To communicate regularly with the Members on the progress of negotiations
- 13.1.5** To seek assistance from Provincial O.S.S.T.F. Negotiators as needed
- 13.1.6** To seek the ratification of the Collective Agreement from the Bargaining Unit Members
- 13.1.7** Give final approval to the Unit's negotiating brief.
- 13.1.8** Establish procedures for the ratification of a Collective Agreement.

BY-LAW 14 – DELEGATES TO THE DISTRICT 3 ANNUAL GENERAL MEETING

- 14.1** In accordance with the District 3 Constitution, the Bargaining Unit shall be represented at the District 3 Annual General Meeting by the President, who is a member of the District Executive. The Bargaining Unit shall also send a total of (FTE/15) additional delegates to the District Annual General Meeting.
- 14.2** Delegates to the District 3 Annual General Meeting shall first be chosen from the members of the Unit Executive.
- 14.3** If any members of the executive are unable to attend, the unit executive shall solicit volunteers from the membership and appoint delegates from interested candidates.

BY-LAW 15 – GRIEVANCE APPEALS COMMITTEE

- 15.1** When a grievance has been turned down by the Grievance Officer, the griever has the right to take the potential grievance to a member of the Grievance Appeal Committee.
- 15.2** The Grievance Appeal Committee will be composed of:
 - 15.2.1** one member from the Bargaining Unit Executive and
 - 15.2.2** two (2) additional members from that same geographic area where the griever works, whenever possible, to act as the Appeal Committee for that particular grievance.
- 15.3** The decision of the Grievance Appeal Committee is final.

BY-LAW 16 – ANTI-HARASSMENT AND ANTI-BULLYING POLICY

- 16.1** There shall be an anti-harassment and anti-bullying policy for the Bargaining Unit.
- 16.2** The policy and accompanying procedures, once approved by the Bargaining Unit

Executive, shall be communicated with all members.

BY-LAW 17 – ANTI-HARASSMENT AND ANTI-BULLYING APPEALS PROCEDURE

- 17.1** There shall be a Bargaining Unit Anti-Harassment and Anti-Bullying Appeals Procedure.
- 17.2** The policy and procedures, once approved by the Bargaining Unit Executive, shall be communicated with the members.

