

**CONSTITUTION
OF THE

ELEMENTARY
TEACHERS' FEDERATION
OF
ONTARIO

DURHAM TEACHERS'
LOCAL**

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ETFO HUMAN RIGHTS STATEMENT

The Elementary Teachers' Federation of Ontario is committed to:

- providing an environment for members that is free from harassment and discrimination at all Provincial or Local Federation sponsored activities;
- fostering the goodwill and trust necessary to protect the rights of all individuals within the organization;
- neither tolerating nor condoning behaviour that undermines the dignity or self-esteem of individuals or the integrity of relationships; and
- promoting mutual respect, understanding and co-operation as the basis of interaction among all members.

Harassment and discrimination on the basis of a prohibited ground are violations of the Ontario Human Rights Code and are illegal. The Elementary Teachers' Federation of Ontario will not tolerate any form of harassment or discrimination, as defined by the Ontario Human Rights Code, at provincial or local Federation sponsored activities.

EQUITY STATEMENT

It is the goal of the Elementary Teachers' Federation of Ontario to work with others to create schools, communities, and a society free from all forms of individual and systemic discrimination. To further this goal, ETFO defines equity as fairness achieved through proactive measures which result in equality, promote diversity, and foster respect and dignity for all.

DEFINITIONS

- Federation means the provincial Elementary Teachers' Federation of Ontario.
- Local means the Durham Teachers' Local.

ARTICLE I - NAME

- 1.1 This organization shall be known as the “Elementary Teachers’ Federation of Ontario - Durham Teachers’ Local.”

ARTICLE II - JURISDICTION

- 2.1 The Durham Teachers’ Local is a Local of the Elementary Teachers’ Federation of Ontario.
- 2.2 The jurisdiction of the Durham Teachers’ Local shall be all teachers other than occasional teachers employed by the Durham District School Board in the elementary panel.

ARTICLE III - OBJECTIVES

The objectives of the Local shall be:

- 3.1 to represent members of the Elementary Teachers’ Federation of Ontario - Durham Teachers’ Local;
- 3.2 to secure through collective bargaining the best possible terms and conditions of employment;
- 3.3 to advance the cause of publicly funded education and the status of teachers in the Local;
- 3.4 to promote a high standard of professional ethics and a high standard of professional competence;
- 3.5 to promote and protect the interests of all members of the Local and the students in their care;
- 3.6 to co-operate with other organizations having the same or like objectives;
- 3.7 to promote and advance the causes of social justice.
- 3.8 to promote and defend the health and safety of members in the workplace.

ARTICLE IV - MEMBERSHIP

Section 1 - Active Membership

- 4.1.1 Active members shall be all members of ETFO within the jurisdiction of the Durham Teachers’ Local.

Section 2 - Associate Membership

- 4.2.1 Associate members of the Elementary Teachers’ Federation of Ontario - Durham Teachers’ Local are those members whose application has been approved by the Local and approved by the Federation Executive and who have paid the annual fee in accordance with the Federation Bylaws.

- 4.2.2 Eligibility for associate membership in the Elementary Teachers' Federation of Ontario - Durham Teachers' Local is as defined in article 4.2.3 of the Federation Constitution as follows:
- a) members of other affiliates of OTF;
 - b) teachers or native language instructors employed in private schools, provincial schools, or Federal government schools, First Nation or Council schools;
 - c) employees of the Federation or Locals;
 - d) teachers employed at a college or university;
 - e) former members or persons engaged in a professional capacity related to education;
 - f) former members in good standing who are currently not employed by a school board;
 - g) former members in good standing who have been declared redundant and are not employed by a school board – this membership shall only be held for two years;
 - h) former members who were on LTD and whose contract with an employer has been terminated – this membership shall only be held for two years;
 - I) exchange teachers employed as elementary teachers by a public school board;
 - j) retired members who were members of the Federation or its predecessors;
 - k) students attending a teacher education institution in Ontario.

Section 3 Honorary Life Membership

- 4.3.1 A Local Honorary Life Member is a member who:
- a) has been granted an Honorary Life Membership by F.W.T.A.O. or O.P.S.T.F. either Provincially or Locally;
 - b) has been granted an Honorary Life Membership by the Federation;
 - c) has been selected by the Local Executive, who has given outstanding service to education, to the community and/or to the members of the Local.

ARTICLE V - RIGHTS AND PRIVILEGES OF MEMBERSHIP

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 Federation unless limited by disciplinary action taken in accordance with Article VII of the Federation Constitution.
- 5.1.2 The rights of an active member shall be:
- a) to hold office in the Local and in the Federation;
 - b) to attend general meetings of the Local;
 - c) to participate in the vote on the preliminary submission in the collective bargaining process;
 - d) to participate in all votes related to collective bargaining as set out in the Ontario Labour Relations Act;
 - e) to participate in any general membership votes;
 - f) to request Local support in the grievance process;
 - g) to request Local support in any problem directly relating to professional duties.

Section 2 - Rights and Privileges of Associate Membership

5.2.1 An associate member may:

- a) attend Local functions in a non-voting capacity by invitation;
- b) receive such Local communications as the Local decides;
- c) serve on Local committees and workgroups as the Local decides.

Section 3 - Rights and Privileges of Honorary Membership

5.3.1 A Local Honorary Life Member may:

- a) receive such Local communication as the Local decides;
- b) attend Local functions by invitation, in a non-voting capacity;
- c) serve on Local task forces, committees and work groups as the Local deems appropriate.

ARTICLE VI - LOCAL ORGANIZATION

Section 1 - Local Executive

6.1.1 The Local Executive shall include the following positions:

- a) **Officers:**
 - i) President
 - ii) First Vice-President
 - iii) Two (2) Vice-Presidents
 - iv) Health & Safety Officer
 - v) Political Action
- b) **Executive Members:**
 - i) Five (5) Executive Members: three (3) shall be open positions, two (2) shall be positions open to women only.
- c) **Non-voting Members:**
 - i) the President of the Elementary Teachers' Federation of Ontario - Durham Occasional Teachers' Local
 - ii) the President of the Elementary Teachers' Federation of Ontario - Durham DECE Local
 - iii) the President of the Elementary Teachers' Federation of Ontario - Durham Catholic DECE Local

6.1.2 The Officers of the Local and Executive Members shall be elected at the Annual Meeting.

6.1.3 The Local will ensure that at least one of the Vice Presidents will be a woman.

6.1.4 No member of the Local Executive shall serve in more than 1 Local Executive position concurrently.

6.1.5 The term of office for the Executive shall be two years.

6.1.6 Officers may be re-elected for an additional term(s).

- 6.1.7 The Executive shall take office on July 1.
- 6.1.8 The quorum for a Local Executive meeting shall be the majority of the voting Executive members.

Section 2 - The Steward’s Council

- 6.2.1 The voting members of the Steward’s Council shall include the following:
 - a) The Local Executive
 - b) The Federation Stewards (one per school)
- 6.2.2 The quorum for the Steward’s Council shall be 40 voting members.

Section 3 - Health & Safety Representatives

- 6.3.1 There shall be one Health & Safety Representative to be elected by the active members in each workplace. The name of the Health & Safety Representative shall be provided by each workplace to the Local by October 1.

Section 4 - Committees

- 6.4.1 There shall be the following Standing Committees:
 - a) Collective Bargaining
 - b) Nominations
 - c) Political Action/Public Education
 - d) Professional Learning
 - e) Status of Women
 - f) New Teachers/First Five
 - g) Social
 - h) ETFO Annual Meeting
- 6.4.2 Other ad hoc committees required to carry out the work of the Local may be established by the Executive or by general meetings as necessary.
- 6.4.3 Committees shall function at the direction of the Executive and report to the Executive upon request.
- 6.4.4 Each committee shall:
 - a) Establish a set of terms of reference to be reviewed and approved annually by the Executive;

Effective January 1, 2021, 6.4.4 shall be amended to read:

 - a) *Establish, and submit prior to the May Executive meeting, a set of terms of reference, for the next school year, to be reviewed and approved annually by the Executive;*

- b) Advise and make recommendations to the Executive on issues that could impact members in relation to the committee’s purpose;
- c) Advance the goals of the local as described in the Strategic Plan;
- d) Encourage participation of diverse members of our local; and
- e) Endeavour to hold at least one meeting and elect a chairperson prior to the end of October.

Section 5 - Local Executive Responsibility Allowance

- 6.5 The Local Executive shall receive the following responsibility allowance:
- President.....10% of A4 maximum per year
 - First Vice-President6.5% of A4 maximum per year
 - Vice-Presidents6.5% of A4 maximum per year
 - Health & Safety Officer5% of A4 maximum per year
 - Political Action1.43% of A4 maximum per year
 - Executive Members1.43% of A4 maximum per year

ARTICLE VII - ORGANIZATIONAL DUTIES

The Local, its officers and committees, shall carry out their duties and responsibilities in accordance with both the Local and ETFO policies, procedures and resolutions passed at the Annual Meeting.

ARTICLE VIII - MEETINGS

Section 1 - General Meetings

- 8.1.1 General Meetings shall be held twice per year and in locations around the region to be established on a rotating basis.
- 8.1.2 A General Meeting other than the aforementioned may be called as deemed necessary by the Executive or five percent of members of the Association, the meeting to be held within two weeks of receipt of request.
- 8.1.3 A Presiding Officer or Parliamentarian shall be appointed by the Executive to conduct the business of all General Meetings.
- 8.1.4 Quorum for General Meetings shall be those members in attendance.

Section 2 - Local Annual Meeting

- 8.2.1 An Annual Meeting of the members of the Durham Teachers’ Local shall be held not later than May 15.
- 8.2.2 The Annual Meeting shall:
 - a) receive the annual reports of the officers and committees of the Local;
 - b) elect the officers for the next term;
 - c) approve the proposed budget for the next year.

- 8.2.3 The official authority for conducting all Local meetings shall be the current Roberts Rules of Order.
- 8.2.4 A Presiding Officer or Parliamentarian shall be appointed by the Executive to conduct the business of all Local Annual Meetings.
- 8.2.5 Quorum for Local Annual Meetings shall be those members in attendance.

ARTICLE IX - DELEGATES TO THE ETFO ANNUAL MEETING

Section 1 - Eligibility

- 9.1.1 An active member of the Durham Teachers' Local may be nominated as a delegate to the Federation Annual Meeting.
- 9.1.2 Names of delegates to the ETFO Annual Meeting shall be forwarded to the provincial office prior to June 1.

Section 2 - Election Procedures: Delegates to the ETFO Annual Meeting

- 9.2.1 Application forms for prospective delegates shall be distributed to schools by April 30.
- 9.2.2 Delegates shall be elected at a general meeting to be held prior to June 1.

ARTICLE X - RESOLUTIONS TO THE ETFO ANNUAL MEETING

- 10.1 Resolutions to the Federation Annual Meeting shall be passed at a Local general meeting to be held prior to March 1.
- 10.2 Requests for submission of resolutions shall be distributed to members by December 15.
- 10.3 A list of proposed resolutions shall be circulated to schools at least 14 days prior to the Local general meeting.
- 10.4 Notwithstanding 10.3, proposed resolutions may be introduced and voted upon at the Local general meeting.
- 10.5 Resolutions passed at the Local general meeting shall be submitted to the provincial office of the Federation by March 1.

ARTICLE XI - AMENDMENTS TO THE LOCAL CONSTITUTION

- 11.1 The Local Constitution may be amended at the Annual Meeting.
- 11.2 Proposed amendments to the Local Constitution must be submitted to the Executive 28 days prior to the Local Annual Meeting.
- 11.3 The Executive shall publish all proposed amendments to the general membership 14 days prior to the Local Annual Meeting.
- 11.4 The Constitution shall be amended if 60% of the members present at the Annual Meeting vote in favour of the proposed amendment.

**ELEMENTARY TEACHERS' FEDERATION OF ONTARIO
DURHAM TEACHERS LOCAL
BY-LAWS**

BY-LAW I - DUTIES OF THE EXECUTIVE

Section 1 - Executive

The Executive shall:

- 1.0 assign the role of secretary, by election, to a member elected to the Executive;
- 1.1.1 uphold the constitution, bylaws and policies of the Elementary Teachers' Federation of Ontario;
- 1.1.2 execute the business of the Elementary Teachers' Federation of Ontario - Durham Teachers' Local in accordance with the constitution and the decisions of general meetings of the Durham Teachers' Local;
- 1.1.3 hold at least five regular Executive meetings;
- 1.1.4 hold an Executive meeting at the call of the President;
- 1.1.5 receive a financial report at each Executive meeting;
- 1.1.6 appoint members to committees, review and approve terms of reference for such committees and receive committee reports;
- 1.1.7 appoint at least 2 signing officers of the Local;
- 1.1.8 consider, by Executive motion, nominations to Provincial Executive positions, such requests to be submitted, in writing, to the President by March 1st of the election year, and which may include a request for campaign funding, not to exceed the provincial campaign spending guidelines. Subsequent to the approval of a candidate for a Provincial Executive position, the Executive shall direct the President to apply his/her signature to the nomination form of the candidate.

Section 2 - Duties of Officers

- 1.2.1 The duties of the President shall be:
 - a) to be the official representative of the members of the Durham Teachers' Local;
 - b) to preside at Executive and General meetings;
 - c) to carry out the directives of the local Executive;
 - d) to serve on the Collective Bargaining Committee and to serve or delegate membership on all other committees;
 - e) to be signing officer;
 - f) to carry on the official correspondence of the association;
 - g) to assign the Communications Portfolio;

- h) to assign to a Vice-President the Treasurer Portfolio which includes the following:
 - 1) to keep accurate and detailed financial records of the Durham Teachers' Local based on the local fiscal year, July 1 to June 30;
 - 2) to deposit and disburse funds in accordance with Local policy and authorization;
 - 3) to check and retain all bills, vouchers and receipts to cover all expenditures;
 - 4) to make a financial report to each Executive and General Meeting of the local;
 - 5) to develop a financial policy for annual review by the Executive;
 - 6) to make investments with the approval of the Executive;
 - 7) to ensure the audit is completed;
 - 8) to forward the annual audited financial statement of the Durham Teachers' Local to the Provincial Office of the Federation by September 30;
 - 9) to be responsible for additional duties as assigned by the President and/or Executive.
- i) to attend the ETFO Provincial Annual Meeting as a delegate;
- j) to send, or delegate someone to send, a copy of the approved minutes of Stewards' Council within 15 working days to each Executive member and each Federation worksite;
- k) to post electronically, or delegate someone to post electronically, a copy of the approved minutes of Stewards' Council for the information of members within 15 working days of the meeting.

1.2.2 The duties of the First Vice-President shall be:

- a) in the President's absence, to assume the responsibilities of the President;
- b) to be responsible for additional duties as assigned by the President and/or Executive;
- c) to attend the ETFO Provincial Annual Meeting as a delegate.

1.2.2.1 The duties of the Vice-Presidents shall be:

- a) to be responsible for additional duties as assigned by the President and/or Executive;
- b) to attend the ETFO Provincial Annual Meeting as a delegate.

1.2.3 The duties of the Secretary shall be:

- a) to maintain accurate records of all meetings of the Local;
- b) to perform any other clerical duties as assigned by the Executive.

1.2.4 The duties of the Political Action Officer shall be:

- a) to chair the Political Action Committee;
- b) to assume duties as assigned by the President and/or Executive.
- c) to attend, or to assign a designate in their place:
 - i) GTA PAC
 - ii) the Biennial Convention of the Ontario Federation of Labour
 - iii) all Durham Region Labour Council meetings
 - iv) ETFO Fall Leadership meeting

1.2.5 The duties of Executive Members shall be:

- a) to participate in one of the following standing committees:
 - * Professional Development
 - * Status of Women
 - * New Teachers/First Five;
 - * Social;
 or participate in an ad hoc committee, such as Goodwill or Equity/Human Rights.

- 1.2.6 The duties of the Health & Safety Officer shall be:
- a) to service members in the areas of Health and Safety, Disability Management, Long Term Disability, and Wellness
 - b) to attend the ETFO Provincial Annual General Meeting as a delegate
 - c) to be responsible for additional duties as assigned by the President and/or Executive

Section 3 – Vacancy Fill Procedures

- 1.3.1
- a) A vacancy at the position of President shall be filled by the First Vice-President.
 - b) A vacancy at the position of First Vice-President shall be filled by an election of a Vice-President by a vote of the Executive. Notwithstanding the above, if a vacancy at the position of First Vice-President is not filled for any reason, the vacancy shall be filled by the Executive by the election of a member of the Executive or Officer in accordance with this Bylaw.
 - c) A vacancy at the position of Vice-President shall be filled by the Executive by an election of an Officer (Health & Safety Officer or Political Action) or an Executive Member.
 - d) A vacancy at the position of Health & Safety Officer shall be filled by the Executive by an election of an Officer (Political Action) or an Executive Member.
 - e) A vacancy at the position of Political Action shall be filled by the Executive by an election of an Officer or an Executive Member.
 - f) A vacancy at the position of Executive Member occurring during the first year of the two-year term of office, shall be filled by an in-school vote. Members shall be invited to nominate candidates to fill the vacancy. A candidate shall take office immediately after the election results are known.
 - g) A vacancy at the position of Executive Member in the second year of the two-year term of office, shall be filled by the Executive when necessary. If a vacancy fill is deemed necessary members shall be invited to nominate candidates to fill the vacancy. The Executive shall select a candidate by secret ballot from among the nominations received. A candidate shall take office immediately after the Executive meeting at which the selection is made.

1.3.1.1 A vacancy in an equity position shall be only open to designated members.

1.3.1.2 Any candidate for a vacancy at an officer position shall be duly nominated and seconded, and the voting Executive members shall be provided a list of candidates 7 days prior to the election to fill the vacancy.

1.3.1.3 Notwithstanding 1.3.1.2, where a vacancy is created as a result of the vacancy fill process, subsequent elections as outlined in 1.1.8 may occur immediately, provided that all candidates are duly nominated and seconded.

BY-LAW II - STEWARD'S COUNCIL

The Steward's Council shall function in accordance with **ARTICLE VII**.

Section 1 - Voting

2.1.1 The Steward's Council members shall register on arrival at a duly called meeting of the Council and be issued a voting card.

- 2.1.2 Voting shall be conducted by the use of a voting card.
- 2.1.3 A substitute may register and vote in the absence of a Federation Steward.
- 2.1.4 The substitute must be an Active member from the same Worksite.

Section 2 - Open Meetings

- 2.2.1 Any Active Member from the Local may attend meetings of the Steward's Council as an observer.
- 2.2.2 Any Associate Member or Honorary Member may be invited to attend meetings of the Steward's Council as an observer.
- 2.2.3 Notwithstanding the above, the Council may vote to exclude observers.

Section 3 - Notice of Meeting

- 2.3.1 The Local Executive shall notify voting members of the Steward's Council of the meeting schedule for the school year by September 15.
- 2.3.2 Additional meetings may be scheduled at the call of the Local Executive or at the request of fifteen (15) or more voting members of the Steward's Council.
- 2.3.3 Notice of such additional meetings shall be given at least five (5) working days in advance of the meeting, notwithstanding an emergency situation.

Section 4 - Presiding Chairperson

- 2.4.1 The presiding chairperson for meetings of the Steward's Council shall be the President of the Local, or designate.
- 2.4.2 Notwithstanding the above (2.4.1), the Steward's Council may vote to adopt a speaker system for conducting meetings. Such a decision would be subject to review the following year.

Section 5 - Duties of the Steward's Council

The duties of the Steward Council shall be:

- 2.6.1 To abide by the constitution, by-laws and policies of the Local.
- 2.6.2 To act upon recommendations of the Executive and Standing Committees.
- 2.6.3 To act in accordance with the Objects of the Local and the established priorities.
- 2.6.4 To receive a financial report as information.

- 2.6.5 To authorize extraordinary expenses not covered by the budget.
- 2.6.6 To recommend policy to the Local Executive and to the membership at any general meeting.
- 2.6.7 To receive reports
- 2.6.8 To meet a minimum of three (3) times a year.
- 2.6.9 To voice concerns and inquiries from the membership through the Federation Stewards.
- 2.6.10 To put forward to the Local General Meeting, resolutions to the Provincial ETFO Annual Meeting.

BY-LAW III - WORKPLACE STEWARD

THE STEWARD REPRESENTATIVE

Each Worksite shall elect one Steward Representative. There will be no limit to the number of assistant Stewards at a worksite.

Duties of the Steward Representative

- 3.1.1 To abide by the Constitution and By-Laws of the Local.
- 3.1.2 To attend all Steward Council meetings or appoint an appropriate designate or to inform the president in advance of a necessary absence.
- 3.1.3 To attend all General Meetings of the Local.
- 3.1.4 To act upon the recommendations of the Executive.
- 3.1.5 To call Worksite meetings and act as chair at such meetings.
- 3.1.6 To be the representative of the Local at Worksite meetings, and to inform staff members of the business related to the Federation and the Local.
- 3.1.7 To represent the interests of members regarding collective bargaining issues at the Worksite.
- 3.1.8 To be responsible for distributing notices of meetings, special functions and promoting the activities of the Local.
- 3.1.9 To be a voting member of the Steward Council.
- 3.1.10 To elect one (1) Steward Liaison for each Area.

BY-LAW IV- ELECTIONS

Section 1 - Eligibility

4.1.1 An active member in good standing may be nominated to stand for elected office.

Section 2 - Nominations: Officers and Executive Members

4.2.1 The Nominations Committee shall consist of four executive members.

4.2.2 The Nominations Committee shall:

- a) distribute nomination forms to each school by March 15;
- b) distribute to each school the list of candidates 14 days prior to the Local Annual Meeting.

4.2.3 Notwithstanding the above, nominations duly moved and seconded and with the consent of the nominee, shall be accepted at the Annual Meeting for any position for which no prior nomination has been received.

Section 3 - Election Procedures: Officers and Executive Members

4.3.1 The following members of the Executive shall be elected at the Local Annual Meeting:

- a) President;
- b) First Vice-President;
- c) Two (2) Vice-Presidents;
- d) Health & Safety Officer;
- e) Political Action;
- f) Five (5) Executive Members: three (3) shall be open positions, two (2) shall be positions open to women only.

4.3.2 Candidates shall have the opportunity to address the Local Annual Meeting before the election for a maximum time of three minutes.

4.3.3 The election shall be by secret ballot.

4.3.4 Each candidate may appoint one scrutineer to observe the counting of the ballots for that candidate's election.

4.3.5 Voting shall be by successive ballot on each officer position for which there is more than one nomination until a candidate has received 50% + 1 of the ballots cast.

4.3.6 The successful candidates for Executive Member positions shall be the two (2) candidates identifying as female receiving the highest number of votes cast, and the three (3) candidates with the highest number of votes cast of all the remaining candidates.

4.3.7 The successful candidates for the two (2) Vice-President positions shall be the one (1) candidate identifying as female receiving the highest number of votes cast, and the one (1) candidate with the highest number of votes cast of all the remaining candidates.

4.3.8 In the event of a tie on the final vote, a new ballot shall be taken.

4.3.9 An unsuccessful candidate may seek another position on the Executive for which the member is eligible.

4.3.10 The ballots will be destroyed by motion of the Annual Meeting immediately following the elections.

BY-LAW V- AREA MEETINGS

Areas, for Area meetings, are determined by the Local and are based on considerations including, but not limited to, geography, superintendent, and feeder school boundaries for secondary schools.

5.1 Area meetings will be held two (2) times per school year.

5.2 Where possible, members shall receive a minimum of fourteen (14) days notice of scheduled Area meetings.

Approved: March 1998
Amended: November 2004
Amended: May 2006
Amended: November 2006
Amended: May 2008
Amended: May 2011
Amended: May 2013
Amended: May 2015
Amended: May 2016
Amended: May 2017
Amended: May 2018
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Amended: June 2020
Amended: June 2021