

WESTERN TEACHERS' ASSOCIATION LOCAL BYLAWS

Part 1 - Membership

- 1.1 Members who are eligible to participate in Political Processes of the Local pursuant to article 4.4 of the Constitution have the following rights:
 - (a) to attend and participate in Membership Meetings, and vote on business;
 - (b) to attend Executive meetings, with the exception of any part declared to be in-camera;
 - (c) to seek election to the Executive, seek election or appointment to any Committees of the Local, and seek to be a Delegate to Provincial Council;
 - (d) to nominate other Members to run for a position on the Executive, or Provincial Council;
 - (e) to vote in any elections conducted by the Local; and
 - (f) to participate in a ratification vote.

- 1.2 Members who are ineligible to participate in the Political Processes of the Local pursuant to article 4.4 of the Constitution have the following rights:
 - (a) to attend and participate in Membership Meetings, and vote on business with the exception of business that meets the definition of Political Processes;
 - (b) to attend Executive meetings with the exception of any part declared to be in-camera; and

 - (c) to participate in a ratification vote.

- 1.3 Members who cease to pay Required Membership Fees shall cease to enjoy the rights of Membership under the Constitution and Bylaws of the Local during the period that the Required Membership Fees are not paid.

Part 2 - Delegates to Provincial Council

- 2.1 The Executive shall appoint the Local's Delegates to Provincial Council.
- 2.2 The President of the Local is automatically entitled to be a Delegate to Provincial Council.
- 2.3 The remainder of the Local's Delegates to Provincial Council shall be appointed by the Executive, in its discretion, from Members of the Local in the following order:
 - (a) Members of the Executive;
 - (b) School Representatives; and
 - (c) other Members entitled to participate in the Political Processes of the Local who are willing to be Delegates.

Part 3 - Membership Meetings

Annual General Meeting

- 3.1 An Annual General Meeting of the Membership shall be held once per year no later than June 30th.
- 3.2 The agenda for the Annual General Meeting shall include:
 - (a) elections;
 - (b) the approval of the annual budget of the Local for the following School Year;
 - (c) the approval of the Required Membership Fees of the Local; and
 - (d) such other general and new business as determined by the Members.

Special Membership Meetings

- 3.3 Subject to article 10 of the Constitution, a Special Membership Meeting may be called in one of the following ways:
 - (a) by the President of the Local;

- (b) by the Provincial Executive or General Secretary of the Society; or
- (c) by any Member of the Local entitled to participate in the Political Processes of the Local, if a request in writing is submitted to the President, which written request states the reason for the meeting and is supported by at least forty (40) signatures of Members entitled to participate in the Political Processes of the Local.

3.4 Subject to article 3.5 of these Bylaws, the Membership must receive a minimum of seven (7) Days' written notice of a Special Membership Meeting, and a meeting called pursuant to article 3.3(c) of these Bylaws shall be scheduled within seven (7) to fourteen (14) Days following the Day on which the written request is submitted to the President. The General Secretary of the Society shall be provided with an electronic copy of all written notices of special membership meetings, as soon as possible.

3.5 The President has the discretion to waive the minimum notice of a Special Membership Meeting required by article 3.4 in urgent circumstances, in which case the Special Membership Meeting shall be scheduled with as much notice to the Membership and General Secretary as is reasonably possible.

3.6 The agenda for a Special Membership Meeting shall be limited to the business for which it was called.

Provisions Applicable to all Membership Meetings

3.7 The quorum for Membership Meetings shall be twenty-five (25) Members entitled to participate in the Political Processes of the Local.

3.8 If quorum for a Membership Meeting is not met, the Membership Meeting may continue on an informational basis but no votes or decisions on business matters shall be conducted. The President has the discretion to schedule a Special Membership Meeting to conduct the required business.

3.9 If the Annual General Meeting does not have quorum, and it is not feasible to schedule a Special Membership Meeting, the membership may vote on the Budget of the Local and the Fees of the Local in accordance with the procedures set out in articles 3.11 through 3.12 of these Bylaws. The General Secretary shall be provided written electronic notice of the Local's intention to conduct a vote in accordance with

the procedures set out in articles 3.11 through 3.12 of these Bylaws, as soon as possible in advance of the vote.

3.10 With the exception of article 10 of the Constitution and article 12 of the Constitution, which require a two-thirds (2/3) vote of Members in attendance and entitled to participate in the Political Processes of the Local, business at a Membership Meeting shall be conducted by a majority vote of the Members present and entitled to vote pursuant to Part 1 of these Bylaws.

Canvassing the Membership outside of Membership Meetings

3.11 In between Membership Meetings, the Membership may vote on an issue through either a paper ballot or a secure electronic vote, in the following circumstances:

- (a) a vote on changes to Benefits;
- (b) a vote on the Budget or Fees of the Local in accordance with Article 3.9;
- (c) a vote on the election of the Members of the Executive, if quorum was not met at the Annual General Meeting.

3.12 It is the discretion of the Executive to decide whether the vote under article 3.11 is held through paper ballot or secure electronic means.

3.13 A vote in accordance with Article 3.11(a) shall be done in accordance with the following process:

- (a) An informational meeting shall be scheduled to provide information about the proposed Benefits change, at least thirty (14) Days before a vote will take place;
- (b) An information package regarding the proposed Benefits change shall be distributed to all Members, at least thirty (14) Days before a vote will take place;
- (c) A vote shall be held after having provided at least seven (7) Days' notice of the vote to the Members.

3.14 At least seven (7) Days' notice of a vote held in accordance with Article 3.11(b) and (c) shall be provided to Members.

3.15 A vote held in accordance with Article 3.11(c) shall be held within thirty (30) Days of the Annual General Meeting at which quorum was not met.

3.16 A vote conducted pursuant to articles 3.11 through 3.14 requires at least 25 Members to vote to be valid, and the decision shall be determined by majority of votes cast.

Part 4 – Ratification and Interest Arbitration Votes

4.1 The Executive shall direct the President to call a Ratification Meeting for the purposes of ratifying a renewed collective agreement, and shall cause to be held a ratification vote in accordance with the requirements of *The Labour Relations Act*.

4.2 The Executive shall ensure that:

- (a) all Members are provided reasonable notice of the vote;
- (b) all Members are provided a reasonable opportunity to vote; and
- (c) the vote is conducted by secret ballot.

4.3 A secret ballot vote of the Membership conducted at a Membership Meeting must occur to approve any recommendation to proceed to interest arbitration pursuant to the Bylaws of the Society.

4.4 Prior to referring a matter to interest arbitration or conducting a ratification vote, pursuant to the Bylaws of the Society, the Society shall be provided with the opportunity to discuss its views about the advisability of referring the matter to interest arbitration or accepting any collective agreement, and no ratification vote or vote to proceed to interest arbitration shall be held by the Local until after the Society has been provided with the opportunity to present its views to the Members.

Part 5 – Executive

5.1 The Members of the Executive shall consist of the following:

- (a) President;
- (b) Vice-President;

- (c) Past-President, subject to article 5.4;
- (d) Secretary;
- (e) Treasurer;

Committee Chairpersons of the Standing Committees (refer to part 10) set out in these Bylaws;

- (f) Any Member of the Local who serves on the Provincial Executive not otherwise sitting on the Executive.

5.2 The duties of the Members of the Executive shall include the following:

- (a) The President is the representative of the Local and shall communicate on behalf of the Local; shall call and preside at all Membership and Executive Meetings; shall be an ex-officio member of all Standing Committees and *ad hoc* committees of the Local; shall delegate duties and supervise any duties so delegated; and shall perform such duties as the Executive shall assign.
- (b) The Vice-President shall: assume the duties of the President in the absence of the President, unless unwilling or unable to do so, as delegated by the Executive; and perform such duties as the President or Executive shall assign.
- (c) Subject to article 5.4, the Past-President shall provide information about Local business to the President and Executive upon request.
- (d) The Secretary shall: prepare and preserve, or appoint a designate to cause to be prepared and preserved, an accurate record of the proceedings of all Membership meetings and Executive meetings, including a record of decisions made during in camera portions of meetings; ensure that in camera minutes of meetings are taken and kept sealed; make minutes of Membership meetings (other than in camera minutes) available to Members upon request; produce minutes of meetings, including in camera minutes, and other records upon request to the General Secretary of the Society; preserve records of the Local, which records shall belong to the Local; and perform such other duties as the Executive shall assign.
- (e) The Treasurer shall: oversee the proper conduct of the financial affairs of the Local pursuant to the requirements of the Society; preserve the financial records of the Local, which records shall belong to the Local; ensure that

financial records are preserved for at least seven (7) years; report on the financial affairs of the Local to the Executive and the Membership; and perform such duties as the Executive shall assign.

- (f) Committee chairpersons shall ensure that the Committee carries out its aims and duties in accordance with the Constitution, Bylaws and Policies of the Society, the Constitution and Bylaws of the Local, and any additional duties or terms of reference assigned by the Executive; keep minutes of Committee meetings and a record of the Committee's work; report on the work of the Committee upon request by the Executive; and perform such duties as the Executive shall assign.

- 5.3 All Members of the Executive shall be elected positions, with the exception of the Past-President.
- 5.4 A President of the Local who does not seek re-election or is defeated after one (1) or more terms in office is eligible to serve one (1) additional year on the Executive as Past-President, provided the Past-President remains a Member who is entitled to participate in the Political Processes of the Local at all times during that Year.
- 5.5 Subject to article 5.4, Members of the Executive shall hold a one (1) year term of office beginning July 1 following the Annual General Meeting.
- 5.6 The Members shall determine the release time of the President of the Local and any other Members of the Executive, subject to the terms of the Collective Agreement and the Budget of the Local.
- 5.7 Subject to the approved Budget of the Local, the Local shall endeavor to provide compensation for release time to the Member, as though the Member of the Executive teaches or works for the equivalent of the release time, and no Member of the Executive shall suffer a reduction in salary that would be earned pursuant to the Collective Agreement as a result of occupying a position on the Executive with release time.

Vacancies

- 5.8 A vacancy on the Executive shall occur in any of the following circumstances:
 - (a) the resignation or retirement of a Member of the Executive; or

- (b) the Member of the Executive being unable to act; or
- (c) the removal from office of a Member of the Executive, pursuant to article 10 of the Constitution of the Local; or
- (d) by Executive Motion if a Member of the Executive misses three consecutive Executive meetings without reasonable excuse satisfactory to the Executive.

5.9 Unless the Chief Electoral Officer decides to call an election to fill a vacant position, the Executive shall appoint a Member to fill the vacant position as soon as reasonably possible. In the event of a vacancy in the position of President, the General Secretary of the Society shall be provided written notice of the vacancy as soon as possible and the Vice-President shall assume the position of President, unless unwilling or unable to do so.

Part 6 - Executive Meetings

Regular Executive Meetings

- 6.1 The Executive shall meet at the call of the President no fewer than six (6) times per year.
- 6.2 Members of the Executive shall be given at least seven (7) Days' notice of Executive Meetings.

Special Executive Meetings

- 6.3 Special Executive Meetings may be called:
 - (a) by the President of the Local; or
 - (b) by any Member of the Executive, if a request in writing is submitted to the President, which request states the reason for the meeting and is supported by at least one-half (1/2) of the Members of the Executive.
- 6.4 Special Executive Meetings shall be scheduled upon as much notice to the Members of the Executive as is reasonably possible.
- 6.5 The agenda for a Special Executive Meeting shall be limited to the business for which it was called.

Applicable to all Executive Meetings

- 6.6 The quorum for Executive Meetings shall be one-half (1/2) of the Members of the Executive.
- 6.7 If quorum for an Executive Meeting is not met, the Executive Meeting may continue, but no votes on business matters shall be conducted.
- 6.8 Each Member of the Executive shall have one vote and business shall be decided by a majority vote of the Members of the Executive present at the Executive Meeting, with the exception of a motion to remove a Member from office on the Executive, which requires a two-thirds (2/3) vote of Members of the Executive present at the Executive Meeting. Proxy voting shall not be permitted, subject to article 6.10.
- 6.9 Executive Meetings are open to Members to attend and observe, other than any portions that the Executive determines will be held in-camera.
- 6.10 The Executive may hold portions of an Executive Meeting in-camera that concern:
- (a) labour contract discussions, labour management relations, or personnel issues;
 - (b) financial matters where negotiations with a third party are involved;
 - (c) matters involving building or personal security where disclosure could reasonably be expected to seriously compromise Society personnel or assets;
 - (d) matters concerning information that a person has requested be provided to the Provincial Executive in private, such as a situation involving allegations of harassment or whistle-blowing.
- 6.11 Local business concerning subject matter identified in article 6.10 shall, upon motion which states the general subject matter of the business, be discussed in an in-camera portion of an Executive Meeting. In-camera minutes of deliberations about the business shall be taken, and kept sealed. A record of any decision made in-camera shall be reflected in the minutes of the Executive Meeting.
- 6.12 Where a Member of the Executive believes that discussion of an item of business within an in-camera portion is not appropriate in-camera subject matter that Member shall immediately rise on a point of order to that effect. The Executive shall

immediately rule on whether the discussion may be continued in-camera, or shall be deferred to the regular portion of the Executive Meeting.

Conducting Executive Business between Executive Meetings

6.13 Between Executive Meetings, the Executive may conduct business by taking a vote of Executive Members through e-mail or secure electronic vote, subject to the right of any Member of the Executive to request a Special Executive Meeting instead be convened in accordance with article 6.3.

6.14 Business conducted in accordance with article 6.11 shall be passed by a majority vote of the Members of the Executive.

Part 7 - Elections

Local Electoral Officer

7.1 The Executive shall appoint a Local Electoral Officer who is willing to serve in the role, and who is not seeking to run in the upcoming election. Where possible, the Local Electoral Officer shall be someone with past experience on the Executive.

7.2 Members of the Executive seeking re-election shall not utilize the benefits of their current office to campaign for re-election. A dispute about whether this prohibition has been violated, and the consequences of the violation, shall be referred to the Chief Electoral Officer of the Society.

Executive Elections

7.3 The nomination and campaign period for the election of the Members of the Executive shall begin April 1 of the School Year.

7.4 The Local Electoral Officer shall prepare a slate of candidates for each Executive position to present at the Annual General Meeting.

7.5 The Local Electoral Officer shall ensure that all candidates are eligible to participate in the Political Processes of the Local, and are willing to serve.

7.6 In addition to the slate of candidates presented at the Annual General Meeting, nominations for each Executive position shall be accepted from the floor.

- 7.7 Following the opportunity to accept nominations from the floor, if there is only one candidate for an Executive position, that candidate is deemed the successful candidate by acclamation.
- 7.8 If two or more candidates run for an Executive position, a secret ballot vote of the Members present at the Annual General Meeting shall be held to determine the successful candidate. The successful candidate in a vote amongst two candidates wins by the majority vote. The successful candidate in a vote amongst three or more candidates wins by the plurality of votes.
- 7.9 Newly elected Members of the Executive shall take office beginning July 1 following the Annual General Meeting.
- 7.10 The Local Electoral Officer shall retain all ballots until the election results are confirmed by a duly recorded motion of the Members, and then shall introduce a motion to destroy the ballots.
- 7.11 The President shall provide the General Secretary of the Society a list of the Members of the Executive within ten (10) Days of their election.

Part 8 - School Representatives

- 8.1 The Members employed at each School or other worksite in the Division shall choose a Member employed in that School or Worksite to be a School Representative. In the event a School Representative is not chosen for a School or Worksite, the President shall appoint a School Representative.
- 8.2 School Representatives are responsible for liaising between the Executive and the Members working in each School or Worksite on Local and Society business, and for communicating Local and Society business to those Members.

Part 9 - Required Membership Fees

- 9.1 The Required Membership Fees of the Local shall be in such amounts as approved by the Membership.
- 9.2 Required Membership Fees shall be deducted by the Employer in equal installments from the pay cheques of all Members, and remitted to the Local.

**** Fees shall be pro-rated for Members with part-time employment. ****

In the case of substitute teachers, the Required Membership Fee shall be deducted on a *per diem* basis.

- 9.3 Members have the onus to ensure that Required Membership Fees are paid to the Local and the Society during any period of absence where Required Membership Fees are not deducted from pay.

Part 10 - Standing Committees

10.1 The following are the Standing Committees of the Local:

- (a) Collective Bargaining Committee;
- (b) Education Finance Committee;
- (c) Group Benefits Committee;
- (d) Professional Development Committee;
- (e) Equity and Social Justice committee;
- (f) Indigenous Voice and Action Committee;
- (g) Workplace Safety and Health Committee;
- (h) Public Relations Committee;

10.2 The President of the Local shall be an ex-officio member of all Standing Committees and *ad hoc* committees of the Local. Every Standing Committee shall be chaired by the Member of the Executive that is the elected Committee Chairperson for that Committee.

10.3 A staff officer of the Society must be a member of the Local Table Team. The staff officer must be able to participate in all collective bargaining meetings of the Local.

10.4 The Local's worker members of any Workplace Safety and Health Committee(s) and/or the Worker Safety and Health Representatives required by *The Workplace*

Safety and Health Act shall be appointed by the Executive. The Standing Committee Chairperson shall be one of the appointments made by the Executive.

- 10.5 The Executive shall establish terms of reference for any *ad hoc* committees, which include the responsibilities, composition and term of the Committee, and shall appoint a Chairperson for the Committee.

Part 11 - Finances

- 11.1 The Local shall retain a qualified external auditor to annually undertake an independent financial audit or financial review of the Local's financial records. The Executive shall ensure that such audit or review takes place as soon as reasonably possible following the date of the election of the Members of the Executive.
- 11.2 The Executive shall make available the annual independent financial audit or financial review to Members.
- 11.3 The Executive shall present its proposed annual budget for the next Fiscal Year for approval at the Annual General Meeting. Subject to Article 3.9, approval of the proposed annual budget shall require a majority vote of the Members present at the Annual General Meeting. The budget must be distributed to the members a minimum of fourteen (7) Days prior to the Annual General Meeting.
- 11.4 The President, the Treasurer, and two other Members of the Executive who shall be appointed by the Executive shall have signing authority for expending Local funds. The signatures of any three (3) of these persons shall appear on all of the Local's cheques. No person shall be authorized to sign cheques payable to oneself.

Part 12 - Amendments to the Constitution or Bylaws of the Local, Policies

Constitution and Bylaws Amendments

- 12.1 A Member of the Local may submit proposed amendments to the Constitution and Bylaws of the Local, by providing a draft amendment and written explanation to the President. Amendments shall be reviewed by the Executive and shall be placed on the agenda for the next Membership Meeting.

12.2 Notice of proposed amendments to the Constitution and Bylaws of the Local shall be sent to all Members at least fourteen (14) Days prior to the Membership Meeting at which the amendments are to be voted on by the Membership.

Policy

12.3 Amendments to Policies of the Local shall be made by the Executive.

12.4 Notice of amendments shall be sent to all Members prior to the Executive Meeting at which the amendments are to be voted on by the Executive.

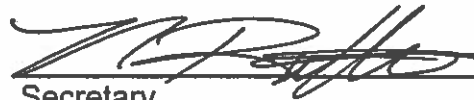
Part 13 - Certification

This revised Constitution was ratified at a Meeting of the Western Teachers' Association held on June 7th, 2018.

Approved by Provincial Executive
at its meeting of October 18, 2018.



President



Secretary



The General Secretary
The Manitoba Teachers' Society