

## TEACHER WELFARE COMMITTEE – FRAME OF REFERENCE

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### Holy Spirit Roman Catholic Separate Regional Division No 4

#### 1. Preamble

This committee shall be called the Holy Spirit Catholic Local No 5 Teacher Welfare Committee, hereafter referred to as the TWC. It shall prepare for and oversee negotiations and oversee the enforcement of the collective agreement on behalf of the teachers who are employed by Holy Spirit Roman Catholic Separate Regional Division No 4.

#### 2. Duties and Responsibilities

The TWC shall exist for the following reasons:

- 2.1 To gather and study data for the purpose of setting objectives for central and local collective bargaining.
- 2.2 To identify and interpret the economic and conditions of practice requirements of teachers.
- 2.3 To prepare proposed amendments to local provisions of the collective agreement for consideration of the members of the bargaining unit.
- 2.4 To effect central and local changes to the collective agreement as negotiated and ratified by the teachers.
- 2.5 To select the Negotiating Subcommittee (NSC) and establish operational guidelines for its effective operation.
- 2.6 To keep members of the bargaining unit informed on matters pertaining to the progress of central and local negotiations and the specific details of the collective agreement.
- 2.7 To consult with Teacher Welfare staff officers, district representative, consultants (as assigned) and members of the bargaining unit before, during and after negotiations.
- 2.8 To identify areas of concern for teachers to monitor the implementation of collective agreement provisions and to provide the necessary assistance and direction in enforcing the provisions of the collective agreement.
- 2.9 To generally exercise leadership in all matters pertaining to collective bargaining.

- 2.10 To cooperate with the Representative of the Bargaining Agent (RBA) during bargaining.

### 3. Membership

The TWC shall consist of:

- 3.1 Members of the bargaining unit elected by the bargaining unit pursuant to this Frame of Reference. They shall be the voting members of the TWC.
- 3.2 The district representative and those staff officers and consultants assigned from time to time to the TWC by the Alberta Teachers' Association. They shall be non-voting members of the TWC.
- 3.3 The president of the Local or appointee acting in an ex-officio capacity.

### 4. Election of TWC

The bargaining unit members of each school, including central office when possible, shall elect one voting member to the TWC. The bargaining unit members of each school, including central office, may also elect an alternate member to the TWC. No school, including central office, may have more than one voting member.

### 5. Executive

The executive officers of the TWC shall consist of the chair, vice-chair and secretary.

### 6. Duties

- 6.1 The officers, elected from and by voting members of the TWC shall:
  - 6.1.1 chair—chair TWC meetings, represent the TWC in its relationship with the general membership, attend Local council, TBAC meetings and make such reports as required by the Local constitution, and request the calling of bargaining unit meetings by the Local president.
  - 6.1.2 vice-chair—act on behalf of the chair in his/her absence.
  - 6.1.3 secretary—keep an accurate record of all TWC meetings and perform such other internal communications functions as may be assigned from time to time.

- 6.2 The elected members of the TWC shall attend all TWC meetings and such other meetings as required by the Local association for purposes of reporting and communicating.
- 6.3 Absence from three consecutive meetings without reasonable cause or consent will result in that position being declared vacant by motion of the TWC. The member shall be informed of the committee's decision by the chair.
- 6.4 A chair shall act only with the consent of a majority of the committee or subcommittee.

## 7. Committees

- 7.1 Negotiating Subcommittee (NSC)—the NSC shall consist of five (5) voting members elected from and by the voting members of the TWC. These members shall, with the RBA, engage in local collective bargaining with authorized representatives of the Board. The NSC shall select, from its members, an NSC chair.
- 7.2 Grievance Committee (where required by the collective agreement)—
  - 7.2.1 the Grievance Committee shall consist of three (3) voting members elected from and by the voting members of the TWC.
  - 7.2.2 the Grievance Committee shall select from among its members a Grievance Committee chair;
  - 7.2.3 the duties of the Grievance Committee shall be to:
    - 7.2.3.1 represent teachers on the Grievance Committee established by the collective agreement – one of these members shall be from the NSC,
    - 7.2.3.2 review applicable precedent cases; and
    - 7.2.3.3 consult with Teacher Welfare staff officers regarding disposition of each grievance.
- 7.3 The TWC may appoint such other subcommittees as deemed necessary.

## 8. Term of Office

All TWC members, officers and committees are deemed to be elected for the longer of one year or for the term necessary to plan and execute business related to the concluding of a given collective agreement as soon as possible after the collective agreement is signed, but no later than the end of that year.

9. Emergency Replacements

Vacancies in any office or subcommittee shall be filled at the next properly called meeting of the TWC.

10. Meetings of the TWC or Bargaining Unit

- 10.1 Meetings of the TWC shall be called by the chair of the TWC on the chair's initiative or at the request of:
  - 10.1.1 a majority of the TWC executive,
  - 10.1.2 a majority of voting members on the TWC,
  - 10.1.3 the chair of the NSC,
  - 10.1.4 the president of the Local, or
  - 10.1.5 the RBA.
  
- 10.2 Meetings of the bargaining unit shall be called by the president of the Local on the president's initiative or at the request of the chair of the TWC on the chair's initiative or at the request of:
  - 10.2.1 a majority of the TWC executive,
  - 10.2.2 a majority of voting members on the TWC,
  - 10.2.3 the chair of the NSC,
  - 10.2.4 the RBA, or
  - 10.2.5 fifty (50) or more teachers representing at least 20 percent of the membership.
  
- 10.3 Notice of intent to hold a meeting shall be given to members as soon as possible.

11. Quorum

A majority of the voting representatives on the TWC shall constitute a quorum.

12. Rules of Procedure

The proceedings of all meetings shall be regulated by the official rules of procedure as published in the *ATA Members' Handbook*, except that the chair shall have full rights to debate and vote as accorded to all other members.

13. Finances

The TWC shall prepare and submit to the Local an annual budget.

14. Preparation Procedure

14.1 The TWC shall request and consider suggested local amendments to the collective agreement from the membership of the bargaining unit, members of the TWC and Teacher Welfare staff.

14.1.1 In addition, the TWC may propose suggested local amendments to the members of the bargaining unit.

14.2 A draft initial proposal of local amendments shall be prepared and submitted to the members of the bargaining unit for discussion, amendment and approval at a general meeting.

14.3 Subsequent to the procedures outlined above, the TWC shall prepare a final initial proposal for transmission to teacher welfare of the Alberta Teachers' Association accompanied by a request for the Association to serve notice to commence bargaining on the Board. The TWC shall provide members of the bargaining unit with a copy of the initial proposal.

14.4 The TWC shall assist central bargaining by collecting data, providing feedback and evaluating process and results.

15. Negotiating an Agreement

15.1 The NSC shall work toward a settlement utilizing the following processes:

15.1.1 they may sign a memorandum of agreement when, in their opinion, the conclusion of such a memorandum of agreement is warranted, or

15.1.2 they may bring a Board offer to teachers, or

15.1.3 they may report back to meetings of the teachers when they are of the opinion that further negotiations are not likely to be productive and may request further instructions.

16. Ratification of the Local Memorandum of Agreement

16.1 A local memorandum of agreement shall be ratified by a simple majority of the members of the Holy Spirit Local No 5 bargaining unit present at a properly called meeting of that unit, voting in favour of acceptance of the proposed

agreement by means of a secret ballot vote.

16.2 Members shall register upon entry to the assembly.

16.3 Ratification votes shall be conducted consistent with the following agenda:  
AGENDA

1. Call to Order
  - declaration of closed meeting of the bargaining unit
  - introductions
  - explanation of procedures to be used during meeting (voting and other)
2. History of Negotiations
3. Presentation of the Issue (eg, board offer, memorandum, etc)
4. Question Period for Clarification—no debate
5. Explanation of Future Procedures (if applicable)
6. Motion on the Issue (eg, Motion to accept the Memorandum of Agreement: PRINT THE MOTION ON THE AGENDA)
7. Recommendations to the Membership (from TWC, NSC, etc)
8. Debate on Motion
9. Vote by Secret Ballot (the ballots and ballot boxes are made available at this point and only one ballot shall be accepted from each voter)
10. Other Business (if votes on other issues are required, the procedures listed above shall be applied).

16.4 Except where time is of the essence the text of proposed amendments to the collective agreement shall be made available in writing to the members of the bargaining unit prior to the meeting.

## 17. Amendments to this Frame of Reference

Subject to ratification by the Provincial Executive Council of the Alberta Teachers' Association, this Frame of Reference may be amended in accordance with the following procedures:

- 17.1 Amendments may be initiated by the TWC. Such amendments require:
- 17.1.1 that notice of motion of intent to amend shall be given at a preceding TWC meeting,
  - 17.1.2 approval by a majority of the TWC members,
  - 17.1.3 consultation with the Local executive,
  - 17.1.4 approval by a majority of the members of the Local Council.
- 17.2 Amendments may be initiated by the Local Council. Such amendments require:
- 17.2.1 that notice of motion of intent to amend be given at a preceding meeting of

Local Council,

17.2.2 consultation with the TWC prior to a vote being taken,

17.2.3 approval by a majority of the Local Council.

## 18. Provincial Association Intervention

- 18.1 In this section,
- 18.1.1 *investigated officer* means an officer of the Teacher Welfare committee whose conduct is under investigation pursuant to subsection (2);
  - 18.1.2 *investigator* is the individual appointed by the table officers pursuant to subsection (2);
  - 18.1.3 *officer* means the chair, vice-chair or secretary of an Teacher Welfare committee or any other person appointed or elected to an Teacher Welfare committee or a subcommittee thereof;
  - 18.1.4 *Provincial Executive Council* means the executive council as defined in section 11 of the *Teaching Profession Act*;
  - 18.1.5 *table officers* means the Association’s officers as defined in Bylaw 35;
  - 18.1.6 *executive secretary* means the chief executive officer of the Association or a person designated by the executive secretary; and
  - 18.1.7 *staff officer* means a member of executive staff designated by the executive secretary.
- 18.2 Suspension or removal from office of officers
- 18.2.1 Where the table officers have or receive information which leads them to believe that an officer
    - 18.2.1.1 has neglected his or her duties to the extent that the proper operation of the Teacher Welfare committee is being negatively affected,
    - 18.2.1.2 is mentally incapacitated,
    - 18.2.1.3 is engaging in corrupt practices,
    - 18.2.1.4 is engaging in financial malpractice or
    - 18.2.1.5 has undertaken activities inconsistent with the principles and policies of the Alberta Teachers’ Association,the table officers may initiate an investigation into the conduct of the Teacher Welfare committee officer by appointing an individual to conduct an investigation and to provide a written report to the table officers within a specified time with respect to the results of the investigation.
- 18.3 In the course of the intervention under section 18, an investigated officer is entitled to have access to a staff officer for advice.
- 18.4 The table officers may, taking into account the nature of the alleged conduct and

the urgency of the matter in question and any submission from the investigated officer, suspend an investigated officer from office pending the completion of the investigation and may terminate the suspension at any time if the table officers conclude that the suspension is no longer warranted.

- 18.5 The table officers may appoint another individual to assume the duties of the investigated officer during the period of the suspension.
- 18.6 The investigated officer may appeal a suspension from office under subsection 18.4 to the Provincial Executive Council by filing a notice of appeal with the executive secretary within 30 days of being notified of the suspension.
- 18.7 If an investigated officer appeals his or her suspension, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated officer and shall determine if the suspension should be continued pending the conclusion of the investigation or should be set aside.
- 18.8 During the investigation the investigated officer shall be provided with an opportunity to provide a response to the investigator with respect to the concerns about the investigated officer's conduct.
- 18.9 An investigated officer may, in the course of the investigation, submit his or her resignation to the executive secretary.
- 18.10 Where an investigated officer resigns in accordance with subsection (9), the investigation shall be continued with the cooperation of the investigated officer, and the resignation does not extinguish any liability that the investigated local officer may have with respect to acts which occurred during the period the office was held.
- 18.11 The investigated officer has a duty to cooperate during the investigation and the investigator may direct the investigated officer or any other member of the Alberta Teachers' Association to
  - 18.11.1 answer any inquiries the investigator may have relating to the investigation;
  - 18.11.2 produce any records or other property in the investigated officer's possession or under his or her control that are or may be related in any way to the investigation;
  - 18.11.3 give up possession of any record for the purpose of allowing the investigator to make a copy and return the records within a reasonable time of receiving the records; and
  - 18.11.4 attend before the investigator for the purpose of complying with 18.11.1, 18.11.2 or 18.11.3 of this subsection.



- 18.12 In the event that the investigated officer fails or refuses to cooperate with the investigator, the failure to do so shall be noted by the investigator in his or her report to the table officers.
- 18.13 Upon completion of the investigation, the investigator shall submit a written report to the table officers and a copy of the written report shall be provided to the investigated officer.
- 18.14 The table officers, upon consideration of the report of the investigator, may make one or more of the following orders:
- 18.14.1 remove the investigated officer from office;
  - 18.14.2 restrict the investigated officer's eligibility for office in the future;
  - 18.14.3 if the investigated officer was suspended during the investigation, reinstate the investigated officer to office and impose any conditions or restrictions that the table officers consider appropriate in the circumstances;
- and shall advise the investigated officer and Provincial Executive Council of their decision.
- 18.15 If the table officers remove the investigated officer from office, then the table officers may appoint another individual to assume the duties of the investigated officer until a new officer is elected or appointed to the position in accordance with this frame of reference.
- 18.16 The investigated officer may appeal the decision of the table officers under subsection 18.14 by filing a notice of appeal with the executive secretary within 30 days after being notified of the decision.
- 18.17 If an investigated officer appeals the decision of the table officers, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated officer and shall determine if the decision of the table officers shall be confirmed, varied or set aside.
- 18.18 In an appeal under subsection 18.7 or 18.17, the table officers may make submissions to Provincial Executive Council respecting the outcome of the appeal.
- 18.19 Official Trustee  
Subject to a two-thirds majority vote, Provincial Executive Council may appoint an official trustee to conduct the affairs of the Teacher Welfare committee, subject to any terms and conditions the Provincial Executive Council considers necessary:

- 18.19.1 when the Teacher Welfare committee fails to comply with the requirements of section 2;
  - 18.19.2 when the Teacher Welfare committee fails to comply with the requirements of section 13;
  - 18.19.3 when the Provincial Executive Council considers it in the interests of the Association to do so.
- 18.20 The Teacher Welfare committee may appeal the appointment of an official trustee to a representative assembly.
- 18.21 An official trustee appointed under subsection 18.19 has the powers and duties conferred by the General Bylaws on an Teacher Welfare committee and conferred by this frame of reference;
- 18.22 On appointment of an official trustee to the Teacher Welfare committee, the officers of the Teacher Welfare committee cease to hold office as officers of the Teacher Welfare committee.
- 18.23 An official trustee continues in office until the Provincial Executive Council or a representative assembly determines that the official trusteeship is no longer necessary.

## 19. Effective Period

This Frame of Reference will be in place except during instances in local bargaining where the RBA assumes control of all procedures in consultation with the officials of the bargaining unit.

[Ratified by membership 1994 11 22; Provincial Executive Council (PEC) 1994 12 03]

[Amendments ratified by local council 2001 04 09; PEC 2001 10 26]

[Amended and ratified by PEC 2007 09 21]

[Amended by membership 2008 06 03]

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