



FOUNDED 1st FEBRUARY, 1919

Bermuda Union of Teachers Constitution

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DEFINITIONS

In this Constitution:

- 1) "Union" means Bermuda Union of Teachers
- 2) "B.U.T." means Bermuda Union of Teachers
- 3) "Member" means any member as defined in Article III of this constitution, unless otherwise stated.
- 4) "Constitution" shall mean a system of fundamental principles according to which B.U.T. is governed and the basic organization of the B.U.T.
- 5) "Bye-laws" shall mean standing rules governing the membership of the B.U.T made under this Constitution on matters of internal regulation and matters which are entirely within the control of the B.U.T.
- 6) "Policy" shall mean stand or position taken by the B.U.T in accordance with its Bye-laws on matters whose resolution is beyond the internal legislative power of the B.U.T.

ARTICLE I – DESCRIPTION

- 1) This organization shall be known as the “Bermuda Union of Teachers”, hereafter called, “The Union”.
- 2) The motto of the Union shall be, “Education for Responsibility”.
- 3) The Registered Office of the Union will be Seventy-two Teachers’ Place, 72 Church Street, Hamilton, BERMUDA HM 12 (P.O. Box HM 726, Hamilton, BERMUDA HM CX).
- 4) Meetings for the business of the Union shall be held at a venue determined by the Executive Committee.

ARTICLE II – OBJECTIVES

The objectives of the Bermuda Union of Teachers shall be:

- 1) To promote and advance the cause of education in Bermuda;
- 2) To promote a high standard of professional ethics and a high standard of professional competence;
- 3) To secure the organization of all teachers qualified for membership in the Union and in general to foster unity among the teachers of Bermuda;
- 4) To provide monetary and other benefits to its members, and to their children, as it shall, from time to time, see fit make;
- 5) 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 Bermudian residents shall be denied its members;
- 6) To affiliate with other associations or unions;
- 7) To promote action to ensure that legislation regulating the educational system and education policies is in the best interest of teachers, students, and the community;
- 8) To secure and maintain for teachers, active participation in formulating the educational system and educational policies that is in the best interest of teachers, students and the community;
- 9) To employ a full-time Secretariat to administer the activities of the Union;
- 10) To establish and maintain permanent premises from which to carry on the work of the Union;
- 11) To hold, from time to time, Conventions any other educational events;
- 12) To improve the terms and conditions under which teachers are employed;
- 13) To comply with the current Trade Union Act, 1965 and the Labour Relations Act, 1975.

ARTICLE III – MEM-BERSHIP

1) General

In accordance with the Trade Union Act, 1965 Amendment Act, 1973, Section 40 – Agency Shop; Membership in the Union shall be open to Teachers employed in the Educational System in Bermuda. “Teachers” in this context includes Deputy Principals, Teachers-in-Charge, School Librarians, Home School Counselors, Guidance Counselors, Mentors, Paraprofessional Staff, Behavioral Therapists, Educational Therapists, Directors of Specialized Units, Resource Teachers, Attendance Officers and anyone employed by the Union.

- a) No teacher who is a member of any other teachers’ union or teachers association in Bermuda shall be eligible for membership in the union.
- b) The final decision, as to whether a teacher has acceptable qualifications for membership, shall rest with the Executive Committee.
- c) There shall be five (5) classes of Membership: Ordinary Membership, Associate Membership, Inactive Membership, Honorary Life Membership, and Honorary Membership.

2) Ordinary Membership

- a) Ordinary Membership of the Union shall be open to individuals described in **Article III (1)**.
- b) Members shall pay dues monthly in accordance with **Article VIII (1)**.

3) Associate Membership

- a) Associate Membership (**Substitute Teachers**) – shall be open to individuals who are employed on an occasional basis as substitute teachers. An Associate Member shall enjoy all the privileges, benefits, and awards of the Union but shall not hold office within the Union save that of Trustee.
- b) Associate Membership (**Student Teachers in College**) – shall be open to students who are juniors in a teacher training programme. An Associate Member shall enjoy all the privileges of the Union, but shall not hold office within the Union or be entitled to awards and scholarships.

4) Inactive Membership

- a) Inactive Membership shall be open to members of at least five years standing who leave the teaching professions, or retire temporarily from teaching because of illness, childbirth, or further education.
- b) A member desirous of such membership may apply to the Executive Committee to have his/her name placed on the Inactive Membership List for a period of not more than three years.

- c) An Inactive Member shall enjoy all the privileges, benefits and awards of the Union but shall not hold office within the Union save that of Trustee.

5) Honorary Life Membership

- a) Honorary Life Membership may be granted upon request to the Executive Committee to a retiring teacher with a minimum of 15 years of Membership. An Honorary Life Member shall enjoy the privileges, benefits and awards of the Union but shall not hold any office save that of Trustee.
- b) Honorary Life Membership is not available to teachers in service.

6) Honorary Membership

- a) The Executive may, from time to time, confer Honorary Membership on any member of the profession or community where that person is deemed to have contributed extraordinary service to the Union or community.
- b) Such membership shall be ratified by the General Body and shall entitle the individual to full privileges in the Union save those of voting and holding office.

ARTICLE IV – FUNDS

1) *The Funds of the Union may be applied for any or all of the following purposes:*

- a) The furtherance of charitable or educational purposes;
- b) The efficient administration of the Union;
- c) The publication of a newspaper, journal, or bulletin;
- d) In general the furtherance of the objectives set out in **Article II**.

2) The authority to manage and invest the Union's funds shall rest with the Executive Committee.

3) The end of the Union's fiscal year shall be 30th June in each year and an audited account shall be presented by the Treasurer to the General membership before 15th November each year.

ARTICLE V – TRUSTEES

- 1) There shall be four (4) Trustees of the Union in which shall be invested all the property of the Union.
- 2) Trustees shall hold office for a period of **five years** and may then be re-elected. Trustees must be current or former Union members.
- 3) Trustees shall be appointed by the Executive Committee of the Union, subject to approval of the General Body.
- 4) The duties of trustees shall be in accordance with the current Trade Union legislation. A trustee may be removed from office by a two-thirds majority vote of member of the Union present at a Membership Meeting. Prior notification of such action must have been given at a previous Membership Meeting.

ARTICLE VI – ORGANIZATION OF UNION

1) The Supreme Authority of the Union shall be vested in the Biennial General Conference, and, subject to that Authority, the Union shall be governed by the Executive Committee and, in between meeting of the Executive Committee, by the Officers of the Executive Committee.

2) The organizational structure of the Union shall be as follows:

- i. Biennial General Conference/General Membership Meeting
- ii. Executive Committee
- iii. Officers of the Executive Committee

3) Biennial General Conference

- a) The Biennial General Conference of the Union shall be held at such place as the Executive Committee of the Union may from time to time determine, and shall be convened before 15th November. Thirty days' notice of such meeting shall be given by a circular and/or public advertisement.
- b) All members whose contributions are fully paid up to the end of the previous month are entitled to attend the Biennial General Conference. The quorum for any Biennial General Conference shall be **twenty-five members**.
- c) Voting at all meetings on all matters shall be according to the rules of this constitution, where secret ballots are specified in Article VI, 8(b), 8(e), 10 (b), and 12 (d), and Article IX (4). **Any vote on strike action shall be by secret ballot**. In other cases, voting shall be by show of hands unless the majority of members present decide otherwise.
- d) The President, or, in his/her absence, the Vice President in his/her turn, or, in the absence of the President and Vice President, any member appointed by the members present, shall preside. In the event of a tie, the presiding member shall have a casting vote.
- e) The business of the Biennial General Conference shall be conducted in accordance with the procedure as outlined in these Rules, and in the event that the business of the meeting is incomplete, the meeting can be adjourned by a majority vote of the members present. Should there be such an adjournment, the meeting shall decide the time, date and the place of the meeting.

f) *The order of business of the Biennial General Conference shall include the following:*

- 1) Call to Order and Prayers
- 2) Minutes of previous General Conference(s)
- 3) Matters Arising out of the Minutes
- 4) Presentation of Reports of the General Secretary and Principal Officers
- 5) Motions and Questions
- 6) Election of Officers
- 7) Any Other Business
- 8) Closure

g) The order of business shall only be changed with the consent of the majority of members present provided there is a quorum.

h) On the first day of September and for the 30 consecutive days thereafter prior to a Biennial General Conference, the Union will make available, at Headquarters, a register for recording the names of members who are seeking election as Officers of the Union and Member Representatives, and such names will be made available to all schools. Those not immediately available to sign shall forward their names, in writing, to the General Secretary. Only the names of persons recorded in the register will be eligible for election.

i) In the event that written nominations have not been received for a position on the Executive Committee, nominations will be accepted from the floor.

j) The business of the Biennial General Conference shall be to receive reports from the General Secretary and other officers, to review the work of the Association, to plan further tasks, and to consider all matters on the agenda of the Biennial General Conference.

4) Agenda of the Biennial General Conference

a) Motions, nominations and other business for discussion at the Biennial General Conference shall be sent to the General Secretary of the Union not later than fifteen days before the date of the Conference.

b) The General Secretary shall prepare the Agenda of the Biennial General Conference which shall contain all motions and other business for discussion of which due notice has been given, and shall forward it to all schools not later than ten days before the date of the Conference.

- c) Any member of the union shall have the right to submit any matter for discussion not later than fifteen days before the date of a Biennial General Conference of the Union.

5) Special General Conference

- a) The Executive Committee shall have the power to call a Special General Conference at any time and fix the date, time and business to be discussed provided that not less than seven days notice by circular and/or public advertisement shall be given of such Special General Conference. The procedure as outlined in **3 of Article VI** under the Biennial General Conference shall apply.
- b) **Fifty members** of the Union may request the Executive Committee, in writing, to call a Special General Conference to discuss any business, the nature of which must be stated.
- c) The General Secretary of the Union, upon receipt of such a request, shall summon a special meeting of the Executive Committee, within two weeks, to make a decision on whether such a conference should be summoned.
- d) The Executive Committee, upon the granting of such a request, will fix the date of the Conference which shall not be later than fourteen days after the date of the Executive Committee meeting.
- e) The procedure for the conduct of the meeting should follow the outline given in (d) and (e) below in reference to General Membership Meetings.

6) General Membership Meetings

All formal meetings of the members shall be private. Any person not a member may be invited to attend for a special purpose. He/she may be allowed to speak, but no other person other than a bona fide member may vote at a meeting.

General meetings shall fall into three categories:

- a) A General Membership Meeting which shall be convened by the Executive Committee.
- b) A special General Meeting which shall be convened on the written request of not less than **thirty members** to the Executive Committee, stating the reasons for such meeting.
- c) An emergency General Meeting which shall be called by an Officer of the Union with the acquiescence of the Executive Committee.

- d) A General or Special General Meeting, as the case may be, shall require two weeks of ten working days, notice by circular and/or by public advertisement. Notice to members through schools should include the place and time of meeting and the matters to be discussed, which may be in the form of the agenda.
- e) Notice of motions of all matters to be discussed, or put to a General or Special General Meeting, shall be forwarded to the General Secretary not less than two weeks, or ten working days, before the advertised date of meeting. To be valid, a motion proposer shall be present at the meeting at which the motion is put.
- f) At a General Meeting, any matter raised which has not been the subject of motion, or included in the agenda, or arising therefrom shall be ruled out of order. Should a dispute arise, the ruling of the Presiding Officer, who may call a temporary adjournment of not more than fifteen minutes, shall be final.
- g) An Emergency General Meeting may be called at notice of not less than twenty-four hours and every feasible method shall be employed to inform the membership of the time, place and reason for such meeting.
- h) **The quorum for any General Meeting shall be twenty-five members. Should a quorum fail to materialize within thirty minutes of the advertised time of the meeting, the meeting shall be adjourned.** In the case of a Special or Emergency Meeting, the meeting shall be cancelled, and notices of motion or agenda for such meeting shall be considered null and void.
- i) The audited statement of the Union's accounts shall be confirmed in a General Membership Meeting before 15th November each year.

7) Executive Committee

- a) There shall be an Executive Committee in which the management of the Union is vested. Voting members of the Executive Committee shall be:
 - i. A President
 - ii. A Vice-President
 - iii. A Recording Secretary
 - iv. A Treasurer
 - v. Immediate Past President
 - vi. 14 Member Representatives

- b) The Executive Committee, which consists of the Officers of the Union and representatives of the members, is empowered to make policy decisions for the directors of the activities of the Union as a whole within the bounds of the Constitution, Regulations, Schedules etc., existent at the time. The Executive Committee is also responsible for the day to day organization and management of the affairs of the Union.
- c) The Executive Committee may co-opt persons to advise or serve in a special capacity, but such persons whether members or not, shall have no vote in Executive Committee decisions.
- d) The Committee shall be responsible for its own procedure but a quorum of **seven (7)** shall be necessary for effective decisions.
- e) The Executive Committee shall appoint a Secretariat, including a General Secretary, sufficient to implement and assist in the affairs of the Union. The duties which the General Secretary is expected to perform shall be detailed in writing by way of a formal contract.
- f) All members of the Executive Committee shall have the right to vote, except the General Secretary.
- g) Only members who have at least two (2) years of membership in the Union shall be eligible to hold office on the Executive Committee.
- h) There shall be a minimum of six (6) Executive Committee Meetings in any one year.

8) Executive Officers

- a) The Officers of the Union, who shall each be members of the Union, shall each be nominated and seconded by members and elected at the Biennial General Conference, and shall consist of President, Vice-President, Recording Secretary and Treasurer and a General Secretary who shall be a paid full-time officer of the Union, appointed by the Executive Committee on such terms and conditions they consider fit and charged with the day to day running of the affairs of the Union.
- b) All officers, other than the General Secretary, shall be elected by secret ballot at the Biennial General Conference and shall hold office for two years after election. Any Executive Officer may offer himself/herself for re-election in the same or other office.
- c) Executive Officers, who are responsible to the Executive Committee, are also charged with the administration of the Union between meetings of the Executive Committee.

- d) Persons offering themselves for Executive Office must have been members of the Union for two years. In the case of the President, he/she must have served as a member of the current Executive Committee.
- e) In the event that it appears necessary to a member that an Officer should cease to hold office by reason of dereliction of duty, or action bringing the Union into disrepute, he/she may, in writing, inform the Executive Committee of his/her intentions to raise the matter by motion, duly seconded, at the next General Meeting or Special General Conference.

On receiving notice of such intention, the Executive Committee, shall examine the matter and forward their observations to a General Meeting, or Special General Conference, convened for the purpose, who, after due consideration shall recommend disciplinary action, including expulsion, if such officer is found guilty as charged. Whether in the case of a General Membership Meeting or a special General Conference, a majority of not less than two-thirds of members present and voting by secret ballot shall be necessary for notice of dismissal to take effect.

- f) Should an Officer for any cause, be unable or unwilling to continue to serve in his/her office, a vacancy of office shall be declared.
- g) Should such vacancy occur on the Executive Committee at a time more than six (6) calendar months before the next biennial election of Officers, the Executive Committee shall have power to appoint any member of the Union to such vacancy. Any interim appointment shall be valid till the next biennial election of Officers. Should the vacancy occur within six (6) calendar months of the biennial election, no interim election will be held, and the Executive Committee will allocate Officers to cover duties until next General Election.

9) Duties of Officers

- a) The President shall act as Chairman Biennial General Conferences, Special Conferences, General Membership Meetings, and meetings of Executive Committee, expect that, taking the Officers as listed in above order, the President shall delegate one who is able to be present to take his/her place in the chair should he/she be unavoidably absent. Reasonable notice of such delegations should be given to the Secretariat.

At any meeting the chairman has a casting vote in the case of a tied vote between members present and voting. The Chairman shall not normally vote at a meeting, except in the election of an Officer, nor shall his/her presence count towards the necessary quorum of members present and voting at General Meetings. The President may appoint any Officer as Chairman of a Committee.

- b) The Vice-President shall perform duties delegated to him/her by the President, and shall in the absence of the President carry out the duties of the President.
- c) The Recording Secretary shall supervise the keeping of minutes or records of Biennial General Conferences, General Membership Meetings, Executive Committee Meetings, and meetings of Executive Officers, and shall ensure that such records are available when required.
- d) The Treasurer shall be responsible to the Union for the proper control of accounts and the recording of receipts and expenditure.
- e) The General Secretary shall attend all meetings of the Executive Committee. He/she shall also attend General Membership Meetings and Biennial General Conferences. He shall conduct the business of the Union in accordance with the Rules, and shall carry out the instructions of the Executive Committee.

10) Member Representatives

- a) Member Representatives of the Executive Committee, who shall each be members of the Union, shall each be nominated and seconded by members and elected at Elections which shall be held before 30th October, and shall be as follows:
 - 4 Primary School Representatives
 - 2 Senior School Representatives
 - 2 Middle School Representatives
 - 1 Counselor/Guidance Representative
 - 1 Specialist Representative
 - 1 Administrative Staff Representative
 - 1 Paraprofessional Representative
 - 1 Preschool Representative
 - 1 Attendance Officer Representative
- b) All member Representatives shall be elected by secret ballot at the Biennial General Conference and shall hold office for two years after election. Any Member Representative may offer himself/herself for re-election in the same or other office.
- c) All persons offering themselves as members of the Executive Committee must have been a member of the Union for two years.

11) Remuneration – Pensions – Gratuities for Officers and Staff

- a) Honoraria to the Officers of the Union may be provided annually from the funds of the Union, and the quantum of the Honoraria shall be fixed by the Executive Committee of the Union.
- b) Any Officer whose duties involve financial responsibility shall provide such security as the Executive Committee may require.
- c) The Executive Committee of the Union shall have the right to employ such staff as they deem fit to execute the work of the Union, and shall fix such salaries as are considered remunerative.
- d) The Executive Committee shall determine the level of any pension and/or gratuities, payable to Officers and Staff on their retirement from the service of the Union.
- e) Decisions made by the Executive Committee under the above regulations shall be ratified at a General Membership Meeting.

12) Chain of Authority

The entire membership of the Union shall be expected to carry out all decisions of the Union arrived at through the duly constituted chain of authority, provided that:

- a) The Executive Committee shall have the power to reverse or modify a decision made by the General Secretary or President; and
- b) The General Membership Meeting shall have the power to modify or reverse a decision of the Executive Committee; and
- c) The Biennial General Conference shall have the power to reverse or modify a decision of the Executive Committee.
- d) Provided that in the case of (a), (b), and (c), above, a two-thirds majority of those persons who are present and eligible to vote, modify or reverse a decision. A vote on the above may be held by secret ballot if it is the decision of the majority of members present.

ARTICLE VII – SUBSCRIPTION

- 1) The amount of the Annual Subscription for a member shall be 1% of a teacher's salary deducted on a monthly basis.
- 2) The amount of the Annual Subscription for an Associate Member (Student Teacher in College) shall be \$5.00 annually.
- 3) Provided that a two-third vote of the membership present at a properly constituted approves of such action, a supplementary fee, or a special assessment may be levied on the membership for a specific purpose and for a stipulated time period.

ARTICLE VIII – DISCIPLINE

- 1) The resignation of a member may be requested by the Executive Committee.
- 2) Any member who resigns from the Union, and later applies to rejoin, shall pay, in addition to regular monthly dues, an administration fee of 1% of salary step P 8. Membership in the Union shall be withheld until the Executive Committee approves the application and the Treasurer has received the said fee.
- 3) Any member be suspended by the Executive Committee, and later expelled from the union, if the Executive Committee's proposed action is endorsed by a simple majority vote at the next General Meeting. The member under suspension shall have the right to be present at the General meeting, and may speak on his/her behalf.
- 4) Any Officer, or Ordinary Member, of the Executive Committee may be removed from office by a majority vote held by secret ballot if the membership at a General Membership Meeting in which prior notification has been given at a previous membership meeting.

ARTICLE IX – AUDIT

- 1) An independent Auditor shall be appointed at the Biennial Meeting. The auditor shall audit the account of the Union and, in doing so, shall comply with all trade union regulations.

ARTICLE X – INSPECTION OF BOOKS

- 1) Records of membership and books of account of the Union shall be private and not open to inspection by members of the public. They may be inspected by a member of the Union provided that he/she gives up to three days' notice to the Secretariat of his/her intention. No records or books of account shall be removed from the office.

ARTICLE XI – AMENDMENTS

- 1) Any amendment(s) to this constitution, or the making of additional articles, or the rescinding of any of these articles, may be made at any General Membership Meeting, providing that written notice of the proposed amendment(s) has/have been given at the previous General Membership Meeting. All amendments must be approved by a two-thirds majority vote of members present at the meeting.

ARTICLE XII – DISSOLUTION

- 1) The Union may be dissolved by a four-fifths majority vote of members present at a General Membership Meeting called for that purpose.
- 2) In the event of dissolution, after payment of all its just debts, the Union shall distribute the residue of its fund to those persons who are ordinary members at the time of dissolution. Each member's share shall be computed in accordance with the number of completed years of membership in the Union.
- 3) Notice of such a General Membership Meeting must be given 30 days prior to the meeting and must be tabled at a previous membership meeting. All ordinary members are to be informed in writing of the meeting.
- 4) This article does not apply to the amalgamation with another union or association.

ARTICLE XIII – BY-LAWS

The Union, in General Membership Meetings, may pass Bye-laws which are not inconsistent with the Constitution or existing Bye-laws concerning:

- 1) The procedure for the election of its various office holders;
- 2) The management of its property and its own internal organization and administration;
- 3) The discipline of its members, including suspension and expulsion of members;
- 4) The establishment, amendment or rescission of B.U.T. Policy;
- 5) The established of special funds in the name of the B.U.T.;
- 6) The investment of funds in the name of the B.U.T.;
- 7) **All other matters as are deemed necessary or convenient for the promotion of the welfare of the members of the conduct of the business of the Union.**