

'Union of Professional Educators – "Voice of the workers"'

NAME & AIM

Article 1 - The Union shall be called the **'Union of Professional Educators – "Voice of the workers"'** and its initial principal office will be at :

"Dar Reggie Miller", St. Thomas Street, Floriana FRN 1123, Malta.

Article 2 - The principal aim of the **'Union of Professional Educators – "Voice of the workers"'** which will subsequently be referred to in this document as **UPE** or **Union** shall be to regulate relations between its members and their employer or employers' associations. It shall also be the aim of the **UPE** to ameliorate the working conditions of all its members, and to obtain for its members by legal and constitutional means that standard of living compatible with their social standing.

Article 3 - The **UPE** declares that it will do its utmost to protect and enhance the right of all its members under the protection of St Gorg Preca and the Sacred Heart of Mary & Jesus.

Article 4 - As a democratic Union, which takes its authority from its members, the **UPE** will, if required, hold consultations and collaborate with other free trade unions in all that is of national and/or sectoral interest and for the common good of its members.

Article 5 - The **UPE** believes in Industrial Democracy, which can be best achieved through Free Collective Bargaining.

Article 6 - The **UPE** 'shall not be affiliated in any way to any political party.

Article 7 - As a Union, it may provide and support educational and training opportunities.

Article 8 -

UPE is a trade union and is affiliated with one of the largest trade unions in the country. Hence within the Union there are two distinctive strands of activity, and its aims are directed mainly towards its members and the Public as follows:

8.1 EMPLOYEE MEMBERS

1. To increase the profile of Professional Educators in Malta.
2. To be the professional voice in education and promote models of good care and practice within the educational profession.
3. To promote career advancement and leadership in education.
4. To facilitate and promote educational activities for members.
5. To support, promote and carry out research on related educational topics.

8.2 THE PUBLIC

1. To promote ways of serving students in the best possible manner.
2. To provide expert advice that is evidence-based, up-to-date and unbiased information on educational services.
3. To influence the development of the educational services industry policies by giving value and making the best use of the employees' members skills and knowledge.

ARTICLE 9 – DESCRIPTION of UPE

1. The UPE is a non-governmental organization – NGO.
2. It is non-profit making, and its duration is indefinite.
3. It shall be a legal entity which is separate and distinct from its constituent members.
4. It will be initially affiliated with the Union Haddiema Maghqudin (UHM) voice of the workers, but it will also have the ability to affiliate with any other union or confederation of unions as required by the executive council.
5. It may collaborate with other entities on a local, regional or international basis to further its aims. It shall also have the power to appoint committees, subcommittees or join other unions and associations to reach its aims.

ARTICLE 10 - ADDRESS

The UPE shall use the UHM Address:

Reggie Miller, St. Thomas Street Floriana FRN 1123, Malta.

The Executive Council may decide to change the address as and if it deems appropriate to do so.

ARTICLE 11 - FINANCES

1. The UPE will primarily be funded through annual membership fees.
2. It may also be funded through contributions by public or private individuals or organizations.
3. It may support its activities through the sale of goods and services which should in some way be related to its statutory activities.
4. It may carry out fund-raising schemes or request subsidies or sponsorships to finance specific projects. Monies raised from such means are to be utilized exclusively for the specified activity and/or the aims of the union.

5. UPE may apply for funds through EU schemes, government schemes or any other opportunities for funding which would ultimately benefit the members.

ARTICLE 12 – GOVERNING BODY

1. The UPE members are the highest authority of the Union.
2. A General Meeting of the Union shall be held at least once a year during the month of March, and on any other occasion which the Board/Council might deem fit.
3. The initial formation of the Executive Board/Council shall be composed of a Executive Head, Executive Director, 2 Assistant Directors and Financial Executive, together with all the co-founders of the UPE as listed in the registration form filed with the Department of Industrial and Employment Relations. During an AGM/EGM or as per clause 16.6 of this document, it may be decided to elect individuals in the positions of Media Coordinator, Executive Youth Officer and/or additional Board/Council members (with or without voting powers) at the member's discretion. Once voting rights are assigned, they cannot be retracted until the term of office expires or unless the individual resigns. Subsequent members of the Executive Board/Council may also be appointed from amongst any of the co-founders, union members or any external recruits as might be deemed appropriate by the members present and voting during a general meeting or as specified under clause 16.6 of this document.
4. The Board/Council members should meet at least once every two months, or as often as needs be. Meetings of the Board/Council shall be called by the Executive Director in consultation with the Executive Head. The Board/Council shall also meet when summoned by its Executive Head or at the request of any two board/council members. At least seven days' notice shall be given of a Board/Council meeting but where there is the unanimous consent of all the

board/council members such meeting may take place without such notice being given.

5. At least 50% plus one of the Executive Board/Council members shall constitute a quorum at all meetings of the Executive Board/Council. If no quorum exists at any meeting, the Board/Council may proceed to set another date whereby no quorum will be required for decisions on any matters related to the previous agenda. The decisions of the Executive Board/Council shall be by a simple majority, but any decision regarding any industrial action or ancillary or consequential thereto, shall require a majority of two-thirds of votes effectively cast. The Executive Head will have a double vote, in case of a situation of parity of votes.
6. Voting by proxy will be allowed.
7. Decisions taken by the Board/Council on matters of management will be final.
8. Decisions of and resolutions taken by the Executive Board/Council shall be recorded. The record shall be signed by two members who participated in the decision.
9. The accounts and resources of the group shall be administered by the Financial Executive who shall provide information to the Executive Board/Council as required and shall submit annual accounts to the Board/Council for its approval. A Balance Sheet and Report on Income and Expenditure shall be prepared simultaneously.
10. The Executive Board/Council will be able to raise money (but not borrow) for the NGO's work.
11. The Executive Board/Council will be able to appoint sub-committees at its discretion, under terms of reference which the Board/Council shall determine.

12. The Executive Board/Council may delegate powers to one of its members who will in turn subsequently submit a report on the activities carried out.
13. Each member of the Executive Board/Council with the exception of the Executive Head and the Executive Director shall hold office for a maximum of three years. Each Board/Council member who resigns or whose term of office expires may stand for re-election at the following Annual General Meeting.
14. The Executive Head shall be elected for a period of 5 years at the Annual General Meeting. The Executive Director shall be elected for a period of 5 years at the Annual General Meeting. The first Executive Head, Executive Director, and Financial Executive will be Graham George Sansone ID 167583M, Rebecca Vella Cachia ID 503789M and George Debono ID 322064M respectively, in such order. If an Executive Head, Executive Director or Financial Executive resigns, and/or his/her term of office expires, he/she may stand for re-election at the Annual General Meeting.
15. Council/Board members whose attitude and behaviour will be deemed to be against the well being of the Union, may be suspended from office by a request in writing signed by a minimum of 20 percent of the union members. Such request for suspension will need to be accompanied by a request for a subsequent vote of no confidence to be taken in a General Meeting, Extraordinary General Meeting or as per clause 16.6 of this document in line with the same procedure outlined in Art 16 of this statute .

ARTICLE 13 - MEMBERSHIP

The members of the organization are categorized as follows:

- A: Ordinary members are individuals who pay an annual membership fee to support the Association's activities and to obtain specific services.
- B: Representatives of the Union of Professional Educators who would be duly accredited by the Board.
- C: Honorary members who are individuals known for their competence in Educational Services or Industrial Relations, who have been invited by the Executive Board/Council to offer their expertise to the association, or who have already given valuable assistance in the past.
- D: Ex-employees and Pensioners who previously were Educators .

Accreditation of the Union of Professional Educators.

1. The board will have the power to accredit and/or dis-accredit representatives.
2. Union of Professional Educators representatives need to be registered employees who are employed by an organisation that they are seeking to represent. It is necessary that anyone wishing to become a representative should fully understand the expectations of the role and what support the Union of Professional Educators can offer both in the process of becoming a representative and after they are fully established as a representative.
3. To ensure that prospective representatives are fully informed of the role and expectations, an expression of interest form (EOI) should be completed. Following an interview with a board member (sponsor), if the prospective representative decides to continue with their request for accreditation, they will complete the application form and submit it to the Board. If they choose not to continue a note to this effect will be made on the EOI form.
4. Once the application form has been completed it will be considered by the board. The board will decide whether to support the application or not. This will be done either through a process of consensus or a vote.
5. If a prospective representative is accredited the board will notify the person of the process of agreeing a learning contract and access to the Union of Professional Educators learning and development programme. After then they will be expected to maintain and develop their practice through continuing learning and development with mentorship support.

Dis-accreditation of Union of Professional Educators

6. The board will decide whether to ratify a representative's accreditation.

7. A representative who does not wish to continue with accreditation may simply resign.
8. Where a representative fails to engage with or complete satisfactorily the learning and development pathway the representative will meet with the learning and development facilitator (LDF) and discuss any issues that may give rise to their failure to complete. The representative will, if they so wish be invited to resign as a representative if they feel that they cannot continue with the process.
9. If the representative wishes to continue with the process of moving to full accreditation they will, in the first instance, be supported by their LDF and a process will be agreed to enable them to move towards full accreditation in a timely manner. Continued failure by the representative to meet the requirements of the L&D pathway will result in dis-accreditation.
10. Where the board is of the view that a representative should no longer be accredited e.g. failure to complete the programme, failure to attend meetings or a failure to undertake the role expected of the Union of Professional Educators representative, they will write to the representative confirming that it is their intention to disaccredit them and outlining the reasons why. The representative will be given 21 days to respond to the intention to dis-accredit them.
11. After a period of 21 days has elapsed the board will decide whether to dis-accredit the representative. If the decision of the board is to dis-accredit the representative, they will write to the member notifying them of their decision. In such cases the representative will be unable to make an application to be a representative again until a period of six months has lapsed since they were formally dis-accredited.
12. If the Board decides not to dis-accredit they will outline to the representative how they will be supported to address the concerns raised and a detailed process will be agreed with the representative, including timescales for the achievement of any mandatory steps.

13. Where a representative is discredited they can no longer represent the Union of Professional Educators but can retain their membership and will enjoy all the rights and privileges of UPE as before enrolling for accreditation.
14. The Union may also accept as members, ex-employees and pensioners such members (ex-employees) shall however not be entitled to vote at a General Meeting.
15. All persons wishing to join the UPE must first apply on the prescribed form, where they declare that they will abide by all the Rules and Regulations of the Union as laid out up to that date, or as can be changed for time to time by a General Meeting or as per clause 16.6 of this document.
16. Members shall be officially advised of the Rules and Regulations of the Union, with all amendments approved to the date of their application and acceptance as members, through hard copy or electronic media. All members will have access to the UPE statute at any time.
17. The Executive Head and Executive Director in consultation with any interested party shall approve new members. Such applications will be subsequently ratified by the board/council, which shall have the right to refuse any application for membership without giving any explanation. The decision of the Board/Council regarding any refusal is not subject to appeal.
18. The Board/Council, obtaining two-thirds majority by secret voting, shall have the right to dismiss or suspend any member (other than a member of the Executive Board/Council only) whose attitude and behaviour will be against the well being of the Union.
19. Any member of the Union who is dismissed or suspended shall have the right of appeal against this decision through a General Meeting or as per Article 16.6 of this document.
20. The membership and enrolment fees of the Union shall be set by the Board/Council and there may be several classes of membership and enrolment fees as decided upon by the Board/Council. These fees may, however be partially or wholly waived for a justifiable reason as decided upon by the Board/Council. These fees currently stand at EUR45 for

annum. The membership fees for Pensioner/Early Retirees under the age of 65 years of age shall remain as above. On reaching 65 years of age membership fees will be a one time life membership payment of EUR25. It is the responsibility of the members to advise UPE of pensions age. However UPE will, annually, review the list of members and contact individuals that fail to report their promotion in order to regularize themselves with UPE.

21. Any member who fails to pay in part or in full any of this membership fee shall not be entitled to the Union's protection.
22. Only those members who have notified the Executive Director in writing that they do not wish to remain Union members, will be considered as having resigned their membership.
23. Any member who does not hand in his resignation in writing shall be deemed to have remained a member, and shall be liable for payment of all membership dues.
24. Members who have resigned from the Union, and who would like to rejoin will have to pay a re-enrollment fee of EUR25, except that the Council may by simple majority waive, or charge the ordinary enrollment fee instead.

Article 14- Power to Call Industrial Action

1. It is a fundamental principle of the Union that it shall not act in any way which is detrimental to the wellbeing or interests of their members. Without prejudice to this fundamental principle, the Board/Council is empowered to authorise action by Members in furtherance of an industrial dispute and to make regulations governing the procedure to be followed;
2. No industrial action shall be taken by any Member without the prior authorisation of the Board/Council.
3. The Board will not authorise any form of industrial action unless it is satisfied that such form of action will not be detrimental to the wellbeing and/or interests of its members;

4. The Board will ensure that any authorised industrial action complies with both the relevant trade union legislation in force at the time and with the Ethical Code of Practice on Industrial Action.

ARTICLE 15 - FISCAL YEAR

1. The fiscal year of the Union of Professional Educators shall be from 1st January to 31st December.

ARTICLE 16 – ANNUAL GENERAL MEETING

1. Members of the Union of Professional Educators will meet annually at the Annual General Meeting to approve the president's report, the financial statement and the estimated budget for the coming year as well as any other matters brought to their attention by the President.
2. The call for the Annual General Meeting is to be made by means of a written notice, which includes the agenda, published for all members at least 14 days before the meeting.
3. The annual financial report and audit is to be prepared by engaging professional qualified accountants and approved at the Annual General Meeting.
4. Elections and/or Voting for any motion (including any vote of no confidence in any member of the board), or as required by the statute, or as recommended by the Council/Board or by a request made by a minimum of 20 percent of the union members, are to be carried out by a General Meeting, Extraordinary General Meeting or as per clause 16.6 of this document . General Meetings will be carried out in the same manner as required for the AGM specifically for the purpose being requested.
5. Voting will take place by a mere show of hands unless a secret ballot is requested by a minimum of 10 members. In such case, ballots signed by a majority of Council/Board members will need to be cast by members present during the meeting in a sealed box. Council/Board are to ensure that the process is conducted in a transparent and democratic manner as to avoid any doubts about the legitimacy or otherwise of the outcome.

6. The Executive Board/Council may decide that the voting relating to a motion or an election can be held by electronic means and will ensure that such process is conducted in a transparent and democratic manner as to avoid any doubts about the legitimacy or otherwise of the outcome. Without prejudice to this clause, any party who may be directly impacted by such an electronic vote, may request that the motion is discussed in a general meeting prior to the vote be taken by electronic means, and/or to be allowed to state his/her views on the matter either by means of a circular to its members issued by the union, and/or by publishing such views on the Union website/social media facilities with restricted viewership to only the union's members.
7. Any member shall have the right to inspect the books and the membership lists of the Union during the General Meeting or at any other time specified by the Council within 1 month of such request being made.

ARTICLE 17 – NON-PROFIT STATUS

1. Union of Professional Educators shall not be operated for pecuniary gain or profit. No part of the property or net earnings of the Union shall come into operation for the benefit of any individual other than through payment of salary or professional fees as deemed fit by the executive board in cases whereby the professional services of an individual are engaged by the union .
2. Executive Board/Council members are not entitled to any compensation other than refund of any expenses incurred or honoraria as befits a non-profit Association. Nevertheless, the Executive Council/Board may employ any person on a full or part-time basis to fulfill the functions determined by the Council/Board which may also require the individual concerned to sit on the Executive Council/Board. The Council/Board will determine the amount of honoraria (if deemed appropriate) for each board/council member or representative. When any decision relates to a particular executive council/board member, he/she will be excluded from the discussions/meetings and will not have any voting rights for such matter.

ARTICLE 18 – DISSOLUTION

1. The Union of Professional Educators shall be dissolved in the way provided for herein if:
 - A. The aims for which it was set up have been fulfilled.
 - B. The aims have become impossible to fulfil.
 - C. The funds have become insufficient for the projects at hand.
 - D. A decision to this effect is taken at an Annual General Meeting or at an Extraordinary General Meeting of the NGO and approved by 75 percent of those present and entitled to vote, or as per clause 16.6.

2. In the event of dissolution, any assets remaining after payment of all debts shall be donated to existing projects of sister related societies. For the purpose of this provision ,sister related societies means any project, society or trade union recommended by the Executive Board/Council or by members of the union by means of a motion as prescribed under Art 16 of this statute.

3. These Rules and Regulations may be changed, altered or amended by a General Meeting or as per clause 16.6 of this document, provided that any change, alteration or amendment has been circulated as a motion and if a general meeting is held, it shall also be set on the Agenda.

Article 19 - GENERAL ADMINISTRATION

1. The Executive Head shall be responsible for the general Administration of the Union. However, the Board/Council may delegate specific administrative functions to an Executive Committee (constituted by the Board/Council) or any other individual as deemed appropriate by the Board/Council accordingly.

2. The Executive Director shall be responsible for the membership of the Union and for the taking of minutes during meetings and for the retention and processing of records as required by the Board/Council and according to statutory requirements.
3. Nevertheless, Judicial and Legal representation of the Union is vested jointly in the Executive Head and the Executive Director or any other Board/Council member authorised by each of them in their absence.

Article 20 - FINANCIAL ADMINISTRATION

1. The Financial Administration of the Union shall be vested in the Board/Council represented by the Financial Executive .
2. The Financial Executive shall be directly responsible for the financial and monetary assets of the Union. He shall keep proper books of accounts which shall be audited every year and for establishing accounting policies, budgetary, regulatory and supervisory controls related to the Union's finances. The appointment of Auditors will be the responsibility of the Executive Board/Council, but may be subject to challenge by the union members by means of a motion as regulated under Art 16 of this statute.
3. The funds of the Union shall be deposited in a Bank account and used only in connection with matter concerning the running of the Union.
4. All funds of the Union shall be deposited in Current or Time Deposits, but shares in locally registered Banks may be purchased and sold according to the decision taken from time to time by the Board/Council. No monies shall be withdrawn either from the Current or Time Deposits unless over the signature of any two of the following signatories of the Union (jointly) i.e. Executive Head, Executive Director and Financial Executive .
5. A receipt shall be issued against all monies received. In the case of monthly membership fees, however a collective receipt is issued to the respective Employer which has acted as collector on behalf of the members.



6. Under no circumstances will the Board/Council incur or allow to be incurred any debts whatsoever and any financial transaction which might be considered speculative or might prove to be a liability to the Union shall be prohibited.

Signed:

Executive Head

Co Founder

Executive Director

Co Founder

Financial Executive

Co Founder

Co Founder