Professionalism and Ethics: Making an Adverse Report

This is a reminder to all members about your obligations if you make a negative report about another teacher, or about another member of OSSTF (to anyone, not just to administration or management).

Section 18(1)(b) of the *Regulation Made Under the Teaching Profession Act* states that a member shall, "on making an adverse report on another member, furnish him with a written statement of the report at the earliest possible time and not later than three days after making the report."

An adverse report is a report made about a member to an individual in a supervisory position who has authority to impose discipline or to make recommendations for discipline or work sanctions.

The Teaching Profession Act applies to all teachers, including occasional teachers, and members of the other teacher federations, such as ETFO and OECTA.

OSSTF bylaw 2 states that members must, "on making an adverse report on another member, furnish that member with a written statement of the report at the earliest possible time and not later than three days after making the report."

Please note that in Bluewater, there are 5 OSSTF bargaining units, and so this applies to members of the TBU, OT, ESP, OPT, and PSSP bargaining units.

All members are advised that if you make an adverse report (to anyone, not just to administration or management) about another OSSTF member, you must inform that member in writing as soon as possible, in accordance with the clauses below:

from the OSSTF Constitution:

2.3.3 **Duties of Members to Other Members**

2.3.3.1 A member shall: (A.15)

2.3.3.1.1. avoid interfering in an unwarranted manner between other members and pupils; (A.15)

2.3.3.1.2. **on making an adverse report on another member, furnish that member with a written statement of the report at the earliest possible time and not later than three days after making the report.** (A.15)

2.3.3.1.2.1 Notwithstanding Bylaw 2.2.3.1.2, this obligation shall not apply to: (A.19)

2.3.3.1.2.1.1 matters related to the Child, Youth and Family Services Act; and (A.19)

2.3.3.1.2.1.2 investigations the procedures of which stipulate the confidentiality of proceedings. (A.19)

2.3.3.1.2.1.3 matters pertaining to Human Rights on all protected grounds under the Ontario Human Rights Code and harassment allegations. (A.22)

2.3.3.1.3. **Prior to registering a complaint of harassment or bullying against another member, inform the member, either personally or through a representative, that the actions are unwelcome and must cease;** (A.15)

2.3.3.1.4. refuse to accept employment with an employer whose relations with the Federation are unsatisfactory; (A.15)

2.3.3.1.5. where the Member is in an administrative or supervisory position, make an honest and determined effort to help and counsel a Member before subscribing to the dismissal of that member; (A.15)

2.3.3.1.6. not attempt to gain an advantage over other Members by knowingly under-bidding another Member, or knowingly applying for a position not properly declared vacant, or by negotiating for salary independently of the Member's Bargaining Unit. (A.15)

2.3.3.2 **Any member making an adverse report on another member under 2.2.3.1.2 shall include in the written statement the relevant date, details and alleged incidents that were related in the adverse report to the member and address and deliver the written statement to the member.** (A.15)

2.3.3.3 It shall be the duty of every member whose duties include the making of recommendations affecting the tenure or position of responsibility of another member to provide the said member with copies of all reports submitted or filed concerning him/her, no later than 72 hours after the submission or filing of the report; and before making a recommendation for termination or non-renewal of a member's contract, or demotion on the grounds of unsatisfactory performance, to warn the member in writing, to provide or offer assistance and to allow a reasonable time for improvement, and when placing a member under formal review to inform the Field Secretary assigned to the member's District or Bargaining Unit. (A.15)

2.3.3.4 It shall be the duty of every Member not to deliberately and repeatedly breach the rules of order at any meeting called by an OSSTF/FEESO Bargaining Unit, District, Provincial Council, a Resumption of Bargaining Team, a Pay Equity Steering Committee or a Resumption of Pay Equity Steering Committee, the Provincial Executive or a provincial committee or council. (A.15)