



# CODE OF RULES

## SECTION I – TITLE AND OBJECTS OF THE UNION

1. (a) The Union shall be called “THE MALTA UNION OF TEACHERS”, abbreviated and hereinafter referred to as MUT.
- (b) The address of the MUT shall be 759, Triq il-Kbira San Guzepp, Hamrun HMR1016.

### **Objects:**

2. The principal purpose of the MUT is the regulation of relations between its members and employers and employers’ associations; and the other objects of the Union shall be:-
  - (a) To associate and unite the teaching grades and other related professions within the education stream (thereafter referred to as educators) of Malta and Gozo and promote their general welfare;
  - (b) To secure their solidarity and extend the influence of their profession;
  - (c) To raise the teaching professions to that dignity and comfort to which it is entitled within the State, and strive to maintain high status;
  - (d) To fight for an adequate remuneration, against odious distinctions, undue hardship and unbecoming conditions of work;
  - (e) To convey to the proper quarters the interests of educators and their grievances and secure prompt attention and redress;
  - (f) To secure possible representation on any Executive or Advisory Body having powers to give decisions that may affect the profession.
  - (g) To watch the application of Acts and Regulations affecting the interests of educators and endeavour by legal and moral means to secure their amendment or abrogation if they are considered detrimental to the profession;
  - (h) To provide means for the expression of the collective opinion of educators upon matters affecting the interests of education and the profession;
  - (i) To afford advice and assistance to individual members in all phases of their educational and professional life;
  - (j) To extend protection to all educators whenever necessary;
  - (k) To participate in the formation of and invest in limited liability companies.

### **Political Independence:**

3. The MUT shall be totally independent of all political parties and/or movements.

## SECTION II – MEMBERSHIP

### Eligibility

4. Local members of the Teaching Profession and all those directly involved in the delivery of education to pupils and students from early years through to further education. This includes all educators and professional workers within the Student Services, who offer a variety of support and educational services to students, provided that:
  - (a) they are of sixteen years of age;
  - (b) they apply for membership on the prescribed form;
  - (c) they are approved by Council;
  - (d) they pay the admission fee, and
  - (e) they are not in membership with any other Teacher Organization registered as a Trade Union under the Industrial Relations Act 1976, or any other Trade Union organising educators sectionally;

### Associate Members:

5. Individuals who are not educators but who have given proof of their interest in local education may at the discretion of the Council be accepted as Associate Members of the MUT.

### Admission Fee:

6. On admission a new member shall pay an admission fee equivalent to the pro-rata per term of the yearly subscription applicable to the member which entitles the member to a copy of the Union Rules and the Membership Card. Membership shall be attained from the date of such payment pending approval by Council.

### Membership Card:

7. Official recognition of membership shall be furnished by the Membership Card bearing the personal Number of Enrolment. This Card shall be produced on demand at General Conferences, other gatherings of the MUT and whenever else required, failure of which may preclude the member from admission to such meetings and gatherings, from participating in any MUT activity, and from having any representations, grievances or complaints dealt with by any official of the MUT. Membership cards will be renewable every year.

### Admission:

8.
  - (a) Any admission shall be subject to ratification or cancellation by the Council within three months; in the latter case all payments shall be refunded.
  - (b) No new member shall have any right to the privileges of membership before ratification by Council. No new member shall have the right to seek legal assistance from the MUT's legal counsel before the lapse of twelve months from enrolment. This, however, shall not preclude the Council from taking action on behalf of such new member, provided that the new member was not eligible to join the MUT three months before the actual date of enrolment.
  - (c) It shall be in the power of the Council to reject any application for membership without explaining its reasons.
  - (d) Voting in the Council for and against admission shall be by secret ballot if considered necessary by any Council member.

### **Termination of Membership:**

9. Membership of the MUT shall cease:
  - (a) by resignation, in which case notice in writing through Registered Post or email shall be given to the General Secretary. Such letter of resignation shall be officially acknowledged. Resignation will not be valid until any pending arrears are paid;
  - (b) by exclusion or removal as per Section IX;
  - (c) by no longer satisfying the eligibility criteria for membership;
  - (d) by decision of the General Conference with the same reservation of 8 (c);
  - (e) by continuing or taking up membership with any other organization or union as provided in the eligibility criteria in Article 4 (e); provided that notification of taking up membership with such other organization or union shall be communicated in writing through registered post or email to the General Secretary and any pending arrears are paid.
  
10. In any such occurrence the Enrolment Number of the member shall be cancelled, the Membership Card withdrawn or cancelled, and no claims whatever for damages or refund shall be sustained against the MUT.

### **Re-Admission:**

11. Any person, who resigned from Union membership, may apply again for membership at any time. Any person, eligible for membership who has been refused admission may, after the lapse of four months, apply again for membership. Any member who has been suspended or excluded may be re-admitted by Council on the following terms:-
  - (a) S/He shall apply to the Council, within four (4) months, stating the cause of the privation of membership;
  - (b) S/He shall supply reasons for reconsideration of application in writing to the General Secretary, and shall therein declare readiness to carry out such directions as the Council, in its sole discretion, may impose. Voting in the Council for and against re-admission shall be subject to a two-third majority;
  - (c) Provided that a member resigning and remaining eligible for membership shall pay a re-joining fee equivalent to half the applicable yearly membership fee on being re-admitted as a member of the MUT.
  - (d) Provided that a Lifetime Member who has resigned, been suspended or excluded, can reapply but will not be re-eligible for Lifetime Membership status.

## SECTION III - SUBSCRIPTION

### Fee:

12. Every member of the MUT shall pay a yearly subscription fee as established by the General Conference.
  - (a) the membership fee shall be the same for full-time and part-time employees;
  - (b) New members after January 2014 will be required to enter a system of check-off authorization for membership fees as established by Council. Members that enrolled prior to January 2014 will be required to move to this system in a time frame and method as decided upon by Council. Members will be liable to pay any charges related to this system as decreed by Council.
  - (c) University / MCAST Students reading for full-time courses leading to the teaching profession, or any other profession related to education, may apply for membership through a dedicated student's membership form on which the course dates must be duly specified, together with an admission letter from the University/Universities/Institutions concerned. These students will be exempt from membership fee until the date of termination of their course of studies.
  - (d) Life-membership shall be conceded on the payment of €600 once on admission to the MUT; or on application to the Council thereafter.
  - (e) Retired members of the teaching profession shall pay €60 once only to retain membership, provided that retired members who have paid the last ten (10) consecutive membership fees shall be exempted from paying the €60 and shall be entitled to circulars and emails from the Union as well as membership in the Retired Section. The Retired Section will also have a committee as regulated in Section XVI which will have the purpose of organizing social events and seminars with approval of Council.
  - (f) Members who are on unpaid leave related to family friendly measures will be exempted from membership fee for the duration of this leave. Official documents related to the acceptance of leave may be requested by the Union.
  - (g) Each case for exemption or reduction shall be examined individually by the Council.

### In Arrears:

13.
  - (a) Subscriptions are due in advance and are not reclaimable in whole or in part.
  - (b) Subscription fees six months in arrears shall entail abeyance of the membership and forfeiture of all privileges in the MUT; it shall not, however, entail termination of the membership, which shall be terminated only as provided in Section II, Rule 9. Payment of subscription shall be enforceable until termination of the membership has been approved by the Council.

### Levy:

14. In addition to the subscription to be paid under Rule 12, each member shall be required to contribute such further sum, for a specific period, as and when the Council may order in special circumstances.

## SECTION IV - CONSTITUTION & ADMINISTRATION

### Constitution:

15. The General Conference is the supreme authority of the MUT.

### Council:

16. (a) The administration of the MUT shall be entrusted to a board of members, hereinafter called the COUNCIL, elected triennially or at a shorter period as occasion demands.
- (b) The Council shall consist of up to 55 (fifty-five) members; President; Senior Vice-President, Vice-President; General Secretary; Assistant General Secretary; International Secretary; Treasurer; Organiser; Public Relations Officer; T.I. Director; The Chairperson of the Gozo Membership Committee, The Chairperson of the MUT Youth Committee, the Deputy Chairperson of the MUT Youth Committee and the other members. Provided that more than one Assistant General Secretary may be appointed whenever the Council considers necessary.
- (c) With the exception of the General Secretary, the members forming the Council shall be voted for by the MUT membership in accordance with the provision of Section VI. The Chairperson of the Gozo Membership Committee shall be elected by the Gozo Membership.
- (d) The General Secretary shall be an employee of the MUT employed from year to year by the Council as provided in Rule 29 (a) (b) (c) (d) (e). During his term of office the General Secretary shall be an Honorary Member of the MUT.
- (e) Apart from the General Secretary and the Chairperson of the Gozo Membership Committee, the other members on the Council shall be elected as follows:-

#### **Officials Directly Elected to Council**

- 1 President elected as such;
- 1 Senior Vice President elected as such;

#### **Representation from Post Secondary / Tertiary Education members:**

- 3 Academics/Teachers/Lecturers serving in the Post Secondary Sector (essentially MCAST, ITS, Sixth Forms including Higher Secondary, excluding Junior College) – Provided that if more than 3 members contest this section the 3 members elected will be representative of the whole post secondary sector; provided further that if there are candidates from different institutions contesting these seats, these three seats shall be firstly filled by the candidates from each respective institution obtaining the highest amount of votes and thereafter the highest polling candidates;
- 2 Academics serving in the University of Malta

#### **Church & Independent School Representation:**

- 3 Teachers, 1 LSAs, 1 KGA serving in Church Schools (excluding 6th forms); 2 members serving in any of the Independent Schools;
- 2 members from the categories of Assistant Heads, HODs, INCOs and Educators employed directly by the Church Secretariat for Education and/or Church Schools

#### **State Schools representation:**

- 1 INCO representing INCOs from State Schools
- 1 Head of School serving in Primary Schools;
- 3 Members from the grades of Assistant Head and Head of Department serving in the Primary School sector, Provided that if more than 3 members contest this section the 3 members elected will be representative of the spectrum of grades; provided further that

if there are candidates from different grades contesting these seats, these three seats shall be firstly filled by the candidates from each respective grade obtaining the highest amount of votes and thereafter the highest polling candidates;

- 1 Head of School serving in Secondary Schools;
- 3 Members from the grades of Assistant Heads and Head of Department in Secondary Schools; Provided that if more than 3 members contest this section the 3 members elected will be representative of the whole secondary sector; provided further that if there are candidates from different grades contesting these seats, these three seats shall be firstly filled by the candidates from each respective grade obtaining the highest amount of votes and thereafter the highest polling candidates;
- 2 members from Education Officer grade, Provided that if more than 2 members contest this section the 2 members elected will be representative of the spectrum of grades serving under the two directorates, DES and DQSE;
- 7 Teachers serving in Primary Schools;
- 7 Teachers serving in Secondary Schools;
- 2 Kindergarten Assistants;
- 3 Learning Support Assistants;
- 1 Member Representing the Student Services Grades
- 1 Member serving in Resource Centres and/or Learning Support Centres;

**Retired Members and Student Representation:**

- 2 Retired members;
- 1 Member representing the University / MCAST student members cohort

**Representatives of Committees:**

- 1 Gozo MUT Committee Chairperson
- Chairperson and 1 Deputy Chairperson of the MUT Youth Committee

**1 Other member from a category not represented collectively by the MUT**

51 + Chairperson GMC+ Chairperson Youth Section + Deputy Chairperson Youth Section + General Secretary = 55 Total

A maximum of five (5) vacant positions shall be filled by other members who have contested the election, obtained the quota of 200 votes but were not elected in their respective section, excluding the posts of President and Senior Vice President. The contestant who obtained the greatest number of votes in the respective section and overall will be elected.

- (f) Members of the Council shall be voted for by the MUT Membership in accordance with electoral provisions of Section VI; the Gozo Chairperson shall be elected by the Gozo Membership, Rule 52; the Publications' Editor shall be chosen by the Council, Rule 39.
- (g) With the exception of the President and Senior Vice President, for whose election provision is made in Rule 46 (c) i) and ii), and the General Secretary for whose appointment appropriate provision is made in Rule 16 (d), all other Officers shall be chosen by the new Council from among the remaining elected members.
- (h) Provided that the Vice-President shall be appointed from the elected Council members by two-thirds majority of members present in a secret ballot by the first two meetings of the new Council; provided that if after three secret ballots no candidate secures a two-third majority, a subsequent secret ballot shall be taken restricted to the two candidates having obtained the highest number of votes, and the candidate then securing a simple majority of votes shall be appointed Vice-President; provided that in the case of the two candidates obtaining an equal number of votes, the candidate with the longest period of continuous service on the Council shall be appointed Vice-President.

- (i) Provided also that whenever the Council considers it advisable, it shall dispense from appointing a full-time General Secretary, in which case this post shall be filled by an elected member nominated by the Council.
- (j) Any member of the MUT Council who becomes a full-time official of any Confederation/Association of Trade Unions will be required to relinquish his seat on Council until such time as he/she is performing duties with the Confederation/Association.
- (k) Any member of the MUT Council may request a secret vote when a vote on any issue is taken in a Council meeting, which has to be granted.
- (l) Any member of the MUT Council, if seconded by another member of the same Council, may request a vote of confidence / no confidence in any other Council member. In cases where the Council Member subject of the vote is an official appointed by Council, the Council may decide to revoke the appointment if the official loses the vote, with the exception of the General Secretary. The Council may also suspend one of its own members for a definite / indefinite period with the exception of the President, Senior Vice President and the General Secretary.

#### **Powers of the Council:**

17. The Council shall have the power:

- (a) to admit or refuse new Union members;
- (b) to call a General Conference at any time;
- (c) to appoint such ancillary Committees as soon as possible after election; provided that they shall cease to function when the Council completes its term of office;
- (d) to interpret any of these Rules, and to make bye-laws, as per Rule 73 (a);
- (e) to alter or revoke any past decision taken by itself or by previous Councils or Committees; excepting the provisions of Rules 73 (a) and 74 (h);
- (f) To remove any officer, with the exception of the President and of the Senior Vice President, and to appoint a successor; provided, however, that in the case of the General Secretary the Council shall give prior notice as indicated by Industrial law in writing of its intention to terminate his employment;
- (g) to employ or remove employees at the Union according to exigencies
- (h) to take such steps as will be considered necessary in furthering the aims of the MUT;
- (i) to decide by a majority vote on any matter that shall be legally brought before it for consideration;
- (j) to hold a referendum among members when occasion demands following an unanimous decision of the Council;
- (k) to borrow or raise money by way of overdraft or loan, to guarantee the repayment of such overdraft or loan by General Hypothec over the MUT's property present and future, and/or by pledging in favour of the lender any stocks and shares held by the MUT;
- (l) to set up an Appeals Board composed of three members outside the MUT to deal with all matters related to salary and status submitted to it by the Council;
- (m) to have the final say on all matters related to the composition of committees or sections and any decisions relating or emanating from their function and operation.

#### **Finality of decisions:**

18. Decisions taken by the Council shall be final and binding on all members of the MUT and no appeal shall be allowed against them to any Court of Law or to any authority, but only to a General Conference. Membership of the MUT can only be accepted on this understanding.

#### **Minimum for a Council to function:**

19. As long as there shall be a President, Senior Vice-President or another Officer, and three other members, the Council shall continue to function; failing which a state of emergency shall be deemed to exist and immediately all powers shall pass into the hands of the President, Senior Vice-President or that of another Officer, as the case may be.

**Termination of Membership on Council or Committee:**

20. (a) Any member of the Council or of a Committee who shall not have attended three consecutive meetings within the period of two months for which he received due notice, except for reasons considered valid by that body, shall cease to be a member thereof, and shall not be eligible for re-election until the next Council election.
- (b) Any member of the Council may tender his resignation, thereby creating a vacancy; provided, however, that the General Secretary shall give the Council in writing prior notice as indicated by applicable legislation of his intention to tender his resignation.

**Vacancies:**

21. (a) When vacancies occur within the Council, in the case of the President, Rule 26 shall apply; in the case of any other member, the next highest on the voted list according to the category concerned as provided in Rule 16 shall be declared elected;
- (b) It shall be lawful for the Council, in a state of emergency, to co-opt not more than 10 (ten) members from the Election List according to the category concerned.

**Termination of Council:**

22. (a) Independently of the period of the year in which it was elected the Council shall be dissolved:-
- (i) at the end of its term of office;
  - (ii) following its resignation as a body;
  - (iii) following a vote of no-confidence passed at a General Conference.
- The retiring members except the General Secretary shall be eligible for re-election.
- (b) On the dissolution of the Council the out-going officers shall carry on in their respective offices to attend only to urgent business till the new ones shall be in office.
- (c) All officers or other members of the Council before going out of office shall deliver to their successors or to a person or persons authorized for the purpose, all books, monies, papers, receipts, counterfoils, letters, files, lists or any other property that may be in their possession belonging to the MUT. Certificates of handing over, containing a complete list of MUT property being handed over, shall be drawn in triplicate and signed by the out-going and incoming members and by the president, each retaining a copy for further reference. Furthermore, all electronic equipment belonging to the MUT and/or correspondence concerning Union business must also be passed on.

## SECTION V - COUNCIL MEMBERS

23. Each Officer of the Council besides the normal duties pertaining to his office and besides other duties prescribed elsewhere in these Rules shall have particular powers and responsibilities as stated below:

### Sub-section 1 - PRESIDENT

24. The elected member accepting the presidency shall perform full-time duties at the Teachers' Institute.
25. The President, as head of the MUT, shall carry with him/her its full confidence and thereby be vested with normal and emergency powers as follows:

#### Normal Powers:

- (a) S/He shall preside over all General Conferences and Council meetings, read all letters which require to be submitted to the Council, see that the business is properly conducted according to rule, sign the minutes of each meeting and all bills sanctioned by the Council;
- (b) S/He shall have at any time immediate access to any book, list or document in the possession of any officer or Committee;
- (c) When s/he deems it expedient he shall call by the General Secretary a General Conference or Council Meeting notwithstanding any Council decision to the contrary.

#### Emergency Powers:

- (d) In the event envisaged in Rule 19 it shall be the duty of the President or the Officer in his/her stead to take hold of important books and documents and call a General Conference within a month to deal with the situation;
- (e) Whenever an important step or decision affecting the General Membership has to be taken, the President shall convene an urgent Council Meeting. Under no circumstances must the President assume such a responsibility alone.

#### Responsibilities:

He shall be responsible:

- (f) For the general observance of the MUT Rules;
- (g) For the compliance by the Officers concerned with the provisions of the Industrial Relations Act 1976, as far as they concern the Union, and in particular with Sections 11,12 and 13.
- (h) For the leading of MUT's collective bargaining negotiation team, here on referred to as the MUT Core Negotiation Team.

### Sub-section 2 – SENIOR VICE-PRESIDENT

#### Deputises for and succeeds President:

26. (a) The Senior Vice-President shall deputise for the President whenever this officer is precluded from exercising his office. In such event he/she shall enjoy all the privileges and incur the same obligations as the President.
- (b) In the event of the office of President, for any reason whatsoever, becoming vacant the Senior Vice President shall ipso facto become President.
- (c) The Senior Vice President will automatically be part of the MUT Core Negotiation Team.

- (d) The Senior Vice President will assist the President in the daily running of the Union and in Union matters.

### **Sub-section 3 – VICE-PRESIDENT**

- 27 (a) This officer will be elected by Council and will be the third officer in line of responsibility after the President and the Senior Vice President. The Vice President will automatically be part of the Union's Core Negotiation Team and will represent the Union at events and/or occasions as the President and/or Council deems fit.
- (b) The Vice President will also deputise for the President in the event that both the President and the Senior Vice-President are precluded from exercising their office.

### **Sub-section 4 – THE MUT CORE NEGOTIATION TEAM**

- 28 (a) The MUT Core Negotiation Team will be headed by the President, and it will include the Senior Vice President, the Vice President and the General Secretary as administrative secretary by default. The President may appoint other members on the team and/or delegate negotiation duties to the Senior Vice President and/or Vice President and/or General Secretary and/or other MUT representatives as necessary.
- (b) The MUT Core Negotiation Team will be responsible for the collective bargaining of all agreements under the responsibility of the MUT.
- (c) The MUT Core Negotiation Team will also be responsible to present the entire negotiated agreement and all and any related documentation in full to all affected paid-up members to which the subject matter of the negotiated agreement relates, at a resolution meeting, notice of which must be given to paid-up members at least five (5) days prior.

Copies of the entire negotiated agreement must be made available for viewing by affected paid-up members for five (5) days (excluding Sundays and public holidays). If the number of members affected by the agreement is larger than 200, these five (5) days shall include one Saturday and week day access time will be extended to 7pm.

The negotiated agreement shall be deemed ratified by simple majority; therefore where 50% +1 of the paid-up members present for the resolution meeting approve the ratification after the negotiated agreement has been presented. The MUT Core Negotiation Team will be responsible to ensure that this ratification is sought accordingly, ensuring that counting of votes is carried out in the presence of at least four (4) individuals nominated as representatives by the affected paid-up members present at the resolution meeting.

### **Sub-section 5 – GENERAL SECRETARY**

- 29. (a) STATUS: As provided in Rule 16 (d) the General Secretary shall be an employee of the MUT, his salary being paid out of the general funds of the MUT. He shall be employed on conditions determined by the Council.
- (b) MODE OF EMPLOYMENT: When the engagement of a General Secretary shall become necessary, for any reason whatsoever, the Council if it decides not to adhere to the provisions in Rule 16 (i) shall issue notices in the press, determining such conditions as it shall deem necessary, calling for applications for the post and shall thereafter, having examined such applications, engage such person as in the opinion of the Council is best suited for engagement.
- (c) TERMINATION OF ENGAGEMENT: The Council on the one hand and the General Secretary on the other may terminate engagement as provided in Rules 16(g) and 20(b).
- (d) On reaching pensionable age, the General Secretary shall relinquish his post.

- (e) EMOLUMENTS: The General Secretary shall be paid an annual salary, unless the General Secretary is on paid leave from the Government or any other entity, in twelve or thirteen equal monthly instalments, the amount of such salary to be decided upon by the Council.
- (f) DUTIES: It shall be the duty of the General Secretary:-
  - (i) At the bidding of the President to summon the Council by sending at least three working days before a notice to each member, including the Agenda for the meeting and the Minutes of the preceding meeting, and to take the necessary and usual steps to summon a General Conference. This excludes ad hoc council meetings summoned by the President.
  - (ii) To keep a regular record of the Minutes of a General Conference or Council Meeting, and to take charge of all correspondence addressed to the MUT, unless addressed to a particular officer or committee;
  - (iii) To inspect or cause to be inspected at any time the minute-book and the correspondence files of every committee;
  - (iv) to compile by himself or in conjunction with the Officer concerned:
    - (a) an Inventory of the whole property of the MUT (Property Book);
    - (b) a complete list of the names and addresses of all members of the MUT, with their serial Enrolment Number, of all Members of the Council and of all Delegates in Malta and Gozo;
  - (v) To bring the Property Book and all lists up to date, periodically checking them with those of the Treasurer and the Organiser, and produce them when demanded;
  - (vi) To procure and keep in deposit all Circulars and Notices emanating from the Education Department and from other educational institutions;
  - (vii) To keep a Memoranda Book for an orderly and chronological compilation of relevant selections from the Minutes, of important decisions and of Bye-Laws, and of new admissions. It shall be the duty of the President to see that this book is brought up to date, that the items selected are actually entered into the book and are sent for publication in the first issue of the MUT's publications;
  - (viii) To be in such place or places, during such time or times and on such day or days, as the Council may direct in order to transact business of the MUT as may be necessary.

#### **Sub-section 6 – SECRETARIAT**

- 30. (a) The General Secretary and Secretariat Employees shall form the Secretariat.
- (b) The Council at its first meeting following elections shall assign specific duties to the personnel making up the Secretariat.

#### **Sub-section 7 – INTERNATIONAL SECRETARY**

- 31. The International Secretary shall be in charge and keep the Council informed of all correspondence received from overseas. He shall preside over the International Affairs Committee, whose aims and duties shall be:
  - i. To take action to implement decisions and resolutions taken by international organisations to which the MUT is affiliated;
  - ii. To maintain relations with foreign and international educators' organisations;
  - iii. To exchange information and opinions, including the answering of questionnaires, to be undertaken in conjunction with the Education Committee;
  - iv. To publicise and disseminate printed material, resolutions and policies through the media;
  - v. To formulate policies vis-à-vis international organisations;
  - vi. To organise teacher/student exchanges;
  - vii. To advise Council concerning representation abroad and the financing thereof in conjunction with the Finance Committee;

- viii. To express solidarity and support.

### **Sub-Section 8 - TREASURER**

32. Further to what is provided in SECTION VII 'FUNDS':
- (a) The Treasurer shall be the officer directly answerable for all funds and property of the MUT and for a regular record of all receipts and payments;
  - (b) No money votes shall be passed by the Council unless the Treasurer or Assistant Treasurer is present; provided that such votes shall be passed at the subsequent meeting in the eventual absence of both officers;
  - (c) At the end of the financial year or earlier in the event of 22a (ii and iii), the Treasurer shall prepare the Balance Sheet giving a just and true account of all monies received and paid by him since the like account was last rendered by him or by his predecessor, and of the balance then remaining in his hands and all bank deposits;
  - (d) He shall submit such statements duly audited for the approval or otherwise of the Union at a General Conference, as required by Rule 51 (IV) and (V), emphasising extraordinary items of expenditure and of flourishing items of revenue. Provided that at the request of the Council, and given adequate time, the Treasurer shall present a Financial Statement whenever required to do so;
  - (e) The Treasurer shall transmit to the Registrar of Trade Unions a signed copy of the Balance Sheet prepared in accordance with the foregoing sub-rules immediately after its submission to the General Conference;
  - (f) The Treasurer shall be furnished with an official copy of the Inventory and of the lists of members of the MUT and the Delegates to be checked periodically with the General Secretary's and the Organiser's;
  - (g) he shall at any time inspect or cause to be inspected the account book and the receipts of every Committee;
  - (h) he shall keep the Council informed of any particular defaulting members liable to sanctions as per Rule 60 (b).

### **Sub-section 9 - ORGANISER AND SCHOOL REPRESENTATION**

Ensures Representation:

33. All business connected with the Representation of Schools shall be in the hands of the Organiser. It shall be the duty of this Officer to ensure a Delegate for every School/Section/Group either chosen by the MUT members of that School/Section/Group, or in default, nominated by him from that school or from a neighbouring one. He shall hold area meetings at his discretion.

### **Duties of Delegates**

34. It shall be the duty and the special care of each Delegate:-
- (a) to promote the interests of the MUT with enthusiasm and determination;
  - (b) to rally the MUT Membership in the School/Section/Group he represents;
  - (c) to bring to the notice of the Council or of the Organiser any cause of discontent or any matter needing urgent attention;
  - (d) to collect from members any monies due to the Funds or to any activity of the MUT and pass them to the Treasurer either directly or through the Organiser;
  - (e) to keep the Organiser informed of any change in the school personnel, such as transfers, new admissions, successions, retirements, etc.;
  - (f) to encourage a faithful observance of the MUT CODE OF HONOUR;
  - (g) to keep the members well informed of any activity of the Union, and to distribute the MUT's publications and endeavour to increase their circulation;

- (h) to comply faithfully with any instructions coming from the Council or from the Organiser and to secure the initialling of circulars by each member;
- (i) to endeavour to secure the enrolment of non-members.

#### **Sub-Section 10 - ASSISTANTS**

35. Each Assistant shall work under the direction of his principal, shall deputize for him in his absence, but shall not necessarily succeed him in case of resignation.

Upon the request of an official, the Council may appoint from its members one or more assistants to such office either for some special task or for the duration of the Council's term of office.

It is understood that whenever an Assistant signs a document he shall only do so 'for' his principal.

#### **Sub-Section 11 - GOZO CHAIRPERSON**

36. It shall be the privilege of the Gozo Membership to be represented on the Council by the Chairperson of the Gozo Membership Committee.
37. The Gozo Chairperson shall have the right to attend any or all of the Council's meetings; nevertheless, he may appoint a substitute, approved by the Council, who shall regularly attend its meetings and keep the Gozo Chairperson au courant with the Council's activities and decisions. His substitute shall have full rights of a member, but shall not vote when the Chairperson is also present.
38. For the retention of his seat, the Gozo Chairperson shall not depend on the Gozo Committee but on the decision of the Gozo membership.

#### **Sub-Section 12 - PUBLICATIONS**

##### **MUT Official Organ/s**

39. (a) The Editor of the MUT Official organ/s shall preside over the editorial board and shall be responsible to the Council for all business that concerns the publication/s. In his direction of the publications he shall reflect the policy of the MUT as followed by the governing Council.
- (b) It shall be his duty to keep himself informed of any items in the press of interest to, or concerning, the MUT and refer them to the Council.
- (c) Any official notice appearing in the publications and/or official circulars carries authority and dispenses the Council from any further notification. Election results published therein shall be the official ones.

##### **Fondazzjoni Sagħtar**

40. The MUT shall set up by means of a public deed a foundation to be called Fondazzjoni Sagħtar the statute of which is being approved and annexed to this Code of Rules.

##### **Abel Giglio Benevolent Fund**

41. The MUT shall set up the Abel Giglio Benevolent Fund, the statute of which is approved.

#### **Sub-Section 13 - PUBLIC RELATIONS OFFICER**

42. The duties of the Public Relations Officer shall be:-

- (a) To organise such activities which will stimulate a sustained dialogue of the Council with the membership;
- (b) To propagate the MUT's views in the appropriate media.
- (c) To evolve programmes in Public Relations with the aim of enhancing the MUT's image with the public.

## SECTION VI - ELECTIONS

### Election Board

43. The Election of the Council which shall be held triennially in May/June shall be conducted in the following manner:-

At the Triennial General Conference a Board, hereinafter called the Election Board, composed of not less than 5 members not standing for election, and another 3 members to stand in reserve, shall be chosen from among those present. The business of the Board shall be to conduct all aspects and phases of the election of the Council and simultaneously of the Gozo Membership Committee during the following two years. Provided that only one member of the Election Board may be nominated on such a Board on two consecutive times.

44. The President shall entrust one of them with the proper formation of the Board;

### Nominations:

45. Any member of the MUT who has been in membership for at least twelve months and who is regular in his subscription may be nominated as a candidate for the Council and Gozo Membership Committee Elections by a proposer and seconder, on an official form obtainable from the General Secretary. No member of the MUT may contest the election for MUT Council and/or President and/or Senior Vice President nor may hold a seat on the MUT Council, Youth Section or Gozo Membership Committee or occupy the position of an MUT Official if he or she represents a political party in any official role.

### Candidates List:

46. The names of candidates shall be arranged on the voting paper by Sections in alphabetical order, each with grade and School/Section/Group for identification.
- (a) No candidate may contest more than one section;
  - (b) One Voting Paper bearing the initials of at least two members of the Election Board shall be sent by post to each individual member of the Union at the member's private address in Malta or Gozo. The voting paper shall contain instructions to put 'X' against the name of not more than one candidate from among the list of candidates contesting the post of President of the MUT, to put 'X' against the name of not more than one candidate from among the list of candidates contesting the post of Senior Vice President of the MUT and to put 'X' against the names of the other candidates for the other members of the Council, as grouped in the various sections according to the number of seats allocated to each section as established in this Code of Rules. Only members who are fully paid up uninterruptedly shall be eligible to vote.
  - (c) For the purpose of 46 (a) the procedure for determining elected candidates shall be the following:-
    - i. The candidate with the highest number of 'X' votes from among the list of candidates contesting the Presidency of the MUT shall be elected President, provided that a minimum of 200 votes are obtained by the candidate;
    - ii) The candidate with the highest number of 'X' votes from among the list of candidates contesting the Senior Vice Presidency of the MUT shall be elected Senior Vice President, provided that a minimum of 200 votes are obtained by the candidate;
    - iii) The other candidates shall be elected in accordance with the provisions of Rule 16 (e): provided that in all cases of an uncontested candidate or candidates, election

- shall not be secured unless a minimum of 200 votes is obtained by such candidate or candidates;
- iv) While the election of the President and Senior Vice President are elected as such the Vice-President shall occupy the seat to which the category from which s/he is elected from is entitled to;
- (d) Voting papers when completed shall be returned sealed by post to the address and by the date indicated thereon;
  - (e) It shall be a breach of confidence for anyone to open votes before election day. Votes shall only be opened by the Election Board, and in the presence of candidates willing to attend, on a fixed day and at a fixed time and place.

#### **Counting:**

- 47.
  - (a) Having counted votes received and discarded blanks and invalid ones the Board shall proceed to count the 'X's against the name of each candidate;
  - (b) The candidates polling the highest number of votes (including the elected President) compiled in accordance with the provisions of para. 16 (e) and 46 shall determine the first tentative formation of the Council;
  - (c) The question of ties at any stage of any election shall be decided by lot: the drawn one shall be chosen, the other or others shall top the list for the next vacancy.

#### **Acceptance**

- 48. A list of 54 candidates polling the highest number of votes, shall be sent to each of the 54 of them together with a formal notice of election and a request whether the elected member is willing to accept. Any refusal at this stage shall bring out the next on the list till 54 acceptances are ensured.

#### **New Council Convened**

- 49. Having called elected members to the first meeting of the Council, the Chairman of the Election Board shall offer the Presidency of the MUT to the member who scored the highest number of votes in the election for President. If the person does not accept the presidency will be offered to the next highest and so on. This procedure is repeated for the post of the Senior Vice President.

#### **Election Report**

- 50.
  - (a) The Chairman of the Election Board shall then read the Election Report signed by all members, reply to any claims against the Election Board, consign all election documents to the President and shall withdraw with his Board; and shall only function in the event of another General Election within the next 3 years. The Election Report shall be published in the Union's Organ;
  - (b) All proceedings shall form part of the minutes of the first sitting of the new Council.

#### **Business of New Council**

- 51. Following the withdrawal of the Board, the Council shall be in session for the election of the Vice-President and other officials as provided in Rule 16, and for the approval or otherwise of the Organ's Editor, the allocation of offices, the election of Committees and for any urgent matters that require its attention. If the Council opts to do this procedure at a later date this must be held by the second Council meeting.

#### **Gozo Membership Committee**

52. (a) The election of the Chairperson and of the Committee of the Gozo Membership shall be made at the same time and, except for figures, on the same lines, as the Election of the Council. The nominations and the votes shall be recorded simultaneously either on the same nomination and voting papers or on one attached to each;
- (b) The names shall be arranged on the Voting Paper in alphabetical order, each with grade and School/Section/Group for identification;
- (c) The voting paper for the Gozo Membership Committee shall bear the initials of at least two members of the Election Board and shall contain instructions to put 'C' against the name of only one member best suitable for Chairperson and 'X' against not more than 4 other names to complete the Committee;

### **Company to conduct Election**

53. Notwithstanding the provisions of this Section, the Council, whenever it considers necessary, shall have the right to appoint a Company, duly registered according to Law, to conduct the elections of the MUT Council and Gozo Membership Committee. The Council shall request from the members of the Company entrusted with the elections a declaration that elections will be conducted in all fairness and in strict compliance with the MUT Code of Rules.

### **ELECTION OF MUT DELEGATES AND MUT COMMITTEES ON THE WORK PLACE**

54. a) *Delegates:*
- i. Every school/educational institute has the right to appoint one MUT Delegate from among MUT members who are up to date with membership payments.
  - ii. Each MUT Delegate will have the responsibilities as outline in Clause 34.
  - iii. Delegates should be appointed on a biennial basis.
  - iv. If more than one candidate is interested in becoming a Delegate the procedure explained in sub-clause 54 (c) is to be used.
- b) *MUT Committees:*
- i. Every school/educational institution is encouraged to elect an MUT committee.
  - ii. Such committees will be chaired by the MUT Delegates.
  - iii. Committees shall consist of not less than three members but not more than seven, including the chairperson. The number of committee members (including the Delegate) will always be odd to facilitate voting outcomes.
  - iv. The number of Committee members in the school/educational institution will be determined by the Delegate or Electoral Committee in consultation with fellow MUT members in the school to reflect needs of the members and size of the school.
  - v. MUT Committees may request meetings with the administration of the school/institution to tackle issues concerning the local working community.
  - vi. Elections for Committees should follow the procedure explained in sub-clause 54c.
- c) *Elections for Delegates and School Committees:*
- i. Members shall appoint from amongst themselves an electoral committee of not less than three persons and not more than five.
  - ii. Members of the Electoral Committee cannot contest the post of delegate/MUT committee.
  - iii. The electoral committee will draw up a form whereby all interested candidates need to be nominated and seconded by any other MUT member at the school/educational institution.
  - iv. The Chairperson of the Electoral Committee will have the right to consult with the Union's General Secretary to determine whether Candidates for Delegate and/or MUT Committee are eligible to contest.
  - v. The electoral committee will give five working days for the submission of nominations.

- vi. In cases where the Electoral Committee decides to hold a single ballot for both committee and delegate, the candidate with the highest number of votes will automatically become the Delegate.
- vii. Following the entry of nominations the electoral committee will proceed in drawing up appropriate ballot papers, set a date and time period for local election and provide, in liaison with all concerned, an adequate voting booth.
- viii. The Electoral Committee will then, in liaison with the candidates concerned, establish a date and time for vote counting during which all candidates have the right to attend.
- ix. The Electoral Committee will then publish the official results of the elections on the MUT notice board at the school.
- x. Candidates have the right to ask for one recount of votes if deemed necessary.
- xi. No elections for Delegate will be held if only one person is interested in the post.
- xii. No elections for Committee will be held if the amount of candidates is equal to the pre-established number of posts.
- xiii. Candidates in all posts will be elected by simple majority.
- xiv. In the eventuality where the candidates for the post of Delegate obtain an equal number of votes, the electoral committee must repeat the poll for Delegate three working days following the issue of the official result. In the remote eventuality of a repeat of the result the electoral committee will seek guidance from the MUT General Secretary.

## SECTION VII - MEETINGS

### A. General Conference

55. The General Conference shall consist of Council Members, two delegates from each MUT Standing Committee and one delegate for every 10 members in any School, Group or Section.

### Triennial General Conference

56. There shall be at least one ordinary General Conference every four years for which not less than twenty-one days' notice shall be given. This meeting shall be the Quadrennial General Conference and shall be held in May/June with the following Agenda:

- i. Minutes of the preceding General Conference;
- ii. Presidential Address;
- iii. Administrative Report by the General Secretary and any other reports as the Council may, from time to time, deem fit;
- iv. Audited Financial Statement;
- v. Audited Profit & Loss Account/s of each Subsidiary Company of the Union;
- vi. Appointment of Election Board;
- vii. Motions.

Reports at (iii) and (iv) and (v) shall be sent to all Conference Delegates together with the Agenda, and such reports shall be taken as read.

### Extraordinary General Conference

57. (a) Besides the Quadrennial General Conference, an Extraordinary General Conference shall be convened on a yearly basis in March/April (excluding Easter recess and public holidays) and/or when the President deems it expedient and/or when a request signed by at least 5% of the registered members with the Registrar of Trade Unions, stating in writing the object of the meeting, has been received by the General Secretary.
- (b) In such event the Extraordinary Conference may dispense with the next triennial one, provided the former included in its agenda the compulsory items of the latter, as detailed in Rule 56.

### Powers:

The General Conference shall have the power:-

58. (a) To remove the President and/or Vice-Presidents and/or any other official/s from office;
- (b) To challenge, modify and reverse decisions of the Council except the one refusing an admission to membership, and any decision in connexion with the investment of funds, purchase and/or mortgage of property and repayment of any loan, where the Council has already entered into agreement with any person or body;
- (c) In grave emergency, such as lack of funds, to suspend a general election and to confirm in office the existing Council in toto for a specified term or till the cessation of the emergency, whichever happens first; provided that such motion shall be put as a privileged item on the agenda for that sitting and approved by two-thirds majority;

**No-confidence vote:**

- (d) To pass a vote of no-confidence, which shall carry with it the immediate resignation of the Council, or of any of its members as intended. In the former case it shall call the Election Board to function immediately and may appoint an Interim Board to administer the Union till a new Council shall be in office.

**Notices:**

- 59. (a) Besides those mentioned in Rule 52, no notice of any motion shall be placed on the agenda unless previously discussed by the Council; provided that all notices of motions shall be discussed by the Council in a meeting purposely convened;
- (b) Sufficient notification shall be given to all Delegates. Failure of notices to be sent or to reach destination shall not invalidate the Conference;

**Membership Card:**

- (c) Production of the Membership Card at a General Conference may be demanded. Failure to produce it may exclude members from that meeting as per Rule 7;
- (d) Members of the Council shall have the right to vote;

**Chair**

- (e) In the absence of the President and Vice-Presidents a temporary Chairperson elected by the remaining members of the Council shall preside over any General Conference or Council Meeting.

**B. Council Meetings**

- 60. (a) The Council shall meet at such times and places as the President shall decide.

**Notice:**

- (b) Members of the Council and other persons, whose presence may be required at a sitting, shall receive sufficient notification to attend it.

## SECTION VII - FUNDS

### Origin:

61. (a) All income from Fees, Fines, Contributions, Donations and revenue derived from any activity or from other sources shall constitute the MUT Funds;

### Application:

- (b) The Funds of the MUT shall be applied for the purpose of attaining the objects of the MUT as defined by, and subject to, the provisions of these Rules;

### Administration:

- (c) The administration of the Funds shall be in the hands of the Council. The Officer empowered to act for the Council in receiving and paying any sum of money is the Treasurer; he shall give or exact a receipt for any financial transaction. All the Treasurer's receipt books shall be on the CARBON COPY system (vice counterfoil).

### Separation:

62. (a) The funds of the MUT shall be divided under the following headings:
- i. The MUT General Fund;
  - ii. Teachers' Benevolent Fund (TBF);
  - iii. Any other Fund determined by the Council.
- (b) All monies of the MUT except as hereinafter provided shall be in deposit with such bank or banks, or shall be invested in Gilt-edged securities and/or immovable property, as the Council may direct;
- (c) Of the General Fund, the Treasurer may retain in his possession for immediate and current expenditure a sum not exceeding LM50 (fifty Maltese Liri or €116.50 in Euro). In addition, a sum determined by the Council shall also be available to him for the transaction of business of the Council, but shall be in deposit in a current account with a bank or banks upon which cheques may be drawn. Any amount in excess of such sum provided for in this Rule shall be in deposit in a Fixed Deposit Account, or shall be invested, from which account or investment no monies may be withdrawn without the previous authority of the Council;
- (d) Withdrawals of any amount or amounts from any bank account or accounts standing to the credit of the MUT shall be made by the Treasurer jointly with another member of the Council - not being the President or the General Secretary - furnished with a document signed by the President and the General Secretary for the time being authorising the Treasurer and this other member of the Council so to do.

### Deposits

63. (a) Deposits earmarked for any of the funds can be effected by the Treasurer or anyone acting in his name. All fees, donations, contributions, etc. shall be deposited without diminution;

### Withdrawals

- (b) Withdrawals from any MUT fund may only be authorised by the Council and effected by the Treasurer jointly with another officer, furnished with a document signed by the President and the General Secretary, showing the authority of the Council for such a specified

withdrawal and indicating the amount; the Bank Book shall be sufficient authority for withdrawals from the surplus fund.

#### **Recovery of Property and Monies**

64. (a) All property of the MUT and all monies due by any member or officer either in his personal or in his representative capacity shall be recoverable by, and paid to, the Treasurer on behalf of the MUT either directly or through the Delegate at the latest by the end of November of each year. Towards this end, the Treasurer or another officer shall be empowered to use any lawful means, even to institute proceedings “nomine” in a Court of Law;

#### **Dilations penalised**

- (b) Any member of the MUT who after being called to settle accounts for monies due to the MUT still carries with his payments, shall make himself liable to sanctions and may lose any claims he may have on the MUT. He shall not be exonerated from his debts until his final settlement.

#### **Auditors**

65. The Accounts of the MUT shall be audited by a professional auditor appointed by the Council.

## SECTION IX - DISCIPLINE

### Subjects and Objects

66. (a) Any member of the MUT, who, in the opinion of the Council, shall have been proved guilty of misconduct as a Teacher or of breach of discipline as a Unionist by failing to comply with the rules, by insubordination, by creating or attempting to create disaffection among the members, by attempting to undermine the authority of the Council, by persuading or trying to persuade members to leave, and prospective members not to join the MUT, by sabotaging in any way any activity of the MUT, or generally by acting contrary to the MUT's interests, shall be liable to disciplinary action with or without the benefit of a previous warning;
- (b) In such cases when a member is being subjected to disciplinary proceedings the Council may set up an Inquiry Board to report its findings and its recommendations to Council. The composition of the Inquiry board will be decided upon by the Council and it shall contain a minimum of a chairperson and two members.

### Sanctions

- (c) Disciplinary action inflicted by the Council or by a General Conference may take the form of one or more of the following:- Fine, Reprimand, Censure, Suspension, Exclusion and Removal in increasing order of severity.

### Reconsider

67. (a) Further to what is laid down in Rule 11 concerning re-admission, a disciplinary decision of exclusion shall not be reconsidered by the same sanctioning Council during its term of office;

### Removal from MUT

- (b) A member who, after being readmitted into the MUT following a previous decision of exclusion, shall, in the case of subsequent disciplinary action entailing exclusion, be removed from the MUT. Such a member shall be struck off the MUT roll, shall have his Enrolment Number cancelled and shall never be readmitted into the MUT.

### Appeal, effects of

68. A General Conference sitting in appeal may either repeal, confirm, alter the punishment awarded by the Council or even increase its severity. The notice of appeal shall in no way interfere with the immediate effects of the first judgment.

### Conditions for application of sanctions:

69. The Council shall take no action under Rule 66 unless:
- (a) The member concerned shall have been given a chance to be heard either personally or through a fellow-member at the meeting when the motion is discussed; failure on the member's part to appear shall not stop proceedings, unless satisfactory reason for absence is given;
- (b) At least 5 clear days' notice shall have been given to the member concerned that such motion is on the agenda;

- (c) The motion is carried by a vote of at least two-thirds of the members present and voting; Provided that in the case of disregard or violation of specific MUT directives issued in writing, the Council shall be dispensed from the provisions of sub-paragraphs (a) (b) and (c) above;
- (d) The sanctioning Council shall at the same time decide whether or not to publish the inflicted penalty in the official organs and/or to refer it to the next General Conference.

70. An excluded or suspended member shall lose all privileges and any claims for the duration of his punishment.

## SECTION X – ACTIVITIES

### Committees:

71. For a better organisation and closer development and co-ordination of the activities of the MUT there shall be set up the following Committees:-
- (a) Gozo Membership Committee;
  - (b) Administrative Committee;
  - (c) Finance Committee;
  - (d) Membership Committee;
  - (e) Teachers' Benevolent Fund Committee;
  - (f) International Committee;
  - (g) Education Committee;
  - (h) Professional Relations Committee;
  - (i) Publications Committee;
  - (j) Social and Recreational Committee;
  - (k) Spiritual Welfare Committee;
  - (l) Library Committee;
  - (m) Teachers' Institute Committee;
  - (n) School/Section./Group Committees, as determined by the Council.

### Chair

72. (a) With the exception of the Chairperson and members of the Gozo Membership Committee, who shall be elected directly by the Gozo Membership in terms of Rule 52, and the Chairperson (Editor) of the Publications Committee, who shall be nominated in terms of Rule 39, and except where specific rules governing any particular Committee are determined by the Council, the Chairperson of a Committee shall be nominated by the members of that Committee; provided that every Committee shall include at least one member of the Council;

### President and General Secretary

- (b) The President and General Secretary of the MUT shall be ex officio members of all Committees. Notice of any Committee meeting along with its agenda shall be sent to the General Secretary who shall in his turn inform the President;

### Rules

- (c) Each Committee shall be governed by these common rules and by any particular rules either emanating from the Council or bearing its approval. No change in the rules or in the title shall be allowed without the sanction of the Council;

### Funds

- (d) No funds may be raised by any committee without the knowledge and the approval of the Council. Except for such amounts as required for current expenditure, the Treasurer of the MUT shall be the depositor of each committee;

### Action at Law

- (e) A Committee shall not be plaintiff in any action at law without the sanction of the Council nor be defendant without the knowledge of the Council;

**Co-Option**

- (f) A Committee shall obtain the Council's approval for the co-option of outsiders for some special task or advice.

## SECTION XI – RULES

### Authority for change

73. (a) Only the General Conference shall have the power to enact, alter, amend or abrogate any rule or set of rules binding the whole MUT; except that it shall be lawful for the Council, for further elucidation and completion of these Rules, to make bye-laws which shall bind members even before their ratification by the next General Conference; if objection to any such bye-laws is not raised by at least one-sixth of the membership within two weeks of their promulgation;

### Industrial Relations Act

- (b) The provisions of the Industrial Relations Act 1976, and any future amendments, so far as they concern the MUT, shall for all intents and purposes be presumed to be incorporated in these Rules;

### Additions to Rules Legalised

- (c) The Professional and the membership Codes of Honour, as established by the MUT, with any Rules, Regulations and Bye-Laws framed thereunder, together with any Forms, Appendices, Schedules and Footnotes annexed to these Rules, shall be considered as forming part of them and shall have the same force as though the same were actually embodied;
- (d) The interpretation and the application of any Rule shall not be prejudiced by its incorporation in one section and not in another;

### Suspension of Rules

- (e) In cases of emergency, suspension of the Rules, with the exception of Rule 78, asked for at any meeting, may be granted with the unanimous consent of the meeting and the full responsibility of the President.

## SECTION XII – STANDING ORDERS

74. Meetings shall be conducted according to the generally acknowledged rules of procedure, except for particular details as stated hereunder:-

- (a) Notwithstanding what is laid down in Rule 74, these Standing Orders, except where they affect a General Conference, by their nature may be added to, altered or replaced by the sole authority of the Council;

### Minutes

- (b) Minutes of a meeting's proceedings shall be entered in the Minute Book as they occur. They shall be read, approved and signed by the President at the subsequent meeting. A member may insist for the insertion or amendment of some particular minute, if its accuracy be agreed upon;

### Voting

- (c) Voting shall be by voice or by show of hands; except that in deciding admissions, Rule 8 (d), and in confidential matters or cases where personal elements enter, a ballot shall be taken; in the latter case on appeal the President shall decide. The President shall have only a casting vote; In his absence any member called to take the chair shall have the right of the first vote, by virtue of his membership, and, in case of parity of votes, also a second or casting vote;

### Presidential

- (d) The President on his responsibility shall fix and if necessary shuffle the Agenda, open, suspend or adjourn a meeting, warn and expel an unruly member. Upon him shall rest the onus for the good order and conduct of the meeting. He shall give his ruling on points of order. Any ruling by the President shall be entered in the minutes;

### Quorum

- (e) Quorum is the number of persons whose presence at a meeting is necessary to allow it to start business at the time specified in the notice without further delay. Should the quorum not be forthcoming within a quarter of an hour, the President, at his discretion, may either open the meeting or adjourn it. The quorum for Council and Committee Meetings shall be not less than one-half of their number, for General Conferences it shall be one-tenth of the Conference Delegates;

### “Correspondence” and “Other Matters”

- (f) “CORRESPONDENCE” and “OTHER MATTERS” shall not include for discussion correspondence or business of primary importance which normally would form a separate item of the agenda. On appeal the President shall direct such matter to form part of the business list for the next meeting;

### Failure to notify

- (g) Should the General Secretary admit not having notified a member who is absent from a Council Meeting, such member shall be asked to ratify the meeting, failing which the meeting

shall be annulled. In either case a record signed by the member shall be entered in the Minute-Book;

- (h) A Resolution cannot be rescinded at the meeting that passed it, and can only be rescinded at a subsequent meeting if definite notice of the motion for rescission is given, as provided in Rule 17 (e).

## **SECTION XIII - MISCELLANEOUS**

### **Honorary President and Members**

75. The General Conference and the Council shall have the power in specially deserving cases to appoint an Honorary President and Honorary Members of the MUT.

### **No Remuneration**

76. (a) No member, with the exception of the General Secretary, shall receive any remuneration in cash or in kind for services rendered to the MUT unless condition be expressly notified beforehand to the Council;

### **Refund of Expenses**

- (b) The Council may examine and allow any claim for refund of secretarial expenses and also of travelling and hotel expenses actually incurred by any person lawfully engaged on some business of the MUT, in which latter case receipted vouchers must be submitted wherever possible.

### **Spiritual Director and Legal Adviser**

77. The appointment of the Spiritual Director of the MUT and of its Legal Adviser shall be made by the Council.

### **Inspection of Books**

78. (a) Minute-Books of Council Meetings are confidential and shall only be available to inspection by members of the Council; only general information shall be passed from them to a General Conference or to any special Board appointed by such Conference for the purpose;  
(b) All other books and lists of members shall be open to inspection by interested parties at any reasonable time within the week of such request at the discretion of the Council.
79. The MUT shall not be held responsible for sanctions and fines inflicted for neglect of duty by an authority on any officer or other member acting on its behalf.

### **Enrolment Numbering**

80. As soon as these Rules shall come into force the Council shall provide for a progressive numbering of the membership, so as to allot each member his personal enrolment number which shall figure for identification on every correspondence.

### **Legal Representation**

81. The legal representation of the MUT shall be vested jointly in the President and the General Secretary; and in the absence of either or both, in any other one or two members designated by the Council.

### **Dissolution of MUT**

82. The MUT may be dissolved by a Resolution passed at a General Conference convened for the purpose; provided that:

- (a) it shall not be declared carried unless at least two-thirds of the delegates present vote in its favour;
- (b) Notice in writing of such motion must reach every member of the MUT in Malta and Gozo at least seven clear days before the motion is to be proposed;
- (c) The motion shall have priority of discussion on any other;
- (d) The General Conference by a majority vote shall have reached a clear decision as to the final disposal of the MUT Funds, Assets and Liabilities, either through liquidation or to a Commission or Trusteeship.

#### **Legal Services offered to MUT Members**

83.

- 1) MUT members shall be entitled to free verbal advice on any matter.
- 2) Fully-paid MUT members shall also be entitled to free legal representation on issues whereby they:
  - (a) Are affected by a clear breach of a collective agreement signed by the MUT, and/or
  - (b) Are facing disciplinary procedures that may lead to dismissal, and/or
  - (c) Need legal representation on the Industrial Tribunal on issues as listed above related to their employment within an educational setting.

Further to sub-clause 2 above, the MUT Council may consider the granting of free legal representation to members on other issues related to employment that are not listed above.

## SECTION XIV - CODES OF HONOUR

Every member of the MUT, irrespective of Grade, Class or Sex, is bound by a double code of Honour in his dual role of Teacher and Unionist: that is the PROFESSIONAL CODE and the MEMBERSHIP CODE.

### A. PROFESSIONAL CODE

Among other things it is UNPROFESSIONAL for any member of the MUT:

- (a) To commit any action knowing it to be detrimental or injurious to the interests and/or HONOUR of the Profession or of the MUT;
- (b) Not to abide by the decision of the Council;
- (c) Systematically and in his professional capacity to instruct students on the school premises, before or after school hours, for the purpose of outside competitive examinations unless asked by the parents for private tuition;
- (d) To make a report on the work or conduct of another member of the profession without at the time acquainting the member concerned with the nature of it, unless such report is expressly demanded confidentially by the lawful authority;
- (e) To canvass for students either personally, by means of the school staff, by circular or otherwise, whether for public or private tuition;
- (f) To censure other educators or criticise their work in the hearing of the students;
- (g) To seek to compel another teacher to perform outside the ordinary school hours any task which is not essentially connected with the ordinary work and organisation of the school;
- (h) To impose upon another teacher, out of the ordinary school hours, work of any kind;
- (i) To improve or attempt to procure scholars for private tuition by the inducement of lower fees than is usual or general;
- (j) To accept, or offer to accept, employment, or to undertake any extra duties, at a lower remuneration than that approved by the Council.

### B. MEMBERSHIP CODE

Every Member's allegiance to the MUT is determined by:

- i. what he **MUST** give, spelling MEMBERSHIP, and
- ii. what he **CAN GIVE**, spelling FELLOWSHIP.

#### A MEMBER MUST

- (a) **BE LOYAL.** Loyalty to MUT is loyalty to self. In thought, word and deed be loyal to the MUT and to its officers; To abstain from unfair criticism of the Council, of the MUT's organ and of your Delegate is a duty, not an option.
- (b) **PAY REGULARLY.** The MUT does not want your money, but cannot do without it. Therefore, pay your subscription regularly and avoid at any rate falling into arrears; remember that your duty to the MUT only begins, not ends, with payment.
- (c) **BE INTERESTED.** Beware of apathy, that wet blanket that quenches or dampens all enthusiasm. An insubordinate member is less harmful to the MUT than an apathetic one. "Activity may lead to evil: but inactivity cannot lead to good". Trouble stirs to action and infuses life, indifference only deadens all activity.
- (d) **BE UNION-MINDED.** In unity is strength and assurance of achieved aspirations. Work yourself up to this principle. Be Union-Minded: Make the MUT a real part of your life; talk of it, discuss it, and if you have any suggestions for improving it do not fail to make them known. Repeat: **NON EGO SED NOS - NOT I BUT WE.**

## SECTION XV – MUT YOUTH SECTION

84. The MUT shall have a Youth Section as per provisions herein established.

### **(1) Recruitment and elections of MUT YOUTH Section Committee members**

Young MUT members who are between 18 and 35 years old and who pay their subscription fee regularly are eligible to join the committee. A call (for nine members) will be made in conjunction with the MUT Council Elections or when the MUT Council deems fit for the interim period. A nomination form will be made available online on the MUT website. A hard copy of the nomination form will also be sent to members through a letter circular issued to schools and other educational institutions by the union. Duly filled nomination forms can be sent by post to the MUT or delivered personally by hand or through the union delegates/representatives.

An electoral board which will be appointed by the Union will process nominations and hold an ad hoc election if applicable.

### **(2) Composition of MUT YOUTH Section Committee:**

- MUT Youth will consist of a maximum of eleven regularly paying MUT members;
- The term of the committee will be three years;
- Committee members will be aged 18 to 35 years old when they are nominated;
- The committee will be composed of a chairperson, a deputy chairperson a secretary and eight members;
- The chairperson, deputy chairperson, secretary and other members shall be elected internally from the members of the MUT Youth Section during the first or second meeting of the committee.;
- The Chairperson and the Deputy Chairperson of the MUT Youth section shall sit on the MUT Council;
- Members of MUT Youth will be nominated and seconded by MUT members;
- An election for eleven committee members will be held if the number of nominees exceeds eleven;
- If applicable, elections will be held simultaneously with the MUT Council election,

### **(3) Aims and Objectives of MUT YOUTH Section:**

- empower young union members
- rally young members with a common interest
- magnify young members' voices
- share young members' experiences
- contribute to a smooth school to work transition
- enable young members to access the union structures
- critically and constructively think about, debate and bring forward important issues
- put forward the benefits of a trade union membership
- organise young members at the workplace
- ensure that young member's issues are reflected in trade union policies and programs
- co-operate with other unions and organisations to establish good networking
- provide special services and publications for young members
- be an initial spark for new union initiatives

## **SECTION XVI – MUT RETIRED SECTION**

85. The MUT shall have a Retired Educators' Section made up of retired educators (all grades) who are retired members of the MUT as per provisions herein established.

### **(1) Aims and Objectives of MUT Retired Educators' Section**

- Empower retired union members.
- Rally retired members with a common interest by organizing activities which will bring them together.
- Magnify retired members' voices.
- Share retired members' experiences.
- Contribute to a smooth work-to-retirement transition.
- Enable retired members to access the union structures.
- Critically and constructively think about, debate and bring forward important issues.
- Put forward the benefits of a trade union membership.
- Ensure that retired members' issues are reflected in trade union policies and programmes, especially pensions and living conditions.
- Co-operate with other unions and organizations to establish good networking.
- Provide special services/activities for retired members.
- Be an initial spark for new union initiatives.

### **(2) Composition of MUT Retired Educators' Section Committee**

- The MUT-RES Committee will consist of a maximum of eleven members.
- There shall be two sub-committees within the MUT-RES Committee namely the MUT-RES Social sub-committee, which will organize activities/outings for members which bring them together, and the MUT-RES Welfare sub-committee, which will represent the members in trade union circles and other fora. Both groups together form the MUT-RES Committee.
- Retired MUT members are eligible to join the committee. A call shall be issued to fill any vacancies.
- If a member of the Committee fails to attend five consecutive Committee meetings without justification, he/she will be asked to stand down.
- The Committee will be composed of a Chairperson, a Deputy Chairperson, a Secretary, a Treasurer, a PRO and six members.
- The Chairperson, the Deputy Chairperson, the Secretary, the Treasurer, the PRO and other officials shall be elected internally from the members of the MUT-RES Committee.

### **(3) Workings of the Committee**

- The MUT-RES Committee shall meet at least once a month from September to July.
- The quorum to start a meeting is six.

- The Chairperson shall set and send the Agenda prior to each committee meeting, lead the discussions and, in case of disagreement, put matters to the vote.
- Decisions are taken by vote. When the number of members present is an even number, the Chairperson does not vote. If there is a tie (because of an abstention), another vote is taken in which the Chairperson takes part. When a secret vote is necessary and there is a tie, another secret vote is taken in which the Chairperson votes with the other members present.
- The Secretary is in charge of Correspondence and of the Minutes of each committee meeting and shall keep an account of the decisions taken.
- The Treasurer is in charge of the accounts and is expected to submit a Financial Report after each activity organized by the Committee. He is to pass the balance from such activity to the Financial Officer of the MUT. Moreover, each year he is obliged to prepare a Balance Sheet with the Income and Expenditure of each month.
- The Minutes and the Financial Reports are to be signed by the Chairperson, the Secretary and the Treasurer and, in the absence of one of them, by another member of the Committee, after having been presented to and approved by the Committee.
- When need arises, with the Committee's approval, the Chairperson, the Secretary, the Treasurer and the PRO may delegate their duties or some of them to other members of the Committee.

# APPENDIX

Statute of Fondazzjoni Sagħtar approved during the Extraordinary General Conference of the MUT, held on the 3rd December 2015 at the MUT Premises.

## Statute of Fondazzjoni Sagħtar

### 1 – Name

The foundation shall be entitled “Fondazzjoni Sagħtar”

### 2 – Address

The registered address of the foundation shall be 213, Republic Street, Valletta or any other address which may be determined from time to time by the Council of the Malta Union of Teachers.

### 3 – Aims

The foundation shall:

- Contribute towards the enhancement of the professional role of educators
- Provide opportunities for the professional growth of educators
- Undertake projects or organise activities of a professional or educational nature

To reach its aims the foundation may:

- Utilise physical and human resources of the Malta Union of Teachers
- Engage or employ personnel
- Establish other entities within its structures
- Collaborate with other organisations or entities
- Be affiliated in other organisations or entities

Fondazzjoni Sagħtar shall not have any political affiliation.

### 4 – Responsibilities

The foundation shall be responsible for:

- Publications of a professional or educational nature previously issued by the Malta Union of Teachers
- The provision of courses including continuous professional development
- The reference library of the Malta Union of Teachers
- Other activities of a professional or educational nature

### 5 – Administration

The administration of the foundation shall be entrusted to the Fondazzjoni Sagħtar Administrative Board (FSAB) composed of not less than three (3) members and not more than seven (7) members. All members shall be nominated by the Council of the Malta Union of Teachers for a three-year term (renewable for further terms) and shall include:

- The President of the Malta Union of Teachers as an ex officio member
- Up to two (2) Officials of the Malta Union of Teachers (Senior Vice President, Vice President, or General Secretary)
- Up to two (2) members from the Council of the Malta Union of Teachers

- Up to three (3) other members of the Malta Union of Teachers

All board members must adhere to the Code of Rules of the Malta Union of Teachers and the statute of Fondazzjoni Sagħtar. FSAB members shall assume at least the following roles during the first meeting:

- Chairperson of the foundation
- Secretary of the foundation
- Treasurer of the foundation

A simple majority vote shall be taken at the FSAB if there are two or more nominees for the roles. The following roles can also be assigned depending on the composition of the FSAB:

- Deputy Chairperson of the foundation
- Assistant Secretary of the foundation

Other roles can be assigned to members by the FSAB.

### **5.1 – Duties**

Chairperson:

- Calls and presides FSAB meetings
- Administers the foundation as the chief executive
- Delegate duties to other board members
- Have access to all documentation of the foundation
- Represent the foundation in official activities or events

Secretary:

- Take minutes of board meetings
- Keep up-to date documentation of the foundation
- Follows decisions taken by the board
- Represent the foundation in official activities or events

Treasurer:

- Responsible for all funds and assets of the foundation
- Keep records of assets, receipts and payments affected and prepare financial statements
- Present audited annual reports to the FSAB and to the Council of the Malta Union of Teachers

### **5.2 – Meetings**

The FSAB shall meet at least twice yearly. Meetings shall require a quorum of half the board members. If a quorum is not reached, the board meeting shall proceed after fifteen (15) minutes from the time of commencement. All board members have one vote and the chairperson may use a casting vote in meetings. All decisions shall be taken by consensus where possible, or by a simple majority vote.

### **5.3 – Resignation or termination of FSAB members**

Any member of the FSAB may submit his/her resignation in writing to the FSAB. A member of the FSAB shall have his/her role terminated with immediate effect if:

- An official or Council member of the Malta Union of Teacher who is a member of the FSAB in his/her official role is not re-elected in Council or ceases to hold the official post
- A member of the FSAB is no longer a member of the Malta Union of Teachers
- A member of the FSAB is a political candidate or holds any official role in structures of a political party or movement.

The Council of the Malta Union of Teachers can terminate any member of the FSAB at any time by a two-third majority vote of Council if a board member is acting against the interest of the foundation.

The Council shall nominate other FSAB members to replace members who resign or who are terminated

## **6 – Funding**

The Malta Union of Teachers shall devolve an initial sum of Eur 10,000 upon setting-up of the foundation. These shall be deposited in the bank account of the foundation whose signatories shall be the chairperson and treasurer of the foundation. The accounts of the foundation shall be audited and published on a yearly basis. The financial year ends on 31st December. The FSAB shall appoint an auditor for the purpose.

The foundation may generate funds through initiatives, projects or financial investments and may take loans or enter into contracts subject to the approval of the MUT Council. The foundation shall be a non-profit making institution and any funds generated from its activities must be reinvested in the foundation.

## **7 – Amendments to the Statute**

The statute of Fondazzjoni Sagħtar may be amended in a general conference of the Malta Union of Teachers

## **8 – Dissolution**

The foundation can be dissolved by a two-thirds majority vote of delegates at a general conference of the Malta Union of Teachers. Upon dissolution, all assets of the foundation shall be passed to the Malta Union of Teachers.

*These Rules, which were approved at the General Meeting on 14th January 1976, and all subsequent amendments, were further amended and approved by the General Conferences on*

*25th May 1984, 11th June 1989, 4th June 1992, 5th June 1996, 18th March 1998, 31st May 2000, 4th June 2002, 27th May 2004 and on 30th May 2006.*

**Joseph P. DeGiovanni**  
General Secretary

**John Bencini**  
President

*These Rules were further amended at the Extraordinary General Conference held on the 26th November 2007 and in the General Conference of May 2008.*

**Franklin Barbara**  
General Secretary

**John Bencini**  
President

*These Rules were further amended at the General Conference held on the 30th May 2011.*

**Franklin Barbara**  
General Secretary

**John Bencini**  
President

#### **OTHER AMENDMENTS TO STATUTE:**

**A**

1 Section VI – Constitution and Administration, Rule 16 (e) Delete “*1 Teacher serving in Technical Institutes*”.

Substitute “*1 Teacher serving in the Post Secondary Sector*” with “*2 Teachers serving in the Post Secondary Sector*”.

(MUT Council)

2 Insert “*1 Teacher serving in Special Schools*” after “*1 Teacher serving in the Post Secondary Sector*”.

(Dun Manwel Attard Special School, Wardija)

3 Section II – Membership, Rule 8 (b)

After the words “*three months*” in line two insert the following sentence:

“*No new member shall have the right to seek legal assistance from the MUT’s legal counsel before the lapse of twelve months from enrolment*”.

(MUT Council)

#### **OTHER AMENDMENTS TO STATUTE:**

**26 November 2007: as already appearing in this Code of Rules:**

SECTION V COUNCIL MEMBERS

Sub-section 1 – President

**To Substitute:** Clause 24 with “The elected member accepting the presidency shall perform full-time duties at the Teachers’ Institute” second part of clause 24 starting

“provided that if elected he shall not serve as President for more than six consecutive terms of 2 years each.”

**To be deleted**

(MUT Council)

SECTION II - Membership

Eligibility

**To delete Clause 4 (1<sup>st</sup> para) and to substitute by:**

4. Local members of the Teaching Profession and all those directly involved in the delivery of education to pupils and students from early years through to further education. This includes all educators and professional workers within the Student Services, who offer a variety of support and educational services to students, provided that:

- (a) they are of sixteen years of age;
- (b) they apply for membership on the prescribed form;
- (c) they are approved by Council;
- (d) they pay the admission fee, and
- (e) they are not in membership with any other Teacher Organization registered as a Trade Union under the Industrial Relations Act 1976, or any other Trade Union organising teachers sectionally.

(MUT Council)

Council:

16 (a)

**To Substitute:** “The administration of the MUT shall be entrusted to a board of members, hereinafter called the COUNCIL, elected biennially or at a shorter period as occasion demands.”

With: “The administration of the MUT shall be entrusted to a board of members, hereinafter called the COUNCIL, elected triennially or at a shorter period as occasion demands.”

(MUT Council)

SECTION VI – ELECTIONS

**Substitute “biennially” (wherever it appears) with “Triennially”**

The Subtitle of Clause 52 “Biennial General Conference” **now to read** “Triennial General Conference”

Clause 52 **to read:** “There shall be at least one ordinary General Conference every THREE years etc...”

Clause 53 (a) **to read:** “Besides the Triennial General Conference”.

16 (e)

**To Substitute:** “7 Teachers serving in Primary Schools;” with “8 Teachers serving in Primary Schools;”

**To Substitute:** “7 Teachers serving in Secondary Schools;” with “8 Teachers serving in Secondary Schools;”

**To Substitute:** “2 Instructors serving in State Schools;” with “1 Instructor serving in State Schools;”

**To Substitute:** “2 Academics serving in the University of Malta” with “1 Academic serving in the University of Malta “

**To Add:** “1 Academic serving at the Junior College”

**To Substitute:** “2 Teachers serving in the Post Secondary Sector” to “3 Academics/Teachers serving in the Post Secondary Sector”.

**To Substitute:** “1 Facilitator” to read “1 Learning Support Assistant”

**To Add:**

“1 Educator representing the Student Services”.

“1 Subject Coordinator” to read “1 Head of Department”

**To Substitute:** “5 members from any Section represented by the MUT” with “2 members from any section represented by the MUT.”

(MUT Council)

### ***Counter Amendment***

The Counter Amendment carried forward was:

Counter Amendment to Section 16 (e):

**Substitute** “2 teachers serving in Post Secondary Sector” with “3 Academics/ Teachers serving in the Post Secondary Sector”

*That for Section 16 (e) “Two teachers in the Post Secondary Sector” is retained and the following is added:*  
*“1 Academic to represent Lecturing Staff at MCAST.”*

(MCAST Delegates)

### **OTHER AMENDMENTS**

**Approved in the General Conference 2008 as already appearing in this code of rules:**

***Add new sub clause in Rule 4:***

f) they are not representing a political party in any official post.

***Add new sub clause (e) in Rule 12 and current sub clause (e) becomes sub clause (f):***

e) MUT delegates in schools/educational institutes shall have a reduction of 50% of their annual membership fee.

**Clause 51 – add new insertion and current Rule 51 becomes Rule 52.**

## **ELECTION OF MUT DELEGATES AND MUT COMMITTEES ON THE WORK PLACE**

### **51.**

#### *a) Delegates:*

- i. Every school/educational institute has the right to appoint one MUT Delegate from among MUT members who are up to date with membership payments.
- ii. Each MUT Delegate will have the responsibilities as outline in Clause 33.
- v. Delegates should be appointed on a biennial basis.
- vi. If more than one candidate is interested in becoming a Delegate the procedure explained in sub-clause 51 (c) is to be used.

#### *b) MUT Committees:*

- i. Every school/educational institution is encouraged to elect an MUT committee.
- ii. Such committees will be chaired by the MUT Delegates.
- vii. Committees shall consist of not less than three members but not more than seven, including the chairperson. The number of committee members (*including the Delegate*) will always be odd to facilitate voting outcomes.
- viii. The number of Committee members in the school/educational institution will be determined by the Delegate or Electoral Committee in consultation with fellow MUT members in the school to reflect needs of the members and size of the school.
- ix. MUT Committees may request meetings with the administration of the school/institution to tackle issues concerning the local working community.
- x. Elections for Committees should follow the procedure explained in sub-clause 51c.

#### *c) Elections for Delegates and School Committees:*

- xv. Members shall appoint from amongst themselves an electoral committee of not less than three persons and not more than five.
- xvi. Members of the Electoral Committee cannot contest the post of delegate/MUT committee.
- xvii. The electoral committee will draw up a form whereby all interested candidates need to be nominated and seconded by any other MUT member at the school/educational institution.
- xviii. The Chairperson of the Electoral Committee will have the right to consult with the Union's General Secretary to determine whether Candidates for Delegate and/or MUT Committee are eligible to contest.
- xix. The electoral committee will give five working days for the submission of nominations.
- xx. In cases where the Electoral Committee decides to hold a single ballot for both committee and delegate, the candidate with the highest number of votes will automatically become the Delegate.
- xxi. Following the entry of nominations the electoral committee will proceed in drawing up appropriate ballot papers, set a date and time period for local election and provide, in liaison with all concerned, an adequate voting booth.
- xxii. The Electoral Committee will then, in liaison with the candidates concerned, establish a date and time for vote counting during which all candidates have the right to attend.
- xxiii. The Electoral Committee will then publish the official results of the elections on the MUT noticeboard at the school.
- xxiv. Candidates have the right to ask for one recount of votes if deemed necessary.
- xxv. No elections for Delegate will be held if only one person is interested in the post.
- xxvi. No elections for Committee will be held if the amount of candidates is equal to the pre-established number of posts.
- xxvii. Candidates in all posts will be elected by simple majority.
- xxviii. In the eventuality where the candidates for the post of Delegate obtain an equal number of votes, the electoral committee must repeat the poll for Delegate three working days following the issue

of the official result. In the remote eventuality of a repeat of the result the electoral committee will seek guidance from the MUT General Secretary.

## **OTHER AMENDMENTS**

**Approved in the General Conference held on the 30<sup>th</sup> May 2011 and already appearing in the Code of Rules.**

### **MUT Council Amendments to Statute:**

#### **1) To Amend:**

Council 16 (h)

Any member of the MUT Council who becomes a full-time official in the Confederation of Malta Trade Unions will be required to relinquish his seat on Council until such time as he/she is performing duties with the Confederation.

#### **To Read:**

*Any member of the MUT Council who becomes a full-time official of any Confederation/Association of Trade Unions will be required to relinquish his seat on Council until such time as he/she is performing duties with the Confederation/Association.*

#### **2) To ADD Clause and AMEND subsequent numbering:**

##### **79) Legal Services offered to MUT Members:**

- 1. MUT members shall be entitled to free verbal legal advice on any matter.*
- 2. Fully paid MUT Members shall also be entitled to free legal representation on issues whereby they:*
  - a. are affected by a clear breach of a collective agreement signed by the MUT, and/or*
  - b. are facing disciplinary procedures that may lead to dismissal, and/or*
  - c. need legal representation on the Industrial Tribunal on issues as listed above related to their employment within an education setting.*

*Further to sub-clause 2 above, the MUT Council may consider the granting of free legal representation to members on other issues related to employment that are not listed above.*

#### **3) To AMEND Council Clause 16 (e):**

- “2 Teachers serving in Private Schools;”
  - **to read:** “2 Teachers serving in Church Schools;”
- **Add:** “1 Teacher serving in Independent Schools”
- **Add:** “1 educator representing Assistant Heads, HODs, INCOs and educators employed by the Church Secretariat for Education or Church Schools”
- **Add:** “1 INCO representing INCOs from State Schools”

*Amend subsequently the composition of Council from:*

*41 + Chairperson GMC and General Secretary = 43 TOTAL*

***To Read : 44 + Chairperson GMC and General Secretary = 46 TOTAL***

#### **4) ADD: SECTION XV:**

##### **MUT YOUTH SECTION**

***81 The MUT shall have a Youth Section as per provisions herein established.***

#### **(1) Recruitment and elections of MUT YOUTH Section Committee members**

Young MUT members who are between 18 and 35 years old and who pay their subscription fee regularly are eligible to join the committee. A call (for nine members) will be made in conjunction with the MUT Council Elections or when the MUT Council deems fit for the interim period. A nomination form will be made available online on the MUT website. A hard copy of the nomination form will also be sent to members through a letter circular issued to schools and other educational institutions by the union. Duly filled nomination forms can be sent by post to the MUT or delivered personally by hand or through the union delegates/representatives.

An electoral board which will be appointed by the Union will process nominations and hold an ad hoc election if applicable.

#### **(2) Composition of MUT YOUTH Section Committee:**

- MUT Youth will consist of a maximum of eleven regularly paying MUT members;
- The term of the committee will be three years;
- Committee members will be aged 18 to 35 years old when they are nominated;
- The committee will be composed of a chairperson, a deputy chairperson a secretary and eight members;
- Up to two MUT Youth members will be nominated by the MUT council. At least one of these members will be required to assume the role of either the chairperson or the deputy chairperson of MUT Youth.
- Other members of MUT Youth will be nominated and seconded by MUT members;
- An election for nine committee members will be held if the number of nominees (except the two members nominated by the council) exceeds nine;
- If applicable, elections will be held simultaneously with the MUT council election,

#### **(3) Aims and Objectives of MUT YOUTH Section:**

- empower young union members
- rally young members with a common interest
- magnify young members' voices
- share young members' experiences
- contribute to a smooth school to work transition
- enable young members to access the union structures
- critically and constructively think about, debate and bring forward important issues
- put forward the benefits of a trade union membership
- organise young members at the workplace
- ensure that young member's issues are reflected in trade union policies and programs
- co-operate with other unions and organisations to establish good networking
- provide special services and publications for young members
- be an initial spark for new union initiatives

**Mater Dei School Delegates Amendment to Statute:**

**5) To Amend:**

**Honorary Members**

72. The General Conference and the Council shall have the power in specially deserving cases to appoint Honorary Members of the MUT.

**With:**

**Honorary President and Members**

72. The General Conference and the Council shall have the power in specially deserving cases to appoint an Honorary President and Honorary Members of the MUT.

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***Emergency Council Motion Affecting Membership Fees:***

The General Conference here assembled approves the following rules for membership fees applicable as from January 2012:

- (a) the membership fee shall be the same for full-time and part-time employees;
- (b) the membership fee shall be Eur 45 per annum;
- (c) Student Membership fee shall be gratis (applicable to students following full-time courses leading to professions represented by the MUT).
- (d) The MUT Council shall work to establish a system of check-off authorization for membership fees with the various employers.

Other Amendments to Code of Rules

**Amendments to Statute carried during the Extraordinary General Conference held on the 6<sup>th</sup> March 2014 at the MUT Premises, 213, Republic Street Valletta at 4.30pm.**

During the said Extraordinary General Conference Resolutions were passed to amend the following rules and subsequent numbering to read as follows:

1) **To Amend Article 2 From:**

2. The principal purpose of the MUT is the regulation of relations between its members and employers and employers' associations; and the other objects of the Union shall be:-

- (a) To associate and unite the teachers of Malta and Gozo and promote their general welfare;
- (b) To secure their solidarity and extend the influence of their profession;
- (c) To raise the teaching profession to that dignity and comfort to which it is entitled within the State, and strive to maintain high status;
- (d) To fight for an adequate remuneration, against odious distinctions, undue hardship and unbecoming conditions of work;
- (e) To convey to the proper quarters the interests of teachers and their grievances and secure prompt attention and redress;
- (f) To secure possible representation on any Executive or Advisory Body having powers to give decisions that may affect the profession.
- (g) To watch the application of Acts and Regulations affecting the interests of teachers and

endeavour by legal and moral means to secure their amendment or abrogation if they are considered detrimental to the profession;

(h) To provide means for the expression of the collective opinion of teachers upon matters affecting the interests of education and the profession;

(i) To afford advice and assistance to individual members in all phases of their educational and professional life;

(j) To extend protection to all teachers whenever necessary;

(k) To participate in the formation of and invest in limited liability companies.

#### **TO READ:**

2. The principal purpose of the MUT is the regulation of relations between its members and employers and employers' associations; and the other objects of the Union shall be:-

(a) To associate and unite the teaching grades and other related professions within the *education stream (thereafter referred to as educators) of Malta and Gozo and promote their general welfare;*

(b) To secure their solidarity and extend the influence of their profession;

(c) To raise the teaching professions to that dignity and comfort to which it is entitled within the State, and strive to maintain high status;

(d) To fight for an adequate remuneration, against odious distinctions, undue hardship and unbecoming conditions of work;

(e) To convey to the proper quarters the interests of educators and their grievances and secure prompt attention and redress;

(f) To secure possible representation on any Executive or Advisory Body having powers to give decisions that may affect the profession.

(g) To watch the application of Acts and Regulations affecting the interests of educators and endeavour by legal and moral means to secure their amendment or abrogation if they are considered detrimental to the profession;

(h) To provide means for the expression of the collective opinion of educators upon matters affecting the interests of education and the profession;

(i) To afford advice and assistance to individual members in all phases of their educational and professional life;

(j) To extend protection to all educators whenever necessary;

(k) To participate in the formation of and invest in limited liability companies.

#### **2) TO AMEND Article 4 FROM:**

##### **Article 4**

4. Local members of the Teaching Profession and all those directly involved in the delivery of education to pupils and students from early years through to further education. This includes all educators and professional workers within the Student Services, who offer a variety of support and educational services to students, provided that:

(a) they are of sixteen years of age;

(b) they apply for membership on the prescribed form;

(c) they are approved by Council;

(d) they pay the admission fee, and

(e) they are not in membership with any other Teacher Organization registered as a Trade Union under the Industrial Relations Act 1976, or any other Trade

Union organising teachers sectionally;

(f) they are not representing a political party in any official post.

#### **TO READ:**

##### **Article 4**

4. Local members of the Teaching Profession and all those directly involved in the delivery of education to pupils and students from early years through to further education. This includes all educators and professional workers within the Student Services, who offer a variety of support and educational services to students, provided that:

(a) they are of sixteen years of age;

(b) they apply for membership on the prescribed form;

(c) they are approved by Council;

(d) they pay the admission fee, and

(e) they are not in membership with any other Teacher Organization registered as a Trade Union under the Industrial Relations Act 1976, or any other Trade Union organising educators sectionally;

### **3) TO AMEND Article 5 FROM:**

#### **Article 5**

5. Individuals who are not teachers but who have given proof of their interest in local education may at the discretion of the Council be accepted as Associate Members of the MUT.

#### **TO READ:**

5. Individuals who are not educators but who have given proof of their interest in local education may at the discretion of the Council be accepted as Associate Members of the MUT.

### **4) To Amend Article 6 FROM:**

6. On admission a new member shall pay once an Admission Fee of twenty-five cents which entitles him to a copy of the Union Rules and the Membership Card. Membership shall be attained from the date of such payment.

#### **TO READ:**

#### **Article 6**

6. On admission a new member shall pay a fee as established by the MUT General Conference and/or Council which entitles him to a copy of the Union Rules and the Membership Card. Membership shall be attained from the date of such payment.

### **5) TO AMEND Article 7 FROM:**

#### **Article 7**

7. Official recognition of membership shall be furnished by the Membership Card bearing the personal Number of Enrolment. This Card shall be produced on demand at General Conferences, other gatherings of the MUT and whenever else required, failure of which may preclude the member from admission to such meetings and gatherings, from participating in any MUT activity, and from having any representations, grievances or complaints dealt with by any official of the MUT.

#### **TO READ:**

#### **Article 7**

7. Official recognition of membership shall be furnished by the Membership Card bearing the personal Number of Enrolment. This Card shall be produced on demand at General Conferences, other gatherings of the MUT and whenever else required, failure of which may preclude the member from admission to such meetings and gatherings, from participating in any MUT activity, and from

having any representations, grievances or complaints dealt with by any official of the MUT. Membership cards will be renewable every year.

**6) To Amend Article 8 FROM:**

8. (a) Any admission shall be subject to ratification or cancellation by the Council within three months; in the latter case all payments shall be refunded.

(b) No new member shall have any right to the privileges of membership before the lapse of these three months. No new member shall have the right to seek legal assistance from the MUT's legal counsel before the lapse of twelve months from enrolment. This, however, shall not preclude the Council from taking action on behalf of such new member, provided that the new member was not eligible to join the MUT three months before the actual date of enrolment.

(c) It shall be in the power of the Council to reject any application for membership without explaining its reasons.

(d) Voting in the Council for and against admission shall be by secret ballot.

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**TO READ:**

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**Article 8**

8. (a) Any admission shall be subject to ratification or cancellation by the Council within three months; in the latter case all payments shall be refunded.

(b) No new member shall have any right to the privileges of membership before ratification by Council. No new member shall have the right to seek legal assistance from the MUT's legal counsel before the lapse of twelve months from enrolment. This, however, shall not preclude the Council from taking action on behalf of such new member, provided that the new member was not eligible to join the MUT three months before the actual date of enrolment.

(c) It shall be in the power of the Council to reject any application for membership without explaining its reasons.

(d) Voting in the Council for and against admission shall be by secret ballot if considered necessary by any council member.

**7) To Amend Article 11 FROM:**

11. Any person, eligible for membership who has been refused admission may, after the lapse of four months, apply again for membership. Any member who has been suspended or excluded, but not removed, may be re-admitted by a different Council on the following terms:-

(a) He shall apply to the Council stating the cause of his privation of membership;

(b) He shall fill the prescribed form, and shall be ready to carry out such directions as the Council, in its sole discretion, may impose;

(c) Provided that a member resigning and remaining eligible for membership shall pay a re-joining fee of €24 on being re-admitted as a member of the MUT.

**TO READ:**

**Article 11**

11. Any person, eligible for membership who has been refused admission may, after the lapse of four months, apply again for membership. Any member who has been suspended or excluded, but not removed, may be re-admitted by Council on the following terms:-

(a) S/He shall apply to the Council stating the cause of his privation of membership;

(b) S/He shall supply reasons for reconsideration of application in writing to the General Secretary, and shall therein declare readiness carry out such directions as the Council, in its sole discretion, may impose;

(c) Provided that a member resigning and remaining eligible for membership shall pay a re-joining

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fee of €24 on being re-admitted as a member of the MUT.

**8) To Amend Article 12 FROM:**

12. Every member of the MUT shall pay a yearly subscription fee as established by the General Conference.

(a) The sum of €2.33 (€1.16 in the case of members paying one-half of the fee) from the yearly subscription shall be transferred to the Teachers' Benevolent Fund.

(b) Students mentioned in Rule 4 and members who are unemployed or employed on part-time basis shall pay one-half of the membership fee.

(c) Life-membership shall be conceded on the payment of €465.87 once on admission to the MUT; or on application to the Council thereafter.

(d) Retired members of the teaching profession shall pay €60 once to retain membership, and shall be entitled to the free issue of the organ of the MUT.

(e) Each case for exemption or reduction shall be examined individually by the Council.

**TO READ:**

**Article 12**

**Fee:**

12. Every member of the MUT shall pay a yearly subscription fee as established by the General Conference.

(e) the membership fee shall be the same for full-time and part-time employees;

(f) New members after January 2014 will be required to enter a system of check-off authorization for membership fees as established by Council. Members that enrolled prior to January 2014 will be required to move to this system in a time frame and method as decided upon by Council. Members will be liable to pay any charges related to this system as decreed by Council.

(g) University / MCAST Students reading for full-time courses leading to the teaching profession, or any other profession related to education, may apply for membership through a dedicated student's membership form on which the course dates must be duly specified, together with an admission letter from the University/Universities/Institutions concerned. These students will be exempt from membership fee until the date of termination of their course of studies.

(h) Life-membership shall be conceded on the payment of €600 once on admission to the MUT; or on application to the Council thereafter.

(i) Retired members of the teaching profession shall pay €60 once only to retain membership, and shall be entitled to circulars and emails from the Union as well as membership in the Retired Section. The Retired Section will also elect a committee which will have the purpose of organizing social events and seminars with approval of Council.

(j) Members who are on unpaid leave related to family friendly measures will be exempted from membership fee for the duration of this leave. Official documents related to the acceptance of leave may be requested by the Union.

(k) Each case for exemption or reduction shall be examined individually by the Council.

**9) To Amend ARTICLE 14 FROM:**

14. In addition to the subscription to be paid under Rule 12, each member shall be required to contribute such further sum, for a specific period, as and when the Council may order. This rule shall not apply to members who pay a reduced subscription in terms of Rule 12 (b) and

(d).

**TO READ:**

**Article 14**

14. In addition to the subscription to be paid under Rule 12, each member shall be required to contribute such further sum, for a specific period, as and when the Council may order in special circumstances.

**10) To Amend Article 16 FROM:**

16. (a) The administration of the MUT shall be entrusted to a board of members, hereinafter called the COUNCIL, elected triennially or at a shorter period as occasion demands.
- (b) The Council shall consist of 42 (forty-two) members; President; 2 Vice-Presidents; General Secretary; Assistant General Secretary; International Secretary; Treasurer; Assistant Treasurer; Organiser; Assistant Organiser; Librarian; Public Relations Officer; T.I. Director; The Chairperson of the Gozo Membership Committee and twenty-eight other members. Provided that more than one Assistant General Secretary may be appointed whenever the Council considers necessary.
- (c) With the exception of the General Secretary, the members forming the Council shall be voted for by the MUT membership in accordance with the provision of Section VI. The Chairperson of the Gozo Membership Committee shall be elected by the Gozo Membership.
- (d) The General Secretary shall be an employee of the MUT employed from year to year by the Council as provided in Rule 29 (a) (b) (c) (d) (e). During his term of office the General Secretary shall be an Honorary Member of the MUT.
- (e) Apart from the General Secretary and the Chairperson of the Gozo Membership Committee, the other members on the Council shall be elected as follows:-

1 President elected as such;  
8 Teachers serving in Primary Schools;  
8 Teachers serving in Secondary Schools;  
2 Academics/Teachers serving in the Post Secondary Sector;  
1 Academic representing lecturing staff at MCAST;  
1 Teacher serving in Special Schools;  
1 Academic serving in the University of Malta;  
1 Academic serving at the Junior College;

2 Teachers serving in Church Schools;  
1 Teacher serving in an Independent School;

1 Educator representing Assistant Heads, HODs, INCOs and Educators employed by the Church Secretariat for Education or Church Schools

1 INCO representing INCOs from State Schools  
1 Instructor serving in State Schools;  
1 Head of School serving in Primary Schools;

1 Assistant Head serving in Primary Schools;  
1 Head of School serving in Secondary Schools;

1 Assistant Head serving in Secondary Schools;  
1 Student Teacher;  
1 Education Officer;

1 Head of Department;  
2 Kindergarten Assistants;

1 Learning Support Assistant;  
1 Educator Representing the Student Services

2 Retired members;  
2 Members from any section represented by the MUT;

44 + Chairperson GMC and General Secretary = 46 TOTAL

- (f) Members of the Council shall be voted for by the MUT Membership in accordance with electoral provisions of Section VI; the Gozo Chairperson shall be elected by the Gozo Membership, Rule 49; the Publications' Editor shall be chosen by the Council,

Rule 38.

- (g) With the exception of the President, for whose election provision is made in Rule 46(a), and the General Secretary for whose appointment appropriate provision is made in Rule 16 (d), all other Officers shall be chosen by the new Council from among the remaining elected members.

(i) Provided that the 2 Vice-Presidents shall be appointed from the elected Council members by two-thirds majority of members present in a secret ballot at the first meeting of the new Council; provided that if after three secret ballots no candidate secures a two-third majority, a subsequent secret ballot shall be taken restricted to the two candidates having obtained the highest number of votes, and the candidate then securing a simple majority of votes shall be appointed Vice-President; provided that in the case of the two candidates obtaining an equal number of votes, the candidate with the longest period of continuous service on the Council shall be appointed Vice-President. This procedure is to be repeated twice and the candidate elected during the first procedure will be the Senior Vice-President.

(ii) Provided also that whenever the Council considers it advisable, it shall dispense from appointing a full-time General Secretary, in which case this post shall be filled by an elected member nominated by the Council.

Any member of the MUT Council who becomes a full-time official of any Confederation/Association of Trade Unions will be required to relinquish his seat on Council until such time as he/she is performing duties with the Confederation/Association.

**TO READ:**

**Article 16**

16. (a) The administration of the MUT shall be entrusted to a board of members, hereinafter called the COUNCIL, elected triennially or at a shorter period as occasion demands.
- (b) The Council shall consist of up to 55 (fifty-five) members; President; Senior Vice President, Vice-President; General Secretary; Assistant General Secretary; International Secretary; Treasurer; Organiser;;Public Relations Officer;T.I. Director; The Chairperson of the Gozo Membership Committee and twenty-eight other members. Provided that more than one Assistant General Secretary may be appointed whenever the Council considers necessary;
- (c) With the exception of the General Secretary, the members forming the Council shall be voted for by the MUT membership in accordance with the provision of Section VI. The Chairperson of the Gozo Membership Committee shall be elected by the Gozo Membership.
- (d) The General Secretary shall be an employee of the MUT employed from year to year by the Council as provided in Rule 28 (a) (b) (c) (d) (e). During his term of office the General Secretary shall be an Honorary Member of the MUT.
- (e) Apart from the General Secretary and the Chairperson of the Gozo Membership Committee, the other members on the Council shall be elected as follows:-

**Officials Directly Elected to Council**

1 President elected as such;

1 Senior Vice President elected as such;

**Representation from Post Secondary / Tertiary Education members:**

- 3 Academics/Teachers/Lecturers serving in the Post Secondary Sector (essentially MCAST, ITS, Sixth Forms including Higher Secondary, excluding Junior College) – Provided that if more than 3 members contest this section the 3 members elected will be representative of the whole post secondary sector; provided further that if there are candidates from different institutions contesting these seats, these three seats shall be firstly filled by the candidates from each respective institution obtaining the highest amount of votes and thereafter the highest polling candidates;
- 2 Academics serving in the University of Malta

**Church & Independent School Representation:**

- 3 Teachers, 1 LSAs, 1 KGA serving in Church Schools (excluding 6<sup>th</sup> forms); 2 members serving in any of the Independent Schools;
- 2 members from the categories of Assistant Heads, HODs, INCOs and Educators employed directly by the Church Secretariat for Education and/or Church Schools

**State Schools representation:**

- 1 INCO representing INCOs from State Schools
- 1 Head of School serving in Primary Schools;
- 3 Members from the grades of Assistant Head and Head of Department serving in the Primary School sector, Provided that if more than 3 members contest this section the 3 members elected will be representative of the spectrum of grades; provided further that if there are candidates from different grades contesting these seats, these three seats shall be firstly filled by the candidates from each respective grade obtaining the highest amount of votes and thereafter the highest polling candidates;
- 1 Head of School serving in Secondary Schools;
- 3 Members from the grades of Assistant Heads and Head of Department in Secondary Schools; Provided that if more than 3 members contest this section the 3 members elected will be representative of the whole secondary sector; provided further that if there are candidates from different grades contesting these seats, these three seats shall be firstly filled by the candidates from each respective grade obtaining the highest amount of votes and thereafter the highest polling candidates;
- 2 members from Education Officer grade, Provided that if more than 2 members contest this section the 2 members elected will be representative of the spectrum of grades serving under the two directorates, DES and DQSE;
- 7 Teachers serving in Primary Schools;
- 7 Teachers serving in Secondary Schools;
- 2 Kindergarten Assistants;
- 3 Learning Support Assistants;
- 1 Member Representing the Student Services Grades
- 1 Member serving in Resource Centres and/or Learning Support Centres;

**Retired Members and Student Representation:**

- 2 Retired members;
- 1 Member representing the University / MCAST student members cohort

**Representatives of Committees:**

- 1 Gozo MUT Committee Chairperson
- Chairperson and Deputy Chairperson of the MUT Youth Committee

**1 Other member from a category not represented collectively by the MUT**

- 51 + Chairperson GMC+ Chairperson and Deputy Chairperson Youth Section + General Secretary = 55 Total

(g) Members of the Council shall be voted for by the MUT Membership in accordance with electoral

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provisions of Section VI; the Gozo Chairperson shall be elected by the Gozo Membership, Rule 49; the Publications' Editor shall be chosen by the Council, Rule 38.

- (h) With the exception of the President and Senior Vice President, for whose election provision is made in Rule 46(a), and the General Secretary for whose appointment appropriate provision is made in Rule 16 (d), all other Officers shall be chosen by the new Council from among the remaining elected members.
- (i) Provided that the Vice-President shall be appointed from the elected Council members by two-thirds majority of members present in a secret ballot by the first two meetings of the new Council; provided that if after three secret ballots no candidate secures a two-third majority, a subsequent secret ballot shall be taken restricted to the two candidates having obtained the highest number of votes, and the candidate then securing a simple majority of votes shall be appointed Vice-President; provided that in the case of the two candidates obtaining an equal number of votes, the candidate with the longest period of continuous service on the Council shall be appointed Vice-President.
- (j) Provided also that whenever the Council considers it advisable, it shall dispense from appointing a full-time General Secretary, in which case this post shall be filled by an elected member nominated by the Council.
- (k) Any member of the MUT Council who becomes a full-time official of any Confederation/Association of Trade Unions will be required to relinquish his seat on Council until such time as he/she is performing duties with the Confederation/Association.
- (l) Any member of the MUT council may request a secret vote when a vote on any issue is taken in a Council meeting, which has to be granted.
- (m) Any member of the MUT council, if seconded by another member of the same Council, may request a vote of confidence / no confidence in any other Council member. In cases where the Council Member subject of the vote is an official appointed by Council, the Council may decide to revoke the appointment if the official loses the vote, with the exception of the General Secretary. The Council may also suspend one of its own members for a definite / indefinite period with the exception of the President, Senior Vice President and the General Secretary.

#### **11) To Amend Article 17 FROM:**

17. The Council shall have the power:

- (a) to admit or refuse new members;
- (b) to call a General Conference at any time;
- (c) to appoint such ancillary Committees as soon as possible after election; provided that they shall cease to function when the Council completes its term of office;
- (d) to interpret any of these Rules, and to make bye-laws, as per Rule 69 (a);
- (e) to alter or revoke any past decision taken by itself or by previous Councils or Committees; excepting the provisions of Rules 62 (a) and 70 (g);
- (f) To remove any officer, with the exception of the President and of the Vice-Presidents, and any Assistant from office, and to appoint a successor; provided, however, that in the case of the General Secretary the Council shall give thirty (30) clear days' notice in writing of its intention to terminate his employment;
- (g) to take such steps as will be considered necessary in furthering the aims of the MUT;
- (h) to decide by a majority vote on any matter that shall be legally brought before it for consideration;
- (i) to hold a referendum when occasion demands following a unanimous decision of the Council;
- (j) to borrow or raise money by way of overdraft or loan, to guarantee the repayment of such overdraft or loan by General Hypothec over the MUT's property present and future, and/or by pledging in favour of the lender any stocks and shares held by the MUT;
- (k) to set up an Appeals Board composed of three members outside the MUT to deal with all matters related to salary and status submitted to it by the Council.

**TO READ:**

## Article 17

### 17. The Council shall have the power:

- (a) to admit or refuse new Union members;
- (b) to call a General Conference at any time;
- (c) to appoint such ancillary Committees as soon as possible after election; provided that they shall cease to function when the Council completes its term of office;
- (d) to interpret any of these Rules, and to make bye-laws, as per Rule 69 (a);
- (e) to alter or revoke any past decision taken by itself or by previous Councils or Committees; excepting the provisions of Rules 62 (a) and 70 (g);
- (f) To remove any officer, with the exception of the President and of the Senior Vice President , , and to appoint a successor; provided, however, that in the case of the General Secretary the Council shall give prior notice as indicated by Industrial law in writing of its intention to terminate his employment;
- (g) to employ or remove employees at the Union according to exigencies
- (h) to take such steps as will be considered necessary in furthering the aims of the MUT;
- (i) to decide by a majority vote on any matter that shall be legally brought before it for consideration;
- (j) to hold a referendum among members when occasion demands following an unanimous decision of the Council;
- (k) to borrow or raise money by way of overdraft or loan, to guarantee the repayment of such overdraft or loan by General Hypothec over the MUT's property present and future, and/or by pledging in favour of the lender any stocks and shares held by the MUT;
- (l) to set up an Appeals Board composed of three members outside the MUT to deal with all matters related to salary and status submitted to it by the Council;
- (m) to have the final say on all matters related to the composition of committees or sections and any decisions relating or emanating from their function and operation.

### **12) To Amend Article 19 FROM:**

19. As long as there shall be a President, Vice-President or another Officer, and three other members, the Council shall continue to function; failing which a state of emergency shall be deemed to exist and immediately all powers shall pass into the hands of the President, Vice-President or that other Officer, as the case may be

### **TO READ:**

## Article 19

19. As long as there shall be a President, Senior Vice-President or another Officer, and three other members, the Council shall continue to function; failing which a state of emergency shall be deemed to exist and immediately all powers shall pass into the hands of the President, Senior Vice-President or that of another Officer, as the case may be.

### **13) TO AMEND ARTICLE 20 FROM:**

20. (a) Any member of the Council or of a Committee who shall not have attended three consecutive meetings within the period of two months for which he received due notice, except for reasons considered valid by that body, shall cease to be a member thereof, and shall not be eligible for re-election until the next general election.
- (b) Any member of the Council may tender his resignation, thereby creating a vacancy; provided, however, that the General Secretary shall give the Council in writing thirty

(30) clear days' notice of his intention to tender his resignation.

**TO READ:**

**Article 20**

20. (a) Any member of the Council or of a Committee who shall not have attended three consecutive meetings within the period of two months for which he received due notice, except for reasons considered valid by that body, shall cease to be a member thereof, and shall not be eligible for re-election until the next Council election.

(b) Any member of the Council may tender his resignation, thereby creating a vacancy; provided, however, that the General Secretary shall give the Council in writing prior notice as indicated by applicable legislation of his intention to tender his resignation.

**14) TO AMEND ARTICLE 22 FROM:**

22. (a) Independently of the period of the year in which it was elected the Council shall be dissolved:-

- (i) at the end of its term of office;
- (ii) following its resignation as a body;
- (iii) following a vote of no-confidence passed at a General Conference. The retiring members except the General Secretary shall be eligible for re-election.

(b) On the dissolution of the Council the out-going officers shall carry on in their respective offices to attend only to urgent business till the new ones shall be in office.

(c) All officers or other members of the Council before going out of office shall deliver to their successors or to a person or persons authorized for the purpose, all books, monies, papers, receipts, counterfoils, letters, files, lists or any other property that may be in their possession belonging to the MUT. Certificates of handing over, containing a complete list of MUT property being handed over, shall be drawn in triplicate and signed by the out-going and in-coming members and by the president, each retaining a copy for further reference.

**TO READ:**

**Article 22**

22. (a) Independently of the period of the year in which it was elected the Council shall be dissolved:-

- (i) at the end of its term of office;
- (ii) following its resignation as a body;
- (iii) following a vote of no-confidence passed at a General Conference. The retiring members except the General Secretary shall be eligible for re-election.

(b) On the dissolution of the Council the out-going officers shall carry on in their respective offices to attend only to urgent business till the new ones shall be in office.

(c) All officers or other members of the Council before going out of office shall deliver to their successors or to a person or persons authorized for the purpose, all books, monies, papers, receipts, counterfoils, letters, files, lists or any other property that may be in their possession belonging to the MUT. Certificates of handing over, containing a complete list of MUT property being handed over, shall be drawn in triplicate and signed by the out-going and in-coming members and by the president, each retaining a copy for further reference. Furthermore, all electronic equipment belonging to the MUT and/or correspondence concerning Union business must also be passed on.

**15) TO Amend Article 25 FROM:**

25. The President, as head of the MUT, shall carry with him its full confidence and thereby be vested with normal and emergency powers as follows:

**Normal Powers:**

- (a) He shall preside over all General Conferences and Council meetings, read all letters which require to be submitted to the Council, see that the business is properly conducted according to rule, sign the minutes of each meeting and all bills sanctioned by the Council;
- (b) He shall have at any time immediate access to any book, list or document in the possession of any officer or Committee;
- (c) When he deems it expedient he shall call by the General Secretary a General Conference or Council Meeting notwithstanding any Council decision to the contrary.

**Emergency Powers:**

- (d) In the event envisaged in Rule 19 it shall be the duty of the President or the Officer in his stead to take hold of important books and documents and call a General Conference within a month to deal with the situation;
- (e) Whenever an important step or decision affecting the General Membership has to be taken, the President shall convene an urgent Council Meeting. Under no circumstances must the President assume such a responsibility alone.

**Responsibilities:**

He shall be responsible:

- (f) For the general observance of the MUT Rules;
- (g) For the compliance by the Officers concerned with the provisions of the Industrial Relations Act 1976, as far as they concern the Union, and in particular with Sections 11,12 and 13.

**TO READ:****Article 25**

25. The President, as head of the MUT, shall carry with him/her its full confidence and thereby be vested with normal and emergency powers as follows:

**Normal Powers:**

- (a) S/He shall preside over all General Conferences and Council meetings, read all letters which require to be submitted to the Council, see that the business is properly conducted according to rule, sign the minutes of each meeting and all bills sanctioned by the Council;
- (b) S/He shall have at any time immediate access to any book, list or document in the possession of any officer or Committee;
- (c) When s/he deems it expedient he shall call by the General Secretary a General Conference or Council Meeting notwithstanding any Council decision to the contrary.

**Emergency Powers:**

- (d) In the event envisaged in Rule 19 it shall be the duty of the President or the Officer in his/her stead to take hold of important books and documents and call a General Conference within a month to deal with the situation;
- (e) Whenever an important step or decision affecting the General Membership has to be taken, the President shall convene an urgent Council Meeting. Under no circumstances must the President assume such a responsibility alone.

**Responsibilities:**

He shall be responsible:

- (f) For the general observance of the MUT Rules;

- (g) For the compliance by the Officers concerned with the provisions of the Industrial Relations Act 1976, as far as they concern the Union, and in particular with Sections 11,12 and 13.
- (h) For the leading of MUT's collective bargaining negotiation team, here on referred to as the MUT Core Negotiation Team.

**16) TO AMEND ARTICLES 26 and 27 (AND SUBSEQUENT RE-NUMBERING) FROM:**

26. The Senior Vice-President shall deputise for the President whenever this officer is precluded from exercising his office. In such event he/she shall enjoy all the privileges and incur the same obligations as the President.
27. In the event of the office of President, for any reason whatsoever, becoming vacant the Senior Vice-President shall *ipso facto* become President

**TO READ: Article 26**

26. (a) The Senior Vice-President shall deputise for the President whenever this officer is precluded from exercising his office. In such event he/she shall enjoy all the privileges and incur the same obligations as the President.
- (b) In the event of the office of President, for any reason whatsoever, becoming vacant the Senior Vice President shall ipso facto become President.
- (c) The Senior Vice President will automatically be part of the MUT Core Negotiation Team.
- (d) The Senior Vice President will assist the President in the daily running of the Union and in Union matters.

**17) To Introduce New Article (and effect subsequent numbering):**

**Article 27 Vice President**

- 27(a) This officer will be elected by council and will be the third officer in line of responsibility after the President and the Senior Vice President. The Vice President will automatically be part of the Union's Core Negotiation Team and will represent the Union at events and/or occasions as the President and/or Council deems fit.
- (b) The Vice President will also deputise for the President in the event that both the President and the Senior Vice President are precluded from exercising their office.

**18) TO INTRODUCE NEW ARTICLE AND EFFECT SUBSEQUENT NUMBERING:**

**Article 28 MUT Core Negotiation Team**

- 28(a) The MUT Core Negotiation Team will be headed by the President, and it will include the Senior Vice President, the Vice President and the General Secretary as administrative secretary by default. The President may appoint other members on the team and/or delegate negotiation duties to the Senior Vice President and/or Vice President and/or General Secretary and/or other MUT representatives as necessary.
- (b) The MUT Core Negotiation Team will be responsible for the collective bargaining of all agreements under the responsibility of the MUT.
- (c) The MUT Core Negotiation Team will also be responsible to seek approval of negotiated agreements by members of the affected place of work through a vote, and where this is not possible, the final decision on an agreement is taken by Council.

**19) TO AMEND PRESENT ARTICLE 28 (AND SUBSEQUENT NUMBERING) FROM:**

28. (a) STATUS: As provided in Rule 16 (d) the General Secretary shall be an employee of the MUT, his salary being paid out of the general funds of the MUT. He shall be employed on conditions

determined by the Council.

- (b) **MODE OF EMPLOYMENT:** When the engagement of a General Secretary shall become necessary, for any reason whatsoever, the Council if it decides not to adhere to the provisions in Rule 16 (h) shall issue notices in the press, determining such conditions as it shall deem necessary, calling for applications for the post and shall thereafter, having examined such applications, engage such person as in the opinion of the Council is best suited for engagement.
- (c) **TERMINATION OF ENGAGEMENT:** The Council on the one hand and the General Secretary on the other may terminate engagement as provided in Rules 16(h) and 20(b).
- (d) On reaching pensionable age, the General Secretary shall relinquish his post.
- (e) **EMOLUMENTS:** The General Secretary shall be paid an annual salary, in twelve equal monthly instalments, the amount of such salary to be decided upon by the Council.
- (f) **DUTIES:** It shall be the duty of the General Secretary:-
  - (i) At the bidding of the President to summon the Council by sending in good time a notice to each member, including the Agenda for the meeting, and to take the necessary and usual steps to summon a General Conference;
  - (ii) To keep a regular record of the Minutes of a General Conference or Council Meeting, and to take charge of all correspondence addressed to the MUT, unless addressed to a particular officer or committee;
  - (iii) To inspect or cause to be inspected at any time the minute-book and the correspondence files of every committee;
  - (iv) to compile by himself or in conjunction with the Officer concerned:
    - (a) *an Inventory of the whole property of the MUT (Property Book);*
    - (b) *a complete list of the names and addresses of all members of the MUT, with their serial Enrolment Number, of all Members of the Council and of all Delegates in Malta and Gozo;*
  - (v) To bring the Property Book and all lists up to date, periodically checking them with those of the Treasurer and the Organiser, and produce them when demanded;
  - (vi) To procure and keep in deposit all Circulars and Notices emanating from the Education Department and from other educational institutions;
  - (vii) To keep a Memoranda Book for an orderly and chronological compilation of relevant selections from the Minutes, of important decisions and of Bye-Laws, and of new admissions. It shall be the duty of the President to see that this book is brought up to date, that the items selected are actually entered into the book and are sent for publication in the first issue of the MUT's publications;
  - (viii) To be in such place or places, during such time or times and on such day or days, as the Council may direct in order to transact business of the MUT as may be necessary.

#### **TO READ:**

##### **Article 29**

29. (a) STATUS: As provided in Rule 16 (d) the General Secretary shall be an employee of the MUT, his salary being paid out of the general funds of the MUT. He shall be employed on conditions determined by the Council.

- (b) **MODE OF EMPLOYMENT:** When the engagement of a General Secretary shall become necessary, for any reason whatsoever, the Council if it decides not to adhere to the provisions in Rule 16 (g)(ii) shall issue notices in the press, determining such conditions as it shall deem necessary, calling for applications for the post and shall thereafter, having examined such applications, engage such person as in the opinion of the Council is best suited for engagement.
- (c) **TERMINATION OF ENGAGEMENT:** The Council on the one hand and the General Secretary on the other may terminate engagement as provided in Rules 16(g) and 20(b).
- (d) On reaching pensionable age, the General Secretary shall relinquish his post.
- (e) **EMOLUMENTS:** The General Secretary shall be paid an annual salary, unless the General Secretary is on paid leave from the Government or any other entity, in twelve or thirteen equal monthly instalments, the amount of such salary to be decided upon by the Council.

- (f) **DUTIES:** *It shall be the duty of the General Secretary:-*
- (i) At the bidding of the President to summon the Council by sending in good time a notice to each member, including the Agenda for the meeting, and to take the necessary and usual steps to summon a General Conference;
  - (ii) To keep a regular record of the Minutes of a General Conference or Council Meeting, and to take charge of all correspondence addressed to the MUT, unless addressed to a particular officer or committee;
  - (iii) To inspect or cause to be inspected at any time the minute-book and the correspondence files of every committee;
  - (iv) to compile by himself or in conjunction with the Officer concerned:
    - (a) an Inventory of the whole property of the MUT (Property Book);
    - (b) a complete list of the names and addresses of all members of the MUT, with their serial Enrolment Number, of all Members of the Council and of all Delegates in Malta and Gozo;
  - (v) To bring the Property Book and all lists up to date, periodically checking them with those of the Treasurer and the Organiser, and produce them when demanded;
  - (vi) To procure and keep in deposit all Circulars and Notices emanating from the Education Department and from other educational institutions;
  - (vii) To keep a Memoranda Book for an orderly and chronological compilation of relevant selections from the Minutes, of important decisions and of Bye-Laws, and of new admissions. It shall be the duty of the President to see that this book is brought up to date, that the items selected are actually entered into the book and are sent for publication in the first issue of the MUT's publications;
  - (viii) To be in such place or places, during such time or times and on such day or days, as the Council may direct in order to transact business of the MUT as may be necessary.

**20) TO AMEND PRESENT ARTICLE 29 (AND SUBSEQUEN NUMBERING FROM:**

- 29. (a) The General Secretary and Assistant Secretary/Secretaries shall form the Secretariat.
- (b) The Council at its first meeting following elections shall assign specific duties to the Assistant Secretary/Secretaries.

**TO READ:**

**Article 30**

- 30. (a) The General Secretary and Secretariat Employees shall form the Secretariat.
- (b) The Council at its first meeting following elections shall assign specific duties to the personnel making up the Secretariat .

**21) TO AMEND ARTICLE 39 FROM:**

- 39. (a) There shall be an MUT Publications Ltd., to be run according to existing laws governing such companies. The MUT shall have the absolute majority of shares.  
Members of the Publications' Board are to include ex-officio the President, Treasurer and Assistant Treasurer. Other members, not necessarily members of the MUT Council, may form part of the Board at the discretion of the MUT Council.
- (b) The Board of the MUT Publications Ltd. shall be solely responsible to the MUT Council.
- (c) The MUT Publications Ltd., shall also be financially responsible for the publication of the MUT official organ/s.

**TO READ:**

**Article 39**

39.

- (a) The Editor of the MUT Official organ/s shall preside over the editorial board and shall be

responsible to the Council for all business that concerns the publication/s. In his direction of the publications he shall reflect the policy of the MUT as followed by the governing Council.

- (b) It shall be his duty to keep himself informed of any items in the press of interest to, or concerning, the MUT and refer them to the Council.
- (c) Any official notice appearing in the publications and/or official circulars carries authority and dispenses the Council from any further notification. Election results published therein shall be the official ones.

## **22) TO AMEND ARTICLE 44 (AND SUBSEQUENT NUMBERING) FROM:**

44. The names of candidates shall be arranged on the voting paper by Sections in alphabetical order, each with grade and School/Section/Group for identification.
- (a) Two Voting Papers bearing the initials of at least two members of the Election Board shall be sent by post to each individual member of the Union at the member's private address in Malta or Gozo. One voting paper shall contain instructions to put 'P' against the name of not more than one candidate from among the list of candidates contesting the post of President of the MUT. The second voting paper shall contain instructions to put 'X' against the names of not more than 40 other candidates for the other members of the Council, as grouped in the various sections. Only members who are fully paid up uninterruptedly shall be eligible to vote.
  - (b) For the purpose of 44 (a) the procedure for determining elected candidates shall be the following:-
    - i. The candidate with the highest number of 'P' votes from among the list of candidates contesting the Presidency of the MUT shall be elected President, provided that the number of votes obtained is sufficient to determine his/her election;
    - ii. The other candidates shall be elected in accordance with the provisions of Rule 16 (e): provided that in all cases of an uncontested candidate or candidates, election shall not be secured unless a minimum of 200 votes is obtained by such candidate or candidates;
    - iii. While the election of the President shall not deprive the category to which the candidate belongs of the allotted seat or seats on the Council, the Vice-Presidents shall occupy the seat/s to which the category is entitled;
  - (c) Voting papers when completed shall be returned sealed by post to the address and by the date indicated thereon;
  - (d) It shall be a breach of confidence for anyone to open votes before election day. Votes shall only be opened by the Election Board, and in the presence of candidates willing to attend, on a fixed day and at a fixed time and place;

### **TO READ: Article 45**

45. The names of candidates shall be arranged on the voting paper by Sections in alphabetical order, each with grade and School/Section/Group for identification.

- (c) No candidate may contest more than one section;
- (d) One Voting Paper bearing the initials of at least two members of the Election Board shall be sent by post to each individual member of the Union at the member's private address in Malta or Gozo. The voting paper shall contain instructions to put 'X' against the name of not more than one candidate from among the list of candidates contesting the post of President of the MUT, to put 'X' against the name of not more than one candidate from among the list of candidates contesting the post of Senior Vice President of the MUT and to put 'X' against the names of the other candidates for the other members of the Council, as grouped in the various sections according to the number of seats allocated to each section as established in this Code of Rules. Only members who are fully paid up uninterruptedly shall be eligible to vote.
- (c) For the purpose of 44 (a) the procedure for determining elected candidates shall be the following:-
  - i. The candidate with the highest number of 'X' votes from among the list of candidates contesting the Presidency of the MUT shall be elected President, provided that a minimum of 200 votes are obtained by the candidate;
  - ii) The candidate with the highest number of 'X' votes from among the list of candidates

contesting the Senior Vice Presidency of the MUT shall be elected Senior Vice President, provided that a minimum of 200 votes are obtained by the candidate;

iii) The other candidates shall be elected in accordance with the provisions of Rule 16 (e): provided that in all cases of an uncontested candidate or candidates, election shall not be secured unless a minimum of 200 votes is obtained by such candidate or candidates;

iv) While the election of the President and Senior Vice President are elected as such the Vice-President shall occupy the seat to which the category from which s/he is elected from is entitled to;

(d) Voting papers when completed shall be returned sealed by post to the address and by the date indicated thereon;

(e) It shall be a breach of confidence for anyone to open votes before election day. Votes shall only be opened by the Election Board, and in the presence of candidates willing to attend, on a fixed day and at a fixed time and place.

### **23) TO INTRODUCE NUMBERING OF ARTICLE AND AMEND FROM:**

Having called those 41 elected members to the first meeting of the Council, the Chairman of the Election Board shall offer the Presidency of the MUT to the member with the highest number of

‘P’ votes, and then to the next highest, and so on. The first one to accept shall be President of the MUT for the ensuing two years

#### **TO READ:**

##### **Article 48**

48. Having called elected members to the first meeting of the Council, the Chairman of the Election Board shall offer the Presidency of the MUT to the member who scored the highest number of votes in the election for President. If the person does not accept the presidency will be offered to the next highest and so on. This procedure is repeated for the post of the Senior Vice President.

### **24) TO AMEND ARTICLE (AND SUBSEQUENT NUMBERING) FROM:**

48. Following the withdrawal of the Board, the Council shall be in session for the election of the Vice-Presidents as provided in Rule 16(g)(i), and for the approval or otherwise of the Organ’s Editor, the allocation of offices, the election of Committees and for any urgent matters that require its attention.

#### **TO READ:**

##### **Article 50**

50. Following the withdrawal of the Board, the Council shall be in session for the election of the Vice-President and other officials as provided in Rule 16(g)(i), and for the approval or otherwise of the Organ’s Editor, the allocation of offices, the election of Committees and for any urgent matters that require its attention. If the Council opts to do this procedure at a later date this must be held by the second Council meeting.

### **25) TO AMEND ARTICLE 54 (AND SUBSEQUENT NUMBERING) FROM:**

54. (a) Besides the Triennial General Conference, an Extraordinary General Conference shall be convened when the President deems it expedient and when a request signed by at least as many members as would form a quorum, stating in writing the object of the meeting, has been received by the General Secretary.

(b) In such event the Extraordinary Conference may dispense with the next usual one, provided the former included in its agenda the compulsory items of the latter, as detailed in Rule 52.

#### **TO READ:**

##### **Article 56**

56. (a) Besides the Triennial General Conference, an Extraordinary General Conference shall be convened when the President deems it expedient and/or when a request signed by at least 10% of the paid membership cohort, stating in writing the object of the meeting, has been received by the General Secretary.

(b) In such event the Extraordinary Conference may dispense with the next triennial one, provided the former included in its agenda the compulsory items of the latter, as detailed in Rule 52.

**26) TO AMEND ARTICLE 55(AND SUBSEQUENT NUMBERING) FROM:**

The General Conference shall have the power:-

55. (a) To remove the President and/or Vice-Presidents from office;
- (b) To challenge, modify and reverse decisions of the Council except the one refusing an admission to membership, and any decision in connexion with the investment of funds, purchase and/or mortgage of property and repayment of any loan, where the Council has already entered into agreement with any person or body;
- (c) In grave emergency, such as lack of funds, to suspend a general election and to confirm in office the existing Council *in toto* for a specified term or till the cessation of the emergency, whichever happens first; provided that such motion shall be put as a privileged item on the agenda for that sitting and approved by two-thirds majority;

**No-confidence vote:**

- (d) To pass a vote of no-confidence, which shall carry with it the immediate resignation of the Council, or of any of its members as intended. In the former case it shall call the Election Board to function immediately and may appoint an Interim Board to administer the Union till a new Council shall be in office.

**TO READ:**

**Article 57**

The General Conference shall have the power:-

57. (a) To remove the President and/or Vice-Presidents and/or any other official/s from office:

(b) To challenge, modify and reverse decisions of the Council except the one refusing an admission to membership, and any decision in connexion with the investment of funds, purchase and/or mortgage of property and repayment of any loan, where the Council has already entered into agreement with any person or body;

(c) In grave emergency, such as lack of funds, to suspend a general election and to confirm in office the existing Council in toto for a specified term or till the cessation of the emergency, whichever happens first; provided that such motion shall be put as a privileged item on the agenda for that sitting and approved by two-thirds majority;

**No-confidence vote:**

- (d) To pass a vote of no-confidence, which shall carry with it the immediate resignation of the Council, or of any of its members as intended. In the former case it shall call the Election Board to function immediately and may appoint an Interim Board to administer the Union till a new Council shall be in office.

**27) TO AMEND ARTICLE (AND SUBSEQUENT NUMBERING) FROM:**

63. (a) Any member of the MUT, who, in the opinion of the Council, shall have been proved guilty of misconduct as a Teacher or of breach of discipline as a Unionist by failing to comply with the rules, by insubordination, by creating or attempting to create disaffection among the members, by attempting to undermine the authority of the Council, by persuading or trying to persuade members

to leave, and prospective members not to join the MUT, by sabotaging in any way any activity of the MUT, or generally by acting contrary to the MUT's interests, shall be liable to disciplinary action with or without the benefit of a previous warning;

### **Sanctions**

- (b) Disciplinary action inflicted by the Council or by a General Conference may take the form of one or more of the following:- Fine, Reprimand, Censure, Suspension, Exclusion and Removal in increasing order of severity.

### **TO READ:**

#### **Article 63**

63. (a) Any member of the MUT, who, in the opinion of the Council, shall have been proved guilty of misconduct as a Teacher or of breach of discipline as a Unionist by failing to comply with the rules, by insubordination, by creating or attempting to create disaffection among the members, by attempting to undermine the authority of the Council, by persuading or trying to persuade members to leave, and prospective members not to join the MUT, by sabotaging in any way any activity of the MUT, or generally by acting contrary to the MUT's interests, shall be liable to disciplinary action with or without the benefit of a previous warning;

(b) In such cases when a member is being subjected to disciplinary proceedings the Council may set up an Inquiry Board to report its findings and its recommendations to Council. The composition of the Inquiry board will be decided upon by the Council and it shall contain a minimum of a chairperson and two members.

### **Sanctions**

- (b) Disciplinary action inflicted by the Council or by a General Conference may take the form of one or more of the following:- Fine, Reprimand, Censure, Suspension, Exclusion and Removal in increasing order of severity.

### **28) TO AMEND ARTICLE 81 (AND SUBSEQUENT NUMBERING) FROM:**

***81 The MUT shall have a Youth Section as per provisions herein established.***

#### **(1) Recruitment and elections of MUT YOUTH Section Committee members**

Young MUT members who are between 18 and 35 years old and who pay their subscription fee regularly are eligible to join the committee. A call (for nine members) will be made in conjunction with the MUT Council Elections or when the MUT Council deems fit for the interim period. A nomination form will be made available online on the MUT website. A hard copy of the nomination form will also be sent to members through a letter circular issued to schools and other educational institutions by the union. Duly filled nomination forms can be sent by post to the MUT or delivered personally by hand or through the union delegates/representatives.

An electoral board which will be appointed by the Union will process nominations and hold an ad hoc election if applicable.

#### **(2) Composition of MUT YOUTH Section Committee:**

- MUT Youth will consist of a maximum of eleven regularly paying MUT members;
- The term of the committee will be three years;
- Committee members will be aged 18 to 35 years old when they are nominated;
- The committee will be composed of a chairperson, a deputy chairperson a secretary and eight members;
- Up to two MUT Youth members will be nominated by the MUT council. At least one of
- these members will be required to assume the role of either the chairperson or the deputy chairperson of MUT Youth.

- Other members of MUT Youth will be nominated and seconded by MUT members;
- An election for nine committee members will be held if the number of nominees (except the two members nominated by the council) exceeds nine;
- If applicable, elections will be held simultaneously with the MUT council election,

**(2) Aims and Objectives of MUT YOUTH Section:**

- empower young union members
- rally young members with a common interest
- magnify young members' voices
- share young members' experiences
- contribute to a smooth school to work transition
- enable young members to access the union structures
- critically and constructively think about, debate and bring forward important issues
- put forward the benefits of a trade union membership
- organise young members at the workplace
- ensure that young member's issues are reflected in trade union policies and programs
- co-operate with other unions and organisations to establish good networking
- provide special services and publications for young members
- be an initial spark for new union initiatives

**TO READ:**

**Article 82**

**83 The MUT shall have a Youth Section as per provisions herein established.**

**(1) Recruitment and elections of MUT YOUTH Section Committee members**

Young MUT members who are between 18 and 35 years old and who pay their subscription fee regularly are eligible to join the committee. A call (for nine members) will be made in conjunction with the MUT Council Elections or when the MUT Council deems fit for the interim period. A nomination form will be made available online on the MUT website. A hard copy of the nomination form will also be sent to members through a letter circular issued to schools and other educational institutions by the union. Duly filled nomination forms can be sent by post to the MUT or delivered personally by hand or through the union delegates/representatives.

An electoral board which will be appointed by the Union will process nominations and hold an ad hoc election if applicable.

**(2) Composition of MUT YOUTH Section Committee:**

- MUT Youth will consist of a maximum of eleven regularly paying MUT members;
- The term of the committee will be three years;
- Committee members will be aged 18 to 35 years old when they are nominated;
- The committee will be composed of a chairperson, a deputy chairperson a secretary and eight members;
- The chairperson, deputy chairperson, secretary and other members shall be elected internally from the members of the MUT Youth Section during the first or second meeting of the committee.;
- The Chairperson and the Deputy Chairperson of the MUT Youth section shall sit on the MUT Council;
- Members of MUT Youth will be nominated and seconded by MUT members;
  - An election for eleven committee members will be held if the number of nominees exceeds eleven;
  - If applicable, elections will be held simultaneously with the MUT council election,

**(3) Aims and Objectives of MUT YOUTH Section:**

- empower young union members

- rally young members with a common interest
- magnify young members' voices
- share young members' experiences
- contribute to a smooth school to work transition
- enable young members to access the union structures
- critically and constructively think about, debate and bring forward important issues
- put forward the benefits of a trade union membership
- organise young members at the workplace
- ensure that young member's issues are reflected in trade union policies and programs
- co-operate with other unions and organisations to establish good networking
- provide special services and publications for young members
- be an initial spark for new union initiatives

The above amendments to articles of the MUT Code of Rules (statute) were approved during the Extraordinary General Conference held on the 6<sup>th</sup> March 2014 at the MUT Premises, 213 Republic Street Valletta.

Franklin Barbara  
*General Secretary*

Kevin Bonello  
*President*

## FURTHER CHANGES

Amendment to MUT Statute carried out during the General Conference held on the 30<sup>th</sup> May 2014 at the Coastline Hotel, Qawra.

Amend article 44 by Adding:

**No member of the MUT may contest the election for MUT council and/or President and/or Senior Vice President nor may hold a seat on the MUT Council, Youth Section or Gozo Membership Committee or occupy the position of an MUT Official if he or she represents a political party in any official role.**

The above amendment was carried out during the said General Conference.

Franklin Barbara  
*General Secretary*

Kevin Bonello  
*President*

## Further Changes

Amendments to MUT Statute carried out during the Extraordinary General Conference held on the 3<sup>rd</sup> December 2015 at the MUT Premises by means of the following resolutions which were duly approved:

### Motion (1) Setting up of new Abel Giglio Benevolent Fund

The Extraordinary General Conference of the MUT resolves to APPROVE:

- (1) The setting up of Abel Giglio Benevolent Fund, the statute of which is hereby approved, by means of the following amendment to statute: **TO Insert new Article 41 and effect subsequent numbering of articles: Abel Giglio Benevolent Fund – The MUT shall set up the Abel Giglio Benevolent Fund, the statute of which is being approved.**

### Motion (2) Closure of MUT Publications Ltd and Setting of Fondazzjoni Saghtar

The Extraordinary General Conference of the MUT in consideration of the situation of the MUT Publications Ltd, hereby resolves to APPROVE:

36. The closure and liquidation of the MUT Publications Ltd;

37. To set up a Foundation by public deed to be called Fondazzjoni Saghtar by means of the following amendment to statute, that is: **TO Replace** Article 40 of the MUT Code of Rules with the following: Fondazzjoni Saghtar: The MUT shall set up by means of a public deed a foundation to be called Fondazzjoni Saghtar the statute of which is being approved and annexed to this Code of Rules.

Franklin Barbara  
*General Secretary*

Kevin Bonello  
*President*

### **Further Changes**

Council Amendment to the MUT statute carried out and approved during the Triennial General Conference of June 2017.

#### **To amend Article 29f (1)**

DUTIES: It shall be the duty of the General Secretary:-

(I) At the bidding of the President to summon the Council by sending in good time a notice to each member, including the Agenda for the meeting, and to take the necessary and usual steps to summon a General Conference:

#### **To Read:**

DUTIES: It shall be the duty of the General Secretary:-

(I) At the bidding of the President to summon the Council by sending at least three working days before a notice to each member, including the Agenda for the meeting and Minutes of the preceding meeting, and to take the necessary and usual steps to summon a General Conference. This excludes ad hoc council meetings summoned by the President.

Marco Bonnici  
President

## **Further Changes**

These Rules were further amended at the Extraordinary General Conference held on the 15<sup>th</sup> April 2019.

### **To amend Article 1 (b)**

1. (a) The Union shall be called “THE MALTA UNION OF TEACHERS”, abbreviated and hereinafter referred to as MUT.
- (b) The address of the MUT shall be the Teachers’ Institute, 213 Republic Street, Valletta VLT 1118.

### **To Read:**

1. (a) The Union shall be called “THE MALTA UNION OF TEACHERS”, abbreviated and hereinafter referred to as MUT.
- (b) The address of the MUT shall be 759, Triq il-Kbira San Guzepp, Hamrun, HMR 1016.

### **To Amend Article 6**

#### **Fee:**

6. On admission a new member shall pay a fee as established by the MUT General Conference and/or Council which entitles him to a copy of the Union Rules and the Membership Card. Membership shall be attained from the date of such payment.

#### **To Read:**

#### **Admission Fee:**

6. On admission a new member shall pay an admission fee equivalent to the pro-rata per term of the yearly subscription applicable to the member which entitles the member to a copy of the Union Rules and the Membership Card. Membership shall be attained from the date of such payment pending approval by Council.

### **To amend Article 9**

9. Membership of the MUT shall cease:
  - (a) by resignation, in which case three months previous notice in writing through Registered Post shall be given to the General Secretary. Such letter of resignation shall be officially acknowledged;
  - (b) by exclusion or removal
  - (c) by giving up the profession of teaching for other employment in no way related to the profession;
  - (d) by decision of the General Conference with the same reservation of 8 (c);
  - (e) by continuing or taking up membership with any other organization as provided in Rule 4 (e); provided that notification of taking up membership with such other organization shall be communicated in writing through registered post to the General Secretary.

## **To Read:**

### **Counter Amendment by Council:**

9. Membership of the MUT shall cease:
- (a) by resignation, in which case notice in writing through Registered Post or e-mail shall be given to the General Secretary. Such letter of resignation shall be officially acknowledged. Resignation will not be valid until any pending arrears are paid;
  - (b) by exclusion or removal as per Section IX;
  - (c) by no longer satisfying the eligibility criteria for membership;
  - (d) by decision of the General Conference with the same reservation of 8 (c);
  - (e) by continuing or taking up membership with any other Organisation or Union as provided in the eligibility criteria in Article 4e; provided that notification of taking up membership with such other Organisation or Union shall be communicated in writing through registered post or e-mail to the General Secretary and any pending arrears are paid.

### **To amend Article 11**

11. Any person, eligible for membership who has been refused admission may, after the lapse of four months, apply again for membership. Any member who has been suspended or excluded, but not removed, may be re-admitted by Council on the following terms:-
- (a) S/He shall apply to the Council stating the cause of his privation of membership;
  - (b) S/He shall supply reasons for reconsideration of application in writing to the General Secretary, and shall therein declare readiness carry out such directions as the Council, in its sole discretion, may impose;
  - (c) Provided that a member resigning and remaining eligible for membership shall pay a re-joining fee of €24 on being re-admitted as a member of the MUT.

## **To Read:**

11. Any person, who resigned from Union membership, may apply again for membership at any time. Any person, eligible for membership who has been refused admission may, after the lapse of four months, apply again for membership. Any member who has been suspended or excluded may be re-admitted by Council on the following terms:-
- (a) S/He shall apply to the Council, within four months, stating the cause of the privation of membership;
  - (b) S/He shall supply reasons for reconsideration of application in writing to the General Secretary and shall therein declare readiness to carry out such directions as the Council, in its sole discretion, may impose. Voting in the Council for and against re-admission shall be subject to a two-third majority;
  - (c) Provided that a member resigning and remaining eligible for membership shall pay a re-joining fee of half the applicable yearly membership fee on being re-admitted as a member of the MUT;
  - (d) Provided that a Lifetime Member who has resigned, been suspended or excluded, can reapply but will not be re-eligible for Lifetime Membership status.

### **To Amend Article 12(e)**

- 12e** Retired members of the teaching profession shall pay €60 once only to retain membership, and shall be entitled to circulars and emails from the Union as well as membership in the Retired Section. The Retired Section will also elect a committee which will have the purpose of organizing social events and seminars with approval of Council.

**To Read:**

- 12e** Retired members of the teaching profession shall pay €60 once only to retain membership, provided that retired members who have paid the last ten (10) consecutive membership fees shall be exempted from paying the €60 and shall be entitled to circulars and emails from the Union as well as membership in the Retired Section. The Retired Section will also have a committee as regulated in Section XVI which will have the purpose of organizing social events and seminars with approval of Council.

**To Amend Article 16(e)**

**To Add:**

A maximum of 5 vacant positions shall be filled by other members who have contested the Election, obtained the quota of 200 votes but were not elected in their respective section, excluding the posts of President and Senior Vice President. The contestant who obtained the greatest number of votes in the respective section and overall will be elected.

**To Amend Article 28(c)**

- 28c The MUT Core Negotiation Team will also be responsible to seek approval of negotiated agreements by members of the affected place of work through a vote, and where this is not possible, the final decision on an agreement is taken by Council.

**To Read:**

- 28c The MUT Core Negotiation Team will also be responsible to present the entire negotiated agreement and all and any related documentation in full to all affected paid up members to which the subject matter of the negotiated agreement relates, at a resolution meeting, notice of which must be given to the paid-up members at least five (5) days prior.

Copies of the entire negotiated agreement must be made available for viewing by affected paid up members for five (5) days (excluding Sundays and public holidays. If the number of members affected by the agreement is larger than 200, these five (5) days shall include one Saturday and week day access time will be extended to 7pm.

The negotiated agreement shall be deemed to be ratified by simple majority; therefore where 50% +1 of the paid-up members present for the resolution meeting approve the ratification after the negotiated agreement has been presented. The MUT Core Negotiating Team will be responsible to ensure that this ratification is sought accordingly, ensuring that counting of votes is carried out in the presence of at least four (4) individuals nominated as representatives by the affected paid up members present at the resolution meeting.

### **To Amend Article 56**

56. There shall be at least one ordinary General Conference every three years for which not less than twenty-one days' notice shall be given. This meeting shall be the Triennial General Conference and shall be held in May/June with the following Agenda:

- i) Minutes of the preceding General Conference;
- ii) Presidential Address;
- iii) Administrative Report by the General Secretary and any other reports as the Council may, from time to time, deem fit;
- iv) Audited Financial Statement;
- v) Audited Profit & Loss Account/s of each Subsidiary Company of the Union;
- vi) Appointment of Election Board;
- vii) Motions.

Reports at (iii) and (iv) and (v) shall be sent to all Conference Delegates together with the Agenda, and such reports shall be taken as read.

### **To Read:**

56. There shall be at least one ordinary General Conference every four years for which not less than twenty-one days' notice shall be given. This meeting shall be the Quadrennial General Conference and shall be held in May/June with the following Agenda:

- i) Minutes of the preceding General Conference;
- ii) Presidential Address;
- iii) Administrative Report by the General Secretary and any other reports as the Council may, from time to time, deem fit;
- iv) Audited Financial Statement;
- v) Audited Profit & Loss Account/s of each Subsidiary Company of the Union;
- vi) Appointment of Election Board;
- vii) Motions.

Reports at (iii) and (iv) and (v) shall be sent to all Conference Delegates together with the Agenda, and such reports shall be taken as read.

### **To Amend Article 57a**

- 57a Besides the Triennial General Conference, and Extraordinary General Conference shall be convened when the President deems it expedient and/or when a request signed by at least 10% of the paid membership cohort, stating in writing the object of the meeting, has been received by the General Secretary.

### **To Read**

- 57a Besides the Quadrennial General Conference, an Extraordinary General Conference shall be convened on a yearly basis in March/April (excluding Easter recess and public holidays) and/or when the President deems it expedient and/or when a request signed by at least 5% of the registered members with the Registrar of Trade Unions, stating in writing the object of the meeting, has been received by the General Secretary.

### **To Add Section XVI:**

#### **To Read:**

#### **Section XVI – MUT Retired Section**

The MUT shall have a Retired Educators' Section made up of retired educators (all grades) who are retired members of the MUT as per provisions herein established.

#### **1. Aims and Objectives of MUT Retired Educators' Section**

- a. Empower retired union members.
- b. Rally retired members with a common interest by organizing activities which will bring them together.
- c. Magnify retired members' voices.
- d. Share retired members' experiences.
- e. Contribute to a smooth work-to-retirement transition.
- f. Enable retired members to access the union structures.
- g. Critically and constructively think about, debate and bring forward important issues.
- h. Put forward the benefits of a trade union membership.
- i. Ensure that retired members' issues are reflected in trade union policies and programmes, especially pensions and living conditions.
- j. Co-operate with other unions and organizations to establish good networking.
- k. Provide special services/activities for retired members.
- l. Be an initial spark for new union initiatives.

#### **2. Composition of MUT Retired Educators' Section Committee**

- a. The MUT-RES Committee will consist of a maximum of eleven members.
- b. There shall be two sub-committees within the MUT-RES Committee namely the MUT-RES Social sub-committee, which will organize activities/outings for members which bring them together, and the MUT-RES Welfare sub-committee, which will represent the members in trade union circles and other fora. Both groups together form the MUT-RES Committee.

- c. Retired MUT members are eligible to join the committee. A call shall be issued to fill any vacancies.
- d. If a member of the Committee fails to attend five consecutive Committee meetings without justification, he/she will be asked to stand down.
- e. The Committee will be composed of a Chairperson, a Deputy Chairperson, a Secretary, a Treasurer, a PRO and six members.
- f. The Chairperson, the Deputy Chairperson, the Secretary, the Treasurer, the PRO and other officials shall be elected internally from the members of the MUT-RES Committee.

### **3. Workings of the Committee**

- a. The MUT-RES Committee shall meet at least once a month from September to July.
- b. The quorum to start a meeting is six.
- c. The Chairperson shall set and send the Agenda prior to each committee meeting, lead the discussions and, in case of disagreement, put matters to the vote.
- d. Decisions are taken by vote. When the number of members present is an even number, the Chairperson does not vote. If there is a tie (because of an abstention), another vote is taken in which the Chairperson takes part. When a secret vote is necessary and there is a tie, another secret vote is taken in which the Chairperson votes with the other members present.
- e. The Secretary is in charge of Correspondence and of the Minutes of each committee meeting and shall keep an account of the decisions taken.
- f. The Treasurer is in charge of the accounts and is expected to submit a Financial Report after each activity organized by the Committee. He is to pass the balance from such activity to the Financial Officer of the MUT. Moreover, each year he is obliged to prepare a Balance Sheet with the Income and Expenditure of each month.
- g. The Minutes and the Financial Reports are to be signed by the Chairperson, the Secretary and the Treasurer and, in the absence of one of them, by another member of the Committee, after having been presented to and approved by the Committee.
- h. When need arises, with the Committee's approval, the Chairperson, the Secretary, the Treasurer and the PRO may delegate their duties or some of them to other members of the Committee.

**Carmen Dimech**  
**General Secretary**

**Marco Bonnici**  
**President**