

**Education International**  
**6<sup>th</sup> World Congress, Cape Town, 22-26 July 2011**

**Agenda item 13:**

## **PROPOSED AMENDMENTS TO THE RULES OF DEBATE, CONSTITUTION AND BY-LAWS**

### **SECTION A: PROPOSALS FROM THE EXECUTIVE BOARD**

#### **1. CONGRESS RULES OF DEBATE**

**Explanatory note from the Executive Board:**

Arising from the review of the 2007 World Congress, the Executive Board decided that it would facilitate a greater number of speakers contributing to debates if the time limit for individual speeches was shortened. This was an issue which was raised in a number of the comments on the proceedings of Congress. The Board decided to propose the following amendments to the Rules of Debate and to the By-Law which governs the length of time allocated to speakers.

##### **1.1. Amendments to Congress Rules of Debates (in bold-italic):**

1. A delegate or member of the Executive Board shall speak only once in a debate, unless otherwise agreed by the Congress. The representative of a Congress Committee presenting a report or a mover of a resolution (not concerning a motion of procedure) shall have the right of reply at the close of debate on an item.
2. A request to speak shall be made in writing to the Chair (at the Greffier's desk), except when related to a point of order or procedure. A delegate who is invited by the Chair to speak may yield the right to speak to another member of the delegate's own union. The Chair shall call upon speakers in the order in which they signify their desire to speak.
3. At any time during the course of a debate the Chair may call a speaker to order if the remarks of the speaker are not relevant to the subject under discussion or if the speaker exceeds the allotted time.
4. The General Secretary shall have the right to speak on any subject.
5. Resolutions (motions), which have been submitted to the Congress by member organizations or by the Executive Board in accordance with the prescribed procedures, must be proposed and seconded by accredited delegates or by members of the Executive Board to the Congress in order to place them for debate before the Congress.
6. ***In presenting the resolution for debate the proposer must indicate which accredited delegate is seconding the resolution. It is not necessary for the seconding delegate to approach the rostrum or to speak.***
7. The proposer must speak to the resolution when it has been placed before the Congress.

8. ***If the seconding delegate wishes to speak the delegate may defer speaking until later in the debate but must submit a 'request to speak' form.***
9. Amendments to the resolution, which have been submitted to the Congress by member organizations or by the Executive Board in accordance with the prescribed procedures, must also be proposed and seconded by accredited delegates or by members of the Executive Board to place them before the Congress.
10. ***In presenting the amendment for debate the proposer must indicate which accredited delegate is seconding the amendment. It is not necessary for the seconding delegate to approach the rostrum or to speak.***
11. The proposer must speak to the amendment when it has been placed before the Congress.
12. ***If the seconding delegate wishes to speak the delegate may defer speaking until later in the debate but must submit a 'request to speak' form.***
13. Amendments to a resolution must be taken immediately after the proposer and seconder (if the seconder chooses to speak at the beginning of the debate) of the resolution have spoken. If the seconder decides to speak later in the debate, amendments must be taken when the proposer has finished speaking.
14. Each amendment must be disposed of before the next one is taken.
15. Each delegate may speak only once on any resolution or amendment to it which is placed before the meeting except the proposer of the resolution who may speak once on the resolution and once on any amendment to it. The proposer may also reply to the debate on the resolution (or substantive resolution) before it is voted upon.
16. The proposer of a resolution may speak for a maximum of five minutes in proposing the resolution.
17. ***All other speakers in the debate on a resolution or amendments to it are allowed to speak for a maximum of three minutes.***
18. ***In the interests of completing particular items of business, the Chair, with the permission of the Congress, may reduce the length of time for which speakers are permitted to speak to two minutes or less.***
19. After the proposer of the resolution or amendment and the seconder, if the seconder chooses to speak immediately after the proposer, have spoken, the chair will select speakers for and against the resolution or amendment, in turn. If during the course of the debate there are no further requests to speak against the resolution or amendment, the Chair may put immediately the resolution or amendment to a vote.
20. The debate on a question before the Congress may be interrupted at any time by a point of order or by a motion of procedure. The Chair shall give an immediate ruling in response to a point of order.

A motion challenging the ruling of the Chair shall be put immediately to a vote.

A motion of procedure shall be required in order:

- (i) to adjourn the sitting;
- (ii) to adjourn the debate;
- (iii) to close the debate and/or vote on the item under discussion;
- (iv) to proceed with the next item on the agenda.

The above or any other motion of procedure shall be put immediately to a vote, except that the delegation submitting the resolution under discussion, may exercise its right of reply.

### 1.2. Amendments to By-Law 8 (Rules of Debate):

In order to implement the changes proposed at points 17 and 18 above the following amendments must be made to EI By-Law 8 (c).

- (i) Insert the words '*proposers of resolutions and contributors to debates or discussions other than on resolutions*' after the words 'applicable to all' in the first sentence. Delete the words 'speakers in debate'.
- (ii) Insert a new second sentence as follows: *- 'All speakers in a debate on a resolution or an amendment to it, other than the proposer of the resolution, shall be allowed to speak for no more than three minutes.'*
- (iii) Delete the word '*three*' in the final sentence and replace it with '*two*'.

## 2. SUSPENSION, EXCLUSION AND WITHDRAWAL FROM MEMBERSHIP

### Explanatory note from the Executive Board:

The object of the changes is to clarify the implications of the suspension of an organisation from membership. The existing Article provides for suspension from membership but it neither indicates clearly what the impact of that suspension should be nor the procedures to be followed in imposing or lifting a suspension.

### 2.1. Amendment to Article 7 of the Constitution (Suspension or termination of membership):

Delete Article 7 and substitute the following text:

#### ***"Article 7: Suspension, Exclusion And Withdrawal From Membership***

##### ***Suspension of membership and investigation of charges***

- a) ***In the event that it is charged that a member organisation violates or ceases to fulfil the requirements of the Constitution, on the basis of a complaint lodged by the governing body of another member organisation, or on the initiative of the Executive Board itself, the Executive Board shall refer the matter for investigation to the Committee of Experts established under the provisions of Article 5.***
- b) ***Pending the outcome of such an investigation by the Committee of Experts the Executive Board may decide, by a two thirds majority of those who are present and voting at a quorate session, to suspend the organisation under investigation from membership.***
- c) ***An organisation which is suspended from membership shall not be eligible to be represented at activities of the organisation, shall not receive grants from the organisation under any scheme and its representatives will also be suspended from participating in the governing structures of the organisation at any level.***
- d) ***An organisation which is suspended from membership must continue to fulfil its obligations to pay membership fees in accordance with the provisions of Article 19.***

- e) ***An investigation initiated under (a) or (f) must be completed within twelve months of the decision of the Executive Board to initiate the investigation. If the investigation has not been completed within twelve months the suspension must be lifted automatically.***
- f) ***The Executive Board may also decide to suspend an organisation from membership by a two thirds majority of those who are present and voting at a quorate session on the basis of complaints from within the organisation that it has not adhered to the terms of its own constitution and by-laws. Such complaints may be investigated initially by the secretariat and, if the outcome of such investigation is not satisfactory, may be referred to the Committee of Experts for investigation.***

#### ***Procedures for investigation by the Committee of Experts***

- g) ***In the event that the Executive Board initiates a referral of an organisation to the Committee of Experts, the following requirements shall be met:***
  - (i) ***The Committee of Experts shall enquire into the charges and conduct a due hearing before presenting its finding to the Executive Board.***
  - (ii) ***The organisation whose membership status is under review by the Committee of Experts, shall be given due notice, a copy of the charges, the right to respond to the charges, and a copy of the finding of the Committee of Experts.***
  - (iii) ***The finding of the Committee of Experts shall be communicated to the Executive Board for action as specified in the By-Laws.***

#### ***Conclusions of investigation and exclusion from membership***

- h) ***If the findings of an investigation conclude that the matter has been resolved or that the complaint was unfounded the member organisation shall be re-instated at the next Executive Board meeting.***
- i) ***If the findings of an investigation conclude that the charge against the organisation is justified the Executive Board may exclude the organisation from membership or may grant the organisation a period of not more than six months within which to rectify the situation to the satisfaction of the Executive Board. The organisation will remain suspended until the six month period has elapsed or until it rectifies the situation. If it has not rectified the situation within the specified six month period it shall be excluded from membership.***
- j) ***A two thirds majority of those who are both present and voting at a quorate session shall be required for the Executive Board to exclude an organisation from membership.***
- k) ***The member organisation concerned shall be informed of the decision of the Executive Board and of the reasons justifying that decision.***
- l) ***Any organisation which is more than twenty four (24) months in arrears of the payment of its membership dues, without the approval of the Executive Board, shall be excluded from membership.***
- m) ***Any member organisation that has been suspended or excluded by the Executive Board, other than for being in arrears of the payment of membership dues, shall have the right of appeal to the World Congress under conditions to be specified in the By-Laws.***

#### ***Withdrawal from membership***

- n) An organisation which seeks to withdraw from membership in Education International shall provide notification of such intention six months in advance. Financial obligations to Education International shall not expire until the end of the six month period.**
- o) Only notifications of withdrawal duly authorised by the member organisation's governing body, shall be taken into consideration by the Executive Board."**

### 3. SUB-REGIONAL AND CROSS-REGIONAL STRUCTURES

#### **Explanatory note from the Executive Board:**

Article 13 of the Constitution provides for the establishment of five regions to which countries, and the member organisations within them, may be assigned. Responsibility for the precise definition of the regions and the allocation of countries to them is assigned to the Executive Board in By-Law 18. There is no provision within the Constitution and By-Laws for the establishment of sub-regional and/or cross-regional structures.

The Executive Board decided at its meeting in March, 2009, that:

1. EI should establish more sub-regional structures, as required, to provide opportunities for organisations to interact and engage with EI and with other member organisations in the region with similar interests and concerns.
2. EI should also establish cross-regional groupings where the interests and concerns of the member organisations warrant such structures.
3. EI should review the boundaries of its regions to try to ensure that member organisations at the boundaries of the regions are not isolated and deprived of opportunities to participate in EI activities and interact with other member organisations in their region.

The Executive Board proposes the following amendments to the Constitution and By-Laws.

#### **3.1. Amendment to Article 13 of the Constitution (Regional Structures):**

Insert in Article 13 a new clause (e) as follows:-

***(e) "The Education International may also establish such sub-regional and cross-regional structures as it deems necessary to provide advice to the Executive Board on policies and activities which may be undertaken in countries in a sub-region or in countries in more than one region, where the countries are linked by the existence of a an intergovernmental body for the governments of the countries concerned, or by a cultural or linguistic inheritance. Such structures shall be governed by By-Laws approved by the Executive Board."***

#### **3.2. Amendment to By-Law 18 (Definition of Regions)**

Insert a new second sentence in By-Law 18. Definition of Regions as follows:-

***"The Executive Board shall also allocate countries to sub-regional or cross-regional structures, where applicable, after undertaking the necessary consultations with the member organisations concerned"***

## 4. IMPLEMENTATION OF THE RECOMMENDATIONS OF THE SPECIAL COMMITTEE ON STRUCTURES AND FINANCE

### 4.1. Amendment to By-Law 25 (Finance Committee):

To reconcile the current practice in relation to the Finance Committee and to implement the recommendations of the Special Committee on Structures and Finances the following amendments should be made to By-Law 25:-

- (i) Insert "***the Officers and two additional***" after the words "composed of" in (a), and
- (ii) Insert the words "***in conjunction with each ordinary meeting of the Officers and***" after "shall meet" in (d).

**The revised text would read as follows:-**

#### 25. FINANCE COMMITTEE

- a) The Finance Committee shall be composed of ***the Officers and two additional*** members of the Executive Board, to be appointed by the Executive Board. The Executive Board shall appoint the Committee's Chairperson who shall preside over the Committee's meetings and shall be the Committee's spokesperson.
- b) A member shall be appointed for a term of four years and shall be eligible for re-appointment.
- c) The Committee shall:
  - (i) present the financial report and propose a budget to the Executive Board and on its behalf to the Congress;
  - (ii) make recommendations to the Executive Board concerning the management and financial administration of the Education International;
  - (iii) inform the Executive Board about arrears of membership dues and make recommendations regarding the implementation of Article 7(b) of the Constitution and of By-law 26;
  - (iv) make recommendations to the Executive Board concerning salaries and conditions of employment of staff members;
  - (v) make recommendations to the Executive Board concerning salary and conditions of employment of the General Secretary;
  - (vi) inform the Executive Board about the financial implications of any decision or proposed decision;
  - (vii) analyze and report upon any other question which the Executive Board may refer to the Committee concerning the revenue, expenditure, investments, accounts, properties and operational costs of the Education International.
- d) The Committee shall meet ***in conjunction with each ordinary meeting of the Officers and*** immediately prior to each meeting of the Executive Board.

- e) In each year the Committee shall consider an audited statement and balance sheet for the preceding year, a revised budget for the current year and a budget for the following year, presented by the General Secretary.
- f) In a year in which a Congress is to be held, the Committee shall consider an audited statement and balance sheet for the preceding year, a revised budget for the current year and a general budget for the following years including the year in which the next Congress is to be held. This general budget shall be drafted by the General Secretary.
- g) The Committee shall receive any other information from the General Secretary that it deems relevant for the accomplishment of its tasks.

#### 4.2. Amendment to By-Law 26 (Dues):

In order to avoid the organisation suffering a cash shortage at the beginning of each financial year and, especially, after each year in which Congress is held, when cash reserves are at their lowest, the date for payment of dues should be brought forward to the 31<sup>st</sup> March which is the end of the first quarter of the financial year. In a Congress year this would also assist with the earlier calculation of the numbers of delegates and votes to which organisations are entitled at Congress. At present this cannot be finalised until the month of July, which is the month in which Congresses are held. An additional amendment is proposed to reconcile the practice of the Board whereby it grants special agreements on dues payments for more than one year with the present provision of the Constitution and By-Laws which only provides for one year agreements. The following amendments are therefore proposed to By-Law 26:-

- (i) Replace "30 June" with "**31<sup>st</sup> March**" wherever it appears,
- (ii) Replace "31 December" with "**30<sup>th</sup> September**" wherever it appears,
- (iii) Delete "31 December of the preceding year" and insert "**the preceding 30<sup>th</sup> September of the year**" in (c),
- (iv) Delete "within three months" and insert "**within one month**" in (d),
- (v) Insert "normally" after the word "expire" and insert a new second sentence as follows "In exceptional circumstances a special agreement may be approved for up to three years" in (h).

**The revised text would read as follows:-**

#### 26. MEMBERSHIP DUES

- a) The dues payable to the Education International by a member organisation shall be determined by the Congress.
- b) The membership dues shall be receivable not later than **31<sup>st</sup> March** each year and shall be computed on the total membership of the member organisation on **30<sup>th</sup> September** of the preceding year.
- c) Each member organisation shall notify the Education International not later than **30<sup>th</sup> November** of each year of its membership figures on **the preceding 30 September of the year** and shall provide any other information required for the calculation of dues. The Executive Board may request a member organisation to substantiate such information.
- d) In the event that a member organisation fails to provide the required information before **30<sup>th</sup> November** or to meet a request to substantiate such information **within one month**, the Executive Board, may determine a per capita amount on the basis of information provided by other sources, which shall then be due to the Education International.

- e) Membership dues shall be paid in a convertible currency to be determined by the Executive Board.
- f) If in any year the payments received prior to **31st March** are less than the amount determined in accordance with the previous paragraphs, the member organisation shall be informed that it is in arrears, and all payments received subsequent to **31st March**, whether in that year or in following years, shall in the first instance be applied to the reduction or elimination of the arrears.
- g) If a member organisation is unable to fulfil its financial obligations, owing to extraordinary circumstances, the Executive Board shall have the authority to reach a special agreement with that organisation entailing:
  - (i) a delay of payment; or
  - (ii) a payment on a reduced membership; or
  - (iii) payment in a non-convertible currency; or, in extreme cases,
  - (iv) an exemption from part or all of the payment of membership dues.
- h) Special agreements shall expire **normally** at the end of the financial year in which they are reached, but may be renewed in the following year. ***In exceptional circumstances a special agreement may be approved for a period of up to three years.*** Agreements that concern payment in a non-convertible currency shall establish the real value of the agreed payment in a convertible currency which shall constitute the basis of the calculation of the number of delegates and votes at the Congress to be allocated to the organisation concerned. Special agreements shall be reported to each Congress.
- i) The number of delegates and votes at the Congress to be allocated to a member organisation shall be calculated according to the average number of members for which membership dues have been paid since the preceding Congress or since the year of affiliation, after adjustment has been made in respect of any arrears owing for preceding years.

#### **4.3. Amendment to Article 9 (b) of the Constitution and By-Law 7:**

The Special Committee recommended that the World Congress *'should establish an internal Audit Committee, composed of one representative with some financial expertise from each region, to report to it on the audited accounts. The Chair of the Finance Committee, the General Secretary, or a designate, should also be ex-officio members of the Audit Committee. The Committee should meet between Congresses to review the accounts and prepare a report on the financial statements for the next Congress.'* The following amendments are proposed to give effect to this recommendation.

#### **4.3a Amendment to Article 9 (b) of the Constitution (World Congress)**

Insert in Article 9(b) a new clause (iv) as follows and renumber the subsequent clauses accordingly:

***"(iv) appoint the internal Audit Committee"***

#### **4.3b Amendment to By-Law 7 (Committees of the Congress):**

- (i) Insert a new section (d) in By-Law 7 and renumber the subsequent clauses of the By-Law accordingly:

***"(d) Audit Committee"***

- (i) Congress shall appoint an internal Audit Committee consisting of one representative of a member organisation from each of the five regions.***

- (ii) The Chair of the Finance Committee and the President and General Secretary, or a designate, shall also be ex-officio members of the Audit Committee.**
- (iii) The role of the internal Audit Committee is to examine the annual audited accounts of EI and report thereon to the next Congress.**
- (iv) The Audit Committee shall meet between Congresses to review the accounts and prepare a report on the financial statements for the next Congress.**
- (v) The members of the Audit Committee referred to in (i) above, shall be nominated by member organisations to the Executive Board prior to Congress on the basis of their expertise in financial matters.**
- (vi) The Executive Board shall recommend one such nominated representative from each region to the Congress for appointment to the internal Audit Committee.**
- (vii) The term of office of each member of the Audit Committee, other than the ex-officio members, shall expire at the end of the Congress after the one at which the member is appointed."**

- (ii) Insert in By Law 7, clause (d), (new (e)), after the words "Resolutions Committee", the words "**internal Audit Committee**".

## 5. THE CALCULATION OF A TWO-THIRD MAJORITY IN A VOTE ON AMENDMENTS TO THE CONSTITUTION AND BY-LAWS

### **Explanatory note from the Executive Board:**

The issue of the definition of a two-thirds majority in a vote arises in relation to amendments to the Constitution and By-Laws in Article 25 (d) where it is described as 'two-thirds of the total votes cast'. In By-Law 9 (d) (i) it is described as 'two-thirds of the delegates present and voting'. As these words are open to more than one interpretation the Executive Board decided to make a formal interpretation of what constitutes a two-thirds majority in a vote on an amendment to the Constitution or by-laws in EI. It is desirable to avoid contentious debates about rules and procedures on the floor of a conference during a divisive debate. Those participating in debate at a meeting or conference should be clear about the rules which apply to their decision making.

The purpose of the two thirds majority requirement is to ensure that either a proposal has widespread support among the members of the organisation or it cannot be adopted. The benchmark is intended to be higher than the normal fifty per cent plus one. An abstention does not register support for a proposal but it could result in a proposal being adopted if many potential voters recorded abstentions.

A solution to this problem is required which does not of itself require multiple amendments to the Constitution and By-Laws in order to provide, for example, for a minimum number of votes to be cast. In circumstances where there were only three votes cast out of, perhaps, hundreds of potential votes, with a simple two-thirds majority provision, two votes cast in favour, with one against, could constitute a two thirds majority. The two thirds majority should, therefore, be of potential votes, that is, of the votes available to those registered for the Congress.

The Executive Board decided, therefore, that the interpretation of the EI Constitution should be to the effect that a two thirds majority vote in relation to an amendment to the Constitution and/or By-Laws should consist of two thirds of the eligible votes of those registered to attend the Congress. In these circumstances abstentions and negative votes have the same impact. The necessary consequential amendments to the Constitution and By-Laws to this effect are set out below.

### **5.1. Amendment to Article 25 (b) of the Constitution (Amendments to the Constitution):**

Replace 'two-thirds of the total votes cast' with: "**two-thirds of the eligible votes of member organisations which have registered their attendance at the Congress**".

## 6. CREATION OF A CATEGORY OF 'ASSOCIATE MEMBERSHIP'

### **Explanatory note from the Executive Board:**

The existing aims of Education International include the following:-

- to encourage through their organisations closer relationships among teachers and education employees in all countries and at all levels of education;
- to promote and to assist in the development of independent and democratic organisations of teachers and education employees, particularly in those countries where political, social, economic or other conditions impede the application of their human and trade union rights, the advancement of their terms and working conditions and the improvement of educational services;
- to promote unity among all independent and democratic trade unions both within the educational sector and with other sectors; and thereby contribute to the further development of the international trade union movement.

It is in the context of these aims that the following review of membership and recruitment policies and practices has been prepared.

Education International is now the only major teachers' and education workers' organisation in the world. There are a small number of independent regional federations which teachers and education workers organisations may join and there is also FISE, which claims to be a global organisation but which has only a small number of affiliates.

In countries throughout the world there are a number of national organisations representing teachers and other education workers which are not in membership of EI. Some of these would meet the EI membership criteria but either have not applied for membership for political reasons or have been advised that a membership application would be opposed by existing EI member organisations in the countries concerned. Others have applied for membership and been rejected because they did not meet one or more of the membership criteria. The most common criteria which such organisations fail to meet are independence of government influence or control and internal democratic decision making.

Many of these organisations would support the aims and objectives of EI. They would have no difficulty in making the commitments to EI policies and aspirations which is required of member organisations. In the context of the virtual monopoly of global teacher and education worker representation which EI enjoys currently, the question of relating to and cooperating with such organisations arises, especially where they are the only organisation with the potential to become an EI member in the country concerned.

It is clearly in the interests of EI to try to ensure that it maintains its dominant position as the organisation representing teachers and other education workers at global level and, in that context, to prevent the development of alternative organisations at regional or global level. The present approach to membership processing and recruitment neither encourages potential member organisations which do not meet all of the membership criteria to adapt to meet the criteria, nor does EI consistently and actively seek to recruit non-member organisations which may meet the membership criteria.

In the context of fulfilling the EI aims to unite the trade unions in the education sector across the world and to promote and assist the development of independent and democratic organisations of teachers and education employees a more systematic and active approach to recruitment and cooperation with potential member organisations is required at global and regional levels.

In October, 2000, the Executive Board approved a paper entitled "EI Membership Recruitment and Retention: Developing a Strategic Approach". This paper contained similar comments to those outlined here. It was conceived of in circumstances where WCT was a significant rival to EI and discussions were ongoing about a merger of the two organisations. The recommendations in that paper for an

Action Plan on Recruitment and Retention are still relevant today. The paper called for a comprehensive recruitment and retention strategy designed to achieve the goals and objectives identified above requires data collection and analysis, setting of targets for increased membership coverage, identification of priorities and preparation of a systematic approach to targeted non-member organisations.

For those organisations which do not meet one or more of the EI membership criteria at present and cannot therefore become members of EI, EI offers no tangible incentive to them to adapt to meet the criteria. They remain isolated from EI's influence and cannot cooperate with EI or its member organisations in ways which might encourage them to change. A formal structured framework for such organisations to engage with EI would be more likely to influence them to develop their structures, policies and practices to meet the EI membership criteria.

In some organisations, including ITUC, there is provision for *associate* membership for organisations which support the aims of the organisation but do not fully meet the criteria for full membership. The status of *associate* member may entitle such an organisation to limited participation in the organisation's activities and to cooperate and collaborate openly with existing member organisations. Their representatives may attend conferences and seminars as participants but only attend governing body meetings as observers. They would not be entitled to vote in elections. They may receive advice and practical assistance, newsletters and other regular communications from the organisation. They would be required to pay dues, albeit at a reduced rate. In some organisations the category of *associate* member must be reviewed every couple of years or, alternately, is for a fixed term only. If EI were to introduce a provision for such *associate* membership then it would determine the entitlements and benefits of such a category of membership.

There are not many organisations which would fit into group (i) above, that is which meet the membership criteria and have not applied or have been discouraged from applying for membership. In the second group (ii), that is organisations which meet some but not all of the criteria and would be prepared to commit themselves to support the aims of EI in the context of becoming *associate* members, there would appear to be great potential for extending the influence of EI. The Executive Board decided to propose the following changes to the Constitution and By-Laws necessary to create a category of Associate Membership.

### 6.1. Amendment to Article 4 of the Constitution (Membership):

Insert in Article 4 a new clause (e) as follows:

***"(e) Education International may also admit into a special category of associate membership, as defined in the EI By-Laws, for a fixed period or periods, organisations which do not meet fully the membership criteria set out in (b) above. Applications for such associate membership shall be processed in accordance with the conditions set out in (c) and (d) above."***

### 6.2. New By-Law 2 (Associate Membership)

Insert a new By-Law 2: Associate Membership, as follows, and renumber subsequent By-Laws accordingly:

#### **"2 ASSOCIATE MEMBERSHIP**

***(a) An organisation which applies for membership of Education International but which, in the opinion of the Executive Board or of the Committee of Experts, does not meet fully the criteria for membership may be offered associate membership by the Executive Board for a limited period in order to enable it to adjust to meet fully the criteria for membership.***

- (b) Associate membership may be granted initially for a period of four years or less. Associate membership may be granted by the Executive Board to an organisation for a further period of four years or less but such membership shall be limited in all circumstances to periods totalling not more than eight years.**
- (c) The list of organisations with the status of associate member must be reported to each Congress.**
- (d) An organisation with the status of associate member will be entitled to**
  - (i) Participate in EI activities and programmes**
  - (ii) Receive EI publications, advice and assistance**
- (e) An organisation with the status of associate member will be required to**
  - (i) Meet the Constitutional obligations provided for member organisations in Article 6 (b),**
  - (ii) Pay membership dues at a rate to be determined by the Executive Board but which will not, in any event, be less than seventy-five per cent of the rate applying to other member organisations in the country concerned, if such exist, and**
  - (iii) Report annually to the EI Executive Board on the steps which the organisation has taken to meet fully the EI membership criteria.**
- (f) An organisation with the status of associate member will not be allowed**
  - (i) to vote in elections to EI governing bodies at global or regional level**
  - (ii) to nominate a representative to stand for election to an EI governing body at regional or global level**
  - (iii) to participate in meetings of EI governing bodies at regional or global levels, other than as an observer.**
- (g) At the end of each period of associate membership the Executive Board shall satisfy itself that the organisation either**
  - (i) meets fully the membership criteria, in which case it shall be admitted into membership, or**
  - (ii) has made satisfactory efforts to meet the membership criteria but does not fully meet the criteria and should be granted a further period of associate membership, subject to the overall limit in (e) (i) above, in which to complete its adjustment, or**
  - (iii) has made no effort to meet fully the membership criteria, in which case associate membership shall be withdrawn."**

## **SECTION B: PROPOSED AMENDMENTS FROM MEMBER ORGANISATIONS**

### **Introductory note from the Executive Board:**

The Constitution and By-Laws are the basic documents which govern the organisation. They are the documents which describe the aims of the organisation and its structures and procedures. Every article should be clear and capable of being interpreted, as was intended by the Congress which adopted it, by a person who was not present for the debate and discussion. Each article should be consistent with all other articles. Each article should either contain all of the necessary definitions to understand it, within the article itself, or by cross referencing it to other articles which contain the necessary definitions. The article must be capable of being implemented. It may not, for example, provide for a course of action which would be illegal, or which would require coercion of individuals outside of the organisation in order to implement it.

Any proposed amendment to an article must, therefore, be written clearly with no ambiguity, must not introduce a conflict with another article, must include proposals for all consequential changes in other articles, must be coherent with other articles and must include all necessary definitions or references to such definitions where they are elsewhere in the Constitution and By-Laws.

The Executive Board advises against the adoption of any amendment which, in the opinion of the Board, does not meet these criteria, regardless of the intended purpose, since the impact of such amendment, if adopted, would undermine the clarity of the Constitution and By-Laws or introduce an internal conflict to them.

### **7. AMENDMENT TO ARTICLE 10 (C ) OF THE CONSTITUTION (EXECUTIVE BOARD) FROM SNES-FSU/France AND FENPROF/PORTUGAL**

Replace first sentence with: "***The Executive Board shall be composed of thirty-one (31) members***"; add after (iv): "***5 regional coordinators, as ex-officio members without voting rights***"

### **Explanatory note from SNES-FSU/France :**

Their good command of regional problems is likely to improve the Executive Board's knowledge of regional matters.

### **Executive Board Comment:**

- (a) The Board is not in favour of the proposed amendment;
- (b) The amendment adding five Regional Coordinators (RCs) to the Executive Board is in conflict with other articles of the Constitution and By-laws. because:
  - It is not possible to put into an article of the Constitution a reference to posts of regional coordinator which are not provided for or defined elsewhere within the Constitution;
  - there are three Chief Regional Coordinators (CRCs) and about twelve RCs and no selection process is proposed for the specific five RCs on the Board, thus bringing the proposal into conflict with by-law 13 on elections to the Executive Board;
  - CRCs and RCs are EI employees appointed by the General Secretary. Membership of the Executive Board, however, is restricted to persons nominated by member organisations and elected by the Congress.
- (c) On the Executive Board there are ten "regional seats" for two members from each of the five EI regions. In addition there are five Vice Presidents, one from each region. These three Board Members, elected on a regional basis, would be sufficiently informed about the problems and challenges facing their regions to present the regional perspective on matters discussed by the Board.

- (d) In light of the above the Executive Board requests SNES-FSU/France and FENPROF Portugal to withdraw the amendment

## 8. AMENDMENT TO BY-LAW 16 (EXECUTIVE BOARD) FROM DLF/DENMARK

Add 16 (e): ***"The minutes of the meetings shall be sent to all member organisations after the Executive Board meetings."***

### Explanatory note from DLF/Denmark

Information about the work and decisions of the Executive Board working between two congress periods is essential knowledge and should be communicated to all member organisations. This is why the DLF proposes that the openness and knowledge sharing are strengthened by sending out minutes shortly after the meetings of the EI Executive Board to all member organisations.

Education International is an important part of the international trade union movement working for democracy, social justice and equal opportunities. As trade unions we work for our members to ensure democratic rights and influence. Openness and transparency are important elements of democracy and in Education International we also value openness, transparency and knowledge sharing highly. In this way we strengthen the organisation's legitimacy towards the members.

### Executive Board Comment:

- (a) The Board is not in favour of the proposed amendment;
- (b) The amendment does not achieve the objective stated in the explanatory note, namely that the decisions of the Executive Board - and information about EI activities in general - be swiftly communicated to all member organizations. Although the Board supports this objective, the minutes of Board meetings are **draft** minutes which cannot be published until adopted by the following meeting, which is usually held nine months later.
- (c) The amendment is unnecessary. The Board is of the opinion that **all** documents presented to and adopted by the Executive Board – with the exception of documents addressing personnel matters and other issues which have to be treated as confidential – should be available to member organizations. Within a couple of weeks after each Board meeting, a report of that meeting, a list of decisions, as well as a link to the main documents presented at the meeting, are distributed to the entire membership.
- (d) The objective stated in the DLF explanatory note will be achieved more effectively by further developing the above mentioned reports of Board meetings and by improving access to all Executive Board documents in the membership section of the EI website.
- (e) In light of the above the Executive Board requests DLF to withdraw the amendment

## 9. AMENDMENT TO ARTICLE 13 OF THE CONSTITUTION (REGIONAL STRUCTURES) FROM ACUGET/SRI LANKA

Add: ***"Additional 5 vice-presidents may be appointed from each region"***

### Explanatory note from ACUGET /Sri Lanka

In support of the above Amendments we may categorically point out that

1. Article 13 – Regional Structures
  - (a) The Education International shall establish five (5) regions:
    - (i) Africa:
    - (ii) North America and Caribbean:
    - (iii) Asia & Pacific
    - (iv) Europe; and
    - (v) Latin America.

According to the present Constitution one Vice-President is elected from each Region. This number is quite insufficient in view of the massive increase of the Membership.

**Executive Board Comment:**

- (a) The Board is not in favour of the proposed amendment;
- (b) The amendment undermines the clarity of the Constitution and By-Laws and introduces an internal conflict to it, because:
  - A change in the composition of the Executive Board would require an amendment of Article 10 (c). The amendment appears to propose a change of Article 13 (Regional Structures) only;
  - The wording is unclear
  - The amendment does not address the consequential amendments which would be required to implement the proposed change.
- (c) The Board does not support the idea of extending the Executive Board with 25 Vice Presidents' positions, bringing the total number of Board members to 46. The size of the Executive Board should not be linked to the increase of EI's membership, which to date stands at 396 member organizations in 171 countries. 6.5% of the membership (in terms of the number of member organisations) is directly represented on the Executive Board. An additional 93 members (23.5% of EI membership) are directly represented on four Regional Committees. Furthermore, the expansion of the Executive Board by 20 members would have substantial financial implications
- (d) In light of the above the Executive Board requests ACUET to withdraw the amendment.

## 10. AMENDMENT TO ARTICLE 19 OF THE CONSTITUTION (MEMBERSHIP DUES) FROM OLME/GREECE AND FENPROF/PORTUGAL

Insert in subparagraph (a) after "(...) *economic circumstances of countries*": ***"and for the different salaries of teachers among countries"***.

**Explanatory note from OLME/Greece and FENPROF/Portugal**

We can find substantial differences between the average salary of teachers of countries with the same GDP. Consequently, the different salaries of teachers amongst countries should be taken in account in the way of calculating dues.

**Executive Board Comment:**

- (a) The Board is not in favour of the proposed amendment.
- (b) The amendment proposes to introduce a system of determining the dues rate on the basis of **two** criteria. The Board is of the opinion that it is not possible to develop a dues determining system based both on the "economic circumstances of countries" *and* on "the different salaries of teachers". Until 1998 the EI dues rates were calculated on the basis of teachers' salaries in the countries of member organizations. The 2<sup>nd</sup> World Congress decided to abandon this system, considering that it was unworkable and unfair. Five years of experience had shown that member organizations were unable to systematically provide EI with relevant and reliable data, as a result of which some member organizations determined their own dues rate on the basis of salary information that could not be verified by EI. For that reason the World Congress took the decision to revert to an objective and verifiable basis, namely the GDP/GNI of the countries of member organizations.
- (c) The Special Committee on Structures and Finance, which was established following a decision of the 5<sup>th</sup> World Congress in 2007, recommended in October 2009 that "EI retain the existing dues calculation system, based on a country's GNI, as the fairest and most equitable of the systems considered".

- (d) In light of the above the Executive Board requests OLME/Greece and FENPROF/Portugal to withdraw the amendment

## 11. AMENDMENT TO BY-LAW 11 (VOTING) FROM SNES-FSU/France AND FLC-CGIL/ITALY

Add a para (h): ***"A resolution, motion or amendment shall be declared adopted if more than 50% of the votes are in favour of it, from more than 50% of member organisations."***

### **Explanatory note from SNES-FSU/France and FLC-CGIL/Italy:**

This is about taking into account the voices of more member organisations in the decision-making process.

### **Executive Board Comment:**

- (a) The Board is not in favour of the proposed amendment
- (b) The proposed amendment would require that almost every vote on every resolution, motion or amendment would not be taken by show of delegates' cards, as at present, but by a roll call vote, involving the counting of the number of votes to which every member organisation was entitled. It would otherwise be impossible to determine that 50% of the votes of 50% of the member organisations were cast in favour of a proposition. The only way to accomplish such voting relatively quickly would be to introduce expensive and sophisticated electronic voting systems, otherwise the voting process on each issue would take up a considerable amount of time.
- (c) The Board notes that currently most votes at the Congress are cast by delegates' show of hands. Member organizations are allowed to register 1 delegate and 1 additional delegate for every 10,000 members for whom membership fees has been paid, with a maximum of 50 delegates. This implies that, in terms of votes by show of hands, the largest organizations have no more than 50 votes, while the smallest organizations have at least 1 vote, giving them relatively more weight in congress decision-making than their larger sister-organizations. As outlined in (b), the proposed amendment would drastically change this voting pattern and not achieve the objective stated in the explanatory note.
- (d) The Board is of the opinion that the amendment weakens the current democratic basis of the decision making process at EI World Congresses, which is that member organizations, freely and without limitations, use their voting strength, in terms of the number of their delegates attending, or the number of votes which have been allocated to them as determined by their membership for which dues has been paid, to seek to influence the decisions of Congress.
- (e) In light of the above the Executive Board requests **SNES-FSU/France and FLC-CGIL/Italy** to withdraw the amendment

## 12. AMENDMENT TO BY-LAW 25 (FINANCE COMMITTEE)FROM SNES-FSU/France

Add to paragraph e: ***"and communicates the report of this Committee to all member organizations"***

### **Explanatory note from SNES-FSU/France :**

The purpose of this amendment is to inform member organizations regularly of the organization's current resources and their use.

### **Executive Board Comment:**

- (a) The Board is not in favour of the proposed amendment;

- (b) According to Article 17 of the Constitution, the Finance Committee reports to the Executive Board and to the World Congress on the Board's behalf. The Board does not support the proposal that the Committee communicates its reports directly to member organizations. Reports produced by Executive Board Committees are first to be considered and adopted by the Executive Board. The General Secretary then communicates the decisions of the Board to the EI membership (See also the Executive Board Comment on Amendment 8 proposed by DLF).
- (c) The Board supports the view expressed in the explanatory note, namely, that member organizations should be informed regularly about EI's financial situation. Currently, audited statements, balance sheets and budgets approved or adopted by the Executive Board are available to all member organizations. No amendment to the By-laws is required to facilitate and improve access to this information. The concerned documents will be published in the membership section of the EI website.
- (d) In light of the above the Executive Board requests SNES-FSU to withdraw the amendment.