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IMPLEMENTING RULES ESTABLISHING THE RIGHTS AND PROCEDURES OF THE REPRESENTATION OF THE TEACHING STAFF OF THE EUROPEAN SCHOOLS

Approved by the Board of Governors at its Meeting on 17, 18 and 19 April 2018

Implementing Rules Establishing the Rights and Procedures of the Representation of the Teaching Staff of the European Schools

Chapter 1

Teaching staff committees in the Schools

Article 1

Establishment of a teaching staff committee

In each European School, a teaching staff committee shall be established comprising elected representatives of the seconded staff as defined in Article 6 (a) and (b) of the Regulations for Members of the Seconded Staff of the European Schools and the locally recruited teachers as defined in Article 4.3 of the Service Regulations for the Locally Recruited Teachers in the European Schools.

Article 2

Principles of collaboration

1. The teaching staff committee shall represent the interests of the seconded staff and the locally recruited teaching staff vis-à-vis the school. It shall contribute to the smooth running of the school and its educational quality.
2. One member of the seconded staff and one member of the locally recruited teaching staff shall represent the teaching staff committee at the administrative board of the school. Each cycle of the school will be represented.
3. The Director shall inform and consult the teaching staff committee on all relevant issues concerning the material and moral welfare of the teaching staff. The Director and the teaching staff committee shall meet on a regular basis to discuss all matters at issue with an earnest desire to reach agreement. The cooperation between the Director and the teaching staff representation is based on respect and mutual trust.

Article 3

Voting rights

All members of the seconded staff and 'school year(s) teachers' as defined in Article 6 a) of the Service Regulations for Locally Recruited Teachers in the European Schools shall have voting rights to the teaching staff committee. Each of these staff members has only one vote, no matter if he/she works in more than one cycle.

Article 4

Eligibility

All members of the seconded staff with the exception of the executive staff as defined in Article 6 (a) of the Regulations for Members of the Seconded Staff of the European Schools and all 'school year(s) teachers' may be elected to the teaching staff committee, provided they declare their candidature. Teaching staff committee members may be reelected.

Article 5

Number of members of the teaching staff committee

1. Members of the seconded staff and members of the locally recruited teaching staff shall separately elect their representatives to the teaching staff committee. Each staff category should be represented by one representative for the nursery and primary cycle and one representative for the secondary cycle.
2. Without prejudice to the total number of members of the teaching staff committee laid down in paragraph 1 and without prejudice to the total number of hours/periods of décharge referred to in Article 16 of these Implementing Rules, representatives of the teaching staff committee may decide to receive support from a backup. In this case an election of the backup(s) needs to be organized in line with Articles 3, 4, 7, 8 and 9 of these Implementing Rules.

Article 6

Time of elections to the teaching staff committee

1. Elections to the teaching staff committee are held each year in each of the schools, at the latest six weeks before the final meeting of the Board of Governors in that school year.
2. The term of election is one year, starting on 1 September of the following school year.

Article 7
Appointment of the election committee

The teaching staff committee shall appoint an election committee of two staff members with voting rights from the two different staff categories. In case there is no teaching staff committee the election committee shall be appointed by the Director.

Article 8
Preparation and conduct of the election

The election committee shall call the election and carry it out without delay. The closing date and time for nominations of candidates will be fixed within at least 72 hours before the ballot. Directly after termination of the election the election committee shall count the votes in public, record the results in writing and announce them to the staff members of the school. A copy of the election records shall be communicated to the Director and to the Secretary-General of the European Schools.

Article 9
Election procedure

1. The teaching staff committee shall be elected directly by secret ballot of all staff members with voting rights in accordance with Article 3 of these Implementing Rules. A proxy may be given.
2. Each staff category elects its representatives separately.
3. The manner in which votes may be cast in the case of absence on the voting day will be fixed in each school. In each of the two staff categories the candidate with the most votes in each cycle shall be elected.

Article 10
Contesting of elections

1. An election may be contested by an administrative appeal with the Secretary-General.
2. Such an appeal must be lodged within two weeks.
3. The Secretary-General shall take a reasoned decision within one month of the lodging of the administrative appeal and shall notify the Director of the school of this decision without delay.
4. If at the end of the periods indicated in the preceding paragraphs, no reply to the administrative appeal has been received, this shall be deemed to constitute an implied decision rejecting it, against which a contentious appeal within the meaning of Article 11 of these Implementing Rules may be lodged.

5. The lodging of an administrative appeal shall not have the effect of suspending the result of the elections.

Article 11

Contentious appeal

1. The Complaints Board referred to in Article 27 of the Statute of the European Schools shall have sole jurisdiction with respect to contentious appeals contesting the elections of the teaching staff committee.
2. A contentious appeal to the Complaints Board shall lie only if an administrative appeal within the meaning of Article 10 has been lodged with the Secretary-General beforehand.
3. The contentious appeal must be lodged within one month of the notification of the decision of the Secretary General referred to in Article 10.3 of these Implementing Rules.
4. The Complaints Board must reach a decision within six months of the lodging of the appeal and the appellant must be notified of the decision within fifteen working days thereof.
5. Contentious appeals within the meaning of this article shall be examined and judged subject to the conditions laid down by the Rules of Procedure established by the Complaints Board.
6. Appeals lodged with the Complaints Board shall not have suspensory effect. However, the Complaints Board may, if it considers that the circumstances so require, order that application of the contested elections be suspended. Judgments of the Complaints Board shall be final and enforceable.

Article 12

Protection against obstruction

No person shall obstruct the election of a teaching staff committee. In particular, no staff member shall be restricted in his right to vote or to stand for election. Any attempt to influence a teaching staff committee election by inflicting or threatening any unfavorable treatment or by granting or promising any advantage shall be unlawful.

Article 13
Administrative support

The Director will ensure the administrative support of the teaching staff committee and the elections to the committee. He/she will ensure that to the necessary extent the premises, material facilities, means of information and communication as well as office staff required for the meetings and day-to-day operation of the teaching staff committee are provided.

Article 14
Convening of staff meetings

1. The teaching staff committee may convene staff meetings. In fixing these meetings, the teaching staff committee shall take account of the operational needs of the school. The Director shall be notified of the date of the meeting in advance.
2. If the members of the teaching staff committee so request, a delegate of a trade union or any other expert may be invited on his/her own costs to attend meetings in an advisory capacity.

Article 15
Termination of membership

1. The membership of the teaching staff committee shall be terminated by
 - expiry of the term of office,
 - resignation from the staff committee,
 - termination of the contract of employment,
 - loss of eligibility.
2. In case a membership has been terminated, a new representative, representing the same staff category and cycle as the representative terminating his/her membership, shall be elected in accordance with the procedures laid down in Articles 7 to 9 of these Implementing Rules. His/her mandate will end at the end of the school year.

Article 16
Décharge

1. Each seconded member of the teaching staff committee shall be released from his/her work duties for three hours/periods per week. Locally recruited members of the teaching staff committee shall on their choice either receive an addition to their timetable of three hours/periods per week or shall be released from his/her work duties for three hours/periods per week.
2. An additional décharge of one hour/period per week is granted to the members of the teaching committee of schools with more than 2000 pupils.

3. The chair of the inter-schools teaching staff committee and his/her alternate shall receive one additional hour/period of décharge.

Article 17 Nondiscrimination

Members of the teaching staff committee shall not be interfered with or obstructed in the discharge of their duties. They shall not be prejudiced or favored due to their office; this principle shall also apply to their professional development.

Chapter 2 Inter-schools teaching staff committee

Article 18 Establishment of an inter-schools teaching staff committee

1. An inter-schools teaching staff committee shall be established, representing the interests of the whole seconded staff as defined in Article 6 (a) and (b) of the Regulations for Members of the Seconded Staff of the European Schools and the locally recruited teachers as defined in Article 4.3 of the Service Regulations for the Locally Recruited Teachers in the European Schools vis-à-vis the Secretary-General and at the Board of Governors. Each teaching staff committee of a European School shall appoint one member representing the nursery and primary cycle and one member representing the secondary cycle to the inter-schools teaching staff committee. One of them shall represent the seconded staff and one shall represent the locally recruited teaching staff.
2. A representative of the primary cycle and a representative of the secondary cycle from the same school shall chair the inter-schools teaching staff committee alternately, on an annual rotating basis, running from 1 September to 31 August of the following year. The rotation shall be in alphabetical order of the names of the cities in which the Schools are situated. On request of the inter-schools teaching staff committee and in the interest of the service the Secretary-General may decide to derogate from the order.
3. The inter-schools teaching staff committee shall appoint representatives for the different Committees and Working Groups of the European Schools in accordance with the mandate and the particular rules of procedure of these Committees and Working Groups.

Article 19

Representation on the Board of Governors

In accordance with Article 22 of the Convention defining the Statute of the European Schools a 'Staff Committee', comprising elected representatives of the inter-schools teaching staff committee and elected representatives of the administrative and ancillary staff, designate a member and an alternate from among the teaching staff to represent the staff on the Board of Governors.

The participation of other staff representatives in meetings of the Board of Governors is subject to the particular rules of procedures of the Board of Governors.

Article 20

Meetings of the inter-schools teaching staff committee

1. The inter-schools teaching staff committee shall be convened five times a year by the chairperson to a meeting being held in Brussels. Members of the inter-schools teaching staff committee shall receive a draft agenda of the meetings at least ten days in advance. The Secretary-General will invite to one of these five meeting all members of the teaching staff committees of the schools. Where necessary and for duly justified reasons, the Secretary-General may authorize additional meetings.
2. Mission expenses shall be reimbursed to members of the inter-schools teaching committee attending the meetings provided for in paragraph 1 of this Article in accordance with the provisions of Articles 63 to 65 of the Regulations for Seconded Staff Members of the European Schools.
3. The Secretary-General and the inter-schools teaching staff committee shall meet on a regular basis.

Article 21

Operation of the inter-schools teaching staff committee

The provisions for the teaching staff committee laid down in Articles 2, 12, 13, 15 and 17 of these Implementing Rules shall also apply to the inter-schools teaching staff committee.

Article 22

Secretary of the inter-schools teaching staff committee

1. The inter-schools teaching staff committee is supported by a secretary who is elected by the members of the inter-schools teaching staff committee for a maximum period of three years. The mandate may be renewed.
2. The function shall be terminated by
 - expiry of the term of office,

- resignation from the inter-schools staff committee,
 - termination of the contract of employment,
- and
- in case of a vote of no confidence.

3. The secretary shall receive an additional décharge of five hours/periods per week.

Chapter 3 Final provision

Article 23 Entry into force

1. These Implementing Rules shall enter into force on 1 September 2018. They replace the decision of the Board of Governors of April 2011 concerning the 'Internal structures in the nursery, primary and secondary cycles' as far as timetable reductions for staff representation and for the secretary of staff representation are concerned.
2. These Implementing Rules shall be subject to a review two years after their entering into force.