

# TEACHERS

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## INTRODUCTION

The legislation governing school teachers contains provisions regarding labour relations. These provisions reflect the different relationship between employees and employers in academic institutions. This policy discusses:

- bargaining units in schools;
- labour relations pertaining to non-teaching staff;
- labour relations pertaining to teaching staff;
- Grievances and the Board of Reference; and
- the duty of fair representation.

## BARGAINING UNITS IN SCHOOLS

Information Bulletin #9 outlines the two standard bargaining unit descriptions in schools:

- All teachers.
- All employees except teachers.

## NON-TEACHING STAFF

There are several types of non-teaching personnel, including persons performing administrative and general support functions. These employees may be represented by a variety of trade unions (e.g., AUSE, CUPE, independents) and the bargaining unit descriptions show some variation.

## TEACHING STAFF

Teaching personnel covers all qualified professional teaching staff. Qualified usually means holding a certificate of qualifications issued under Section 94 of the [School Act](#) RSA 2000, c-S.3. This normally includes guidance counselors and school librarians who have teaching qualifications. The Board considers principals and assistant or vice-principals as teachers because Sections 75, 76, 77 and 14 of the [Teaching Professions Act](#) (RSA 2000 c.T-2.) speak of the School Board's power to appoint a teacher, and no one else, to supervise other teachers. Section 14 expressed talks about appointing a teacher as principal.

The [Teaching Professional Act](#) mandated all teachers be members of the Alberta Teachers Association (ATA) and the ATA acts as a regulatory body for teachers. The ATA also represents unionized teaching personnel in collective bargaining.

## GRIEVANCES AND THE BOARD OF REFERENCE

The ATA and School Boards negotiate collective agreements. In addition to the terms negotiated between the ATA and the employer, Section 97(1) of the *School Act* notes that Sections 96-99 and 101-110 of the *School Act* are incorporated into the collective agreement. This means a teacher's terms and conditions of employment are governed both by statute and by terms negotiated through collective bargaining. The *School Act* includes provisions relating to:

- administrative appointments;
- probationary, temporary, interim, part-time and continuing contracts;
- transferring teachers;
- suspending teachers;
- terminating a contract; and
- terminating the designation of a teacher.

Teachers who dispute terms and conditions of employment flowing from their collective agreement access the grievance process outlined in the agreement. Disputes about termination, suspension, dedesignation or transfers (under Section 108(2)) are not addressed through the grievance-arbitration process. Rather, these disputes are handled by a Board of Reference created by Section 131 of the *School Act*.

The Board of Reference comprises cabinet appointees who hear and decide the issue pursuant to Part 5, Division 3 of the *School Act*. Individual teachers (as opposed to the union) or the School Board may appeal to the Board of Reference. Appeals are directed straight to the Court of Appeal.

## DUTY OF FAIR REPRESENTATION

The ATA is subject to the *Code*'s provisions on the duty of fair representation regarding grievances under the collective agreement. See: [[Section 153\(1\)](#); [Duty of Fair Representation, Chapter 33\(f\)](#)]. The Board has not yet found that the ATA is subject to the *Code*'s duty of fair representation provisions regarding an appeal properly heard by the Board of Reference.