

LEADERSHIP UPDATE

Volume 7

Number 4

Teacher Welfare Program Area

1. I've been asked to move to a smaller school—what happens to my allowance?
2. What role do I have in approving personal leave?

One of the objects of the Alberta Teachers' Association, as expressed in the *Teaching Profession Act*, is to raise the status of the teaching profession by promoting and advancing the interests of teachers and striving to secure conditions that will make possible the best professional service.

Doing this is the primary responsibility of the Teacher Welfare program area, which establishes, monitors and assists in the implementation of the protections afforded by collective agreements. All active members (including school administrators) under a contract in a public school board (including separate and francophone) are covered by a collective agreement.

Services Provided by Teacher Welfare

Negotiations

The Teacher Welfare program area

1. Provides information for members and economic policy committees (EPCs).
2. Provides advice on the techniques of negotiations through Teacher Welfare Area Conferences, Summer Conference, workshops and field service meetings.

3. Provides services to bargaining units for planning, renewal and growth of economic policy committees; preparing proposals; bargaining; and negotiating. This service is provided by executive staff and economic consultants.

Pensions

Teacher Welfare provides assistance on pension and retirement issues through executive staff and pension consultants. The Association has developed the following publications:

- *Pension Facts*—one- or two-page documents that provide information on topics of specific interest to teachers, such as pensions for substitute teachers and teaching after retirement
- *Check It Out!*—a brochure for new teachers containing useful information such as pension contribution rates and what pension teachers can expect to receive upon retirement

Barnett House contacts are Sharon Vogrinetz, Sue Beyer and, after May 1, 2011, Sandra Marcellus.



Stop asking if
the glass
is half full or
half empty.
Instead ask
“What’s in it?
How did it
get there?
What can I
do with it?”

—David Kaufman



Group Insurance Programs

The Alberta School Employee Benefit Plan (ASEBP) Benefit Information Handbook and brochures on optional group life insurance plans are available from Barnett House. The Association has representation on the ASEBP board of trustees. Barnett House contacts are Michael Kischuk, Lisa Everitt and Sue Beyer.

Education Finance

Research is conducted in economics and education finance on a continuing basis and disseminated to bargaining units in publications or at conferences and meetings. Barnett House contacts are Michael Kischuk and Paula Coliton.

Employment Insurance

A Teacher's Guide to Employment Insurance can be accessed on the ATA website (www.teachers.ab.ca). Barnett House contacts are Lisa Everitt, Peter Kalis and Sue Beyer.

BARGAINING

Bargaining Agent

The *Labour Relations Code* provides for the certification of appropriate unions or associations as bargaining agents for groups of employees.

The Association is the bargaining agent for all active members within a bargaining unit. Upon request, the Association will assign a representative of the bargaining

agent (RBA) to assist bargaining unit representatives in bargaining or when the bargaining unit is served notice by an employer pursuant to the *Labour Relations Code*. The RBA is an executive staff member appointed as legal representative of the Association, authorized to conduct collective bargaining for a group of teachers.

Bargaining Unit

The bargaining unit consists of all certificated teachers employed by a particular school board except those who have been specifically excluded from the collective agreement during negotiations and central office staff who have opted out of the Association pursuant to the *Teaching Profession Act*.

Economic Policy Committee (EPC)

The purpose of the EPC is to monitor the ongoing operation of the collective agreement and set bargaining objectives for teachers in the bargaining unit. Bargaining objectives proposed by the EPC must receive the approval of the membership prior to being relayed to the employer.

During the preparation process, the EPC seeks information from members in a variety of ways. Surveys are the most common, but as an important subgroup, administrators should be invited to provide the EPC with advice on issues and language that apply specifically to them.

Bargaining

The Association supports local collective bargaining. When a memorandum of agreement is reached following negotiations, this memorandum must be approved by a majority of bargaining unit members at a general meeting. Upon ratification by both sides, a collective agreement is prepared, signed by teacher and board representatives, and submitted to the provincial Association. A collective agreement is not legally enforceable until countersigned by the provincial Association as the bargaining agent.

Issues for Teacher Welfare

Teachers and administrators call Teacher Welfare for answers on collective agreement issues. The most frequent questions are about different types of leave, primarily sick leave and maternity/parental leave.

Principals can sometimes find themselves in a difficult position. As principal, you are seen as a leader and are often the first person a teacher seeks out with a question. However, collective agreements are complex documents, and it is unreasonable to expect an already heavily burdened administrator to stay up to date on everything. Inappropriate advice from principals has put teachers into untenable situations.

Case Study A

A teacher approached her principal with a request for compassionate

leave. The teacher and her spouse ran the family farm with her sister and her spouse. The teacher's sister had just delivered a full-term stillborn baby and the teacher was extremely upset. The well-meaning principal told her to take as much time as she needed. After the teacher returned from three days of leave, she was informed by the superintendent that "niece" was not on the list of family members in the compassionate-leave clause and therefore three days of full salary would be deducted from her paycheque.

Advice—Don't try to interpret or advise on any collective agreement issues. Please refer teachers to Teacher Welfare staff.

Principals may be put in precarious positions when they are given too much information by teachers. This usually occurs with medical information. Discourage your teachers from sharing details of diagnoses because if any actions are taken against a teacher as a result of specific medical knowledge, the teacher may have the right to take action in several venues.

Don't put yourself in this difficult position.

Case Study B

A teacher on a probationary contract was doing extremely well in her classroom and had received two very positive evaluations. It was the middle of May and the principal was meeting with the superintendent the next day to discuss staffing for the next year. There would be a position available, and the principal intended to recommend the teacher for a continuous contract. Before leaving school, the teacher came into the office to share her good news—she was pregnant! The principal wondered what she should do at the meeting the next day.

Advice—Forget the good news! This is a protected ground under human rights legislation. Teachers who are pregnant should be treated as if they were not—if they merited a new contract before they were pregnant, they should merit it afterwards, too.

What can Teacher Welfare do for administrators and their collective agreements?

It must first be noted that all school-based administrators are bound by their collective agreement and, therefore, must know how the agreement applies to their teachers. For example, the application of hours-of-work clauses should come from the school district to reduce inconsistencies among schools. Teacher Welfare recommends that all administrators read their collective agreement to get a basic understanding of it. In particular, there are clauses related to administrative allowances, leaves and benefits with which administrators should become familiar. When the economic policy committee is preparing for its next round of negotiations, administrators should provide information on pertinent issues so that administrators can be represented at negotiations. When administrators have any questions about their collective agreement they should contact Teacher Welfare staff for assistance.

To find archived issues of *Leadership Update* go to www.teachers.ab.ca and click on Resources for School-Based Administrators.

Feedback is welcome. Please contact Konni deGoeij, associate coordinator, administrator assistance, Member Services, at konni.degoeij@ata.ab.ca.

Answers to questions on page 1

1. Usually the higher allowance is "red circled" for several years. Check your agreement.
2. In most cases, nothing. See Q & A on page 4.

Teacher Welfare Staff Contacts—2010/11

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Q & A

GORDON THOMAS
Executive Secretary

Q: What is the role of a school principal in administering the collective agreement?

A: None.

Principals must be aware that in most cases they are not in a position to determine the terms and conditions of a collective agreement. Principals are members of the bargaining unit—they are not an employer who is a signatory to the collective agreement. It has been confirmed through arbitration that superintendents cannot delegate discretionary power to administer the collective agreement to members of the bargaining unit.

There are certain areas of the collective agreement where this is clear. For example, a teacher with a question about pay should be referred to central office and the Association for advice and correction, if applicable.

There are areas of collective agreements that are not so easily delineated. Often there is uncertainty in school systems about the role that principals play with respect to leaves of absence. The Association advises that, while administrators must ensure that proper supports are in place for classrooms when teachers are absent, in most collective agreements administrators have no role in authorizing the leave or questioning the legitimacy of the reasons for the leave. In those few collective agreements where the principal has that authority, the principal should make decisions based on the school's ability to continue to function and not on his or her opinion of the validity of the request. The reason the Association prefers that such decisions be made by the superintendent's office is to ensure an even-handed treatment of leave requests across the system.