

9A/FGM11: Teacher bargaining

Teacher bargaining	The provincial government should amend all required legislation to ensure that any bargaining certificate for all teachers employed by any single public school board should only be granted to an organization, union, or employee association that represents the teacher employees of the said public school board, and to no other organization, union, or employee organization which has membership from outside that employee group. Further, that current Association policy on teacher bargaining (ASBA Governance Handbook, p. 11-2, beginning at line 44 to p. 11-4, ending at line 43) be deleted. <i>Note: Governance Policy 10, Development Principle 1.2 states that “where the substance of a position would alter or contradict an Association position in effect, amendment to or deletion of the policy is to be an integral part of the Association policy position” (ASBA Governance Handbook p. 31-1). Amendments to the current teacher bargaining policy follow (ASBA Governance Handbook, p. 11-2, beginning at line 29 to p. 11-4, ending at line 43):</i> <u>Teacher Bargaining</u> The Alberta School Boards Association believes that collective bargaining is the most practical means of determining the remuneration of employees, but that collective agreements should be restricted to matters of salaries, special allowances, sick leave, and other benefits specifically required by law. Administrative procedures pertaining to role specifications of supervisory personnel, provision of stenographic and clerical services, classroom load, the provision of classroom facilities, etc., should be divorced from collective agreements and established through board policies arrived at through the co-operation of board, administration, and teaching staff. School boards should be able to engage in regional bargaining with the Alberta Teachers' Association where groups of individual boards determine it is in the public interest to do so. A legislated, centralized, school board controlled teacher bargaining model should be established. The ASBA shall use the following “Key Elements” and attached detailed model to implement the Employer Bargaining Association: 1. The employer bargaining association will: (a) have its own governance structure, as outlined in 2 and 3 below (b) focus exclusively on teacher bargaining and collective agreement administration (c) utilize existing and contracted ASBA resources (d) levy fees separate from the ASBA. 2. The bargaining association will be governed by a representative assembly comprised of one trustee representative appointed by each school board. The representative assembly will: (a) establish the bargaining association’s initial constitution and bylaws using the double majority voting principles outlined in 2(d) below (b) elect from among its members, on the basis of one board/one vote,
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	a chair who shall also serve as chair of the council (c) provide direction to the employer bargaining council regarding a bargaining mandate (d) ratify any collective agreement using a system of one board/one vote and requiring a double majority such that 2/3 of the boards must be in support and the boards supporting the proposed agreement must collectively educate 2/3 of the students in Alberta. 3. An employer bargaining council ("the council") shall be established from among the members of the representative assembly on the following basis: (a) the representative assembly members from each ASBA zone, excepting the metro boards, will elect one representative to the council on the basis of one board/one vote (b) each of the metro board's appointees to the representative assembly will automatically serve on the council (c) the council will: ♦ develop a bargaining mandate ♦ oversee negotiations ♦ determine if, and when, a draft collective agreement shall be brought forward to the representative assembly for ratification. The Government of Alberta should introduce legislation that will: 1. As recommended by the Alberta Commission on Learning, establish a centralized and school board controlled employer bargaining association for the purpose of collective bargaining with teachers. This association will hold the bargaining certificate for all school boards. Membership in this association will be mandatory for all publicly elected school boards. 2. As recommended by the Alberta Commission on Learning, expressly exclude from teacher collective agreements and that implementation of this policy be subject to this legislation: (a) pupil/teacher ratios (b) hours of instruction (c) class size. 3. Provide that all existing collective agreements will continue to be in effect until their duly negotiated expiration date. The single collective agreement provisions between the Employer Bargaining Association and the Alberta Teachers' Association would come into effect upon the expiration of these collective agreements. Legislation would further provide that the conclusion of new collective agreements be embargoed. If the parties are unable to reach a single collective agreement, binding arbitration will be used to conclude an agreement.
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Background

Experience has demonstrated that both regional bargaining and provincial bargaining has not served the interests of students, employees or boards. Instructional days have been lost to disputes that escalate when outside interests take over. The process of local trustees working with local teachers to solve local issues and to serve local students is in the interests of all.

The proposed bargaining model would NOT prevent the local teachers from employing the services of an Alberta Teachers' Association (ATA) staff officer from helping local teachers conduct negotiations any more than local boards would be prevented from using labour expertise from the ASBA. It would not prevent the ATA from providing financial assistance to teachers involved in a strike or lockout. It would not prevent the local teachers from designating an ATA staff officer as their representative of the bargaining agent. The only difference would be that the staff officer would take direction from the local teachers and not from Barnett House. The primary purpose of this proposed model is to provide a balanced approach to the bargaining process. Boards in the province can seek the advice and assistance of the ASBA on bargaining issues, without that body dictating what that settlement must be. This proposal would set up a parallel process for teachers, where they could seek the advice and assistance from the ATA, without that body dictating what that settlement must be.

This proposal would prevent teachers from that local being denied the right to work with their local board to solve local problems in the best interests of local students. In short, it would put the authority to settle disputes back into the hands of the local teachers and locally elected school board members.

Submitted by Zone 6

Initial Sponsoring Board: Medicine Hat School District No. 76