



## Frequently Asked Questions for Teachers on Bill 8, the *Public Education Collective Bargaining Act*

### 1. Who does the *Public Education Collective Bargaining Act* (the Act) apply to?

The Act governs collective bargaining for all public, separate and francophone school boards in Alberta and the teachers they employ, who are members of the bargaining unit. It does not apply to Alberta Teachers' Association (the Association) bargaining units in charter or private schools.

### 2. Does the Act set up a provincial bargaining structure for teachers?

No. In a provincial bargaining structure there would be only one collective agreement for all teachers. The Act creates a bi-level bargaining structure where some matters will be bargained at a central table and others will be bargained at 61 individual local tables.

### 3. With whom will the Association bargain at the central table?

The Association will represent teachers as their bargaining agent and will negotiate with the Teachers' Employer Bargaining Authority (TEBA), made up of school board trustees and government representatives.

### 4. How will TEBA be organized?

The Act creates TEBA as a statutory corporation and directs that each school board designate one trustee to the TEBA representative committee. The Act also sets up a board of directors for TEBA which may include one or more representatives appointed by the Minister of Education. These government appointees are also members of the TEBA representative committee.

### 5. What is government's role in TEBA?

While the details of TEBA's operation will be defined under regulation and bylaws which are still to be fully developed, all information provided by government has indicated that the Minister will be appointing representatives to the TEBA board and that government will play a role at the bargaining table. In fact, the entire intent of the Act is to establish a direct government presence at the central table.





## The Alberta Teachers' Association

### 6. What will be bargained centrally?

The Act does define matters which may be bargained at the central table and what is a local matter as:

#### ***Criteria for determining central and local matters***

**10(1)** *For the purposes of determining whether a matter is a central matter or a local matter, a matter is a central matter if either of the following applies:*

*(a) the matter could result in a reasonably significant impact on expenditures for one or more employers;*

*(b) the matter involves issues common to most of the parties to the collective agreements that can be addressed in central bargaining more appropriately than in local bargaining.*

It then leaves it up to the parties (the Association and TEBA) to negotiate what is a central matter and what is a local matter.

### 7. Does this mean there will be a single provincial pay grid?

That is as yet unknown. The Association cannot speculate on what may be in an eventual central agreement or what teachers will direct the Association to pursue.

### 8. When will bargaining start?

The first issue to be settled is which matters the parties wish to bargain and at which table. Negotiations on the list of matters has to begin no earlier than 2016 03 01 and no later than 2016 04 01.

### 9. How will teachers be involved in the process of determining what is bargained at each table?

Teachers will be involved through their bargaining unit's Economic Policy Committee (EPC). Teachers elected to each EPC are meeting with Association Teacher Welfare staff and elected officials to give input on items for the List of All Matters and on what matters should remain local. Local presidents and EPC chairs are meeting as a group in early January, 2016 to provide input as well. Following that meeting, Provincial Executive Council (PEC) will ratify a List of All Matters with certain matters identified as the ones the Association wants to bargain centrally.





## The Alberta Teachers' Association

10. What happens if the Association and TEBA cannot agree on a list of central and local matters?

The Act stipulates that if no agreement is reached within 60 days the lists will be determined through arbitration.

11. What will EPCs be doing once the Association's proposal on the list of matters is developed?

While list of matters negotiations are occurring, EPCs will be surveying teachers as to what their priorities are for this round of bargaining. Some of the questions on the surveys will be common to all bargaining units and some will be specific to the bargaining unit. While the list of matters is everything we may want to bargain centrally and locally, the actual priorities still need to be set. This will also prepare the way for the development or revision of appropriate collective agreement language.

12. How do negotiations on the matters begin?

The parties have 15 to 30 days after the lists are confirmed to open for bargaining at the central table. The parties will have developed an initial proposal for each matter on the central list and will begin negotiations. Negotiations will continue until a settlement is reached or the parties decide they require the assistance of a mediator to continue negotiations.

13. How will teachers be involved in the central opening proposal?

Teachers will be surveyed by their EPCs. EPCs may also hold school by school or focus group meetings to gather teacher input. All of those results will feed into the central opening proposal. The Association has never engaged in collective bargaining at a central table before, so no processes for ratification of a central initial proposal currently exist. Provincial Executive Council will be determining that process early in 2016.

14. What happens if we cannot reach a settlement at the central table? Could there be a provincewide strike?

Yes. The Act does not take away any of teacher or school board's rights under the *Labour Relations Code*. If no settlement is reached through mediation teachers could take a strike vote and TEBA Representative Committee representing school boards could take a lockout vote. The right to strike includes the right to strike all school boards or some school boards. TEBA's lockout rights are parallel to the Association's right to strike.





## The Alberta Teachers' Association

### 15. What will EPCs be doing while central bargaining is taking place?

While central bargaining is proceeding, EPCs will have to formulate opening proposals on local issues. Those local proposals will be ratified by teachers at a bargaining unit general meeting (BUGM).

### 16. How will the central agreement be ratified?

Again these processes will need to be developed once the regulations governing bargaining in more detail are in place, but the legislation requires that all teachers be able to vote on the potential agreement and votes would be counted as a total for the province not bargaining unit by bargaining unit.

### 17. Can a bargaining unit opt out of the central agreement?

No. The Act stipulates that:

**15(1)** *All collective agreements under this Act must include any central terms and local terms.*

**(2)** *When the central terms and the local terms have both been ratified in accordance with this Act or have been otherwise settled, the terms and conditions to be included in a collective agreement are deemed to have been settled for the purpose of section 131 of the Labour Relations Code, and the parties shall sign the agreement.*

**(3)** *The parties to a collective agreement are the employer and ATA.*

### 18. What happens to the provisions in the current collective agreement while we are bargaining?

Under the *Labour Relations Code* the existing collective agreements are in effect until a new agreement is made except in the case of a strike or lockout.

### 19. Could a bargaining unit go on strike during local negotiations?

Yes. If bargaining breaks down at the level of an individual bargaining unit and mediation has been unsuccessful, teachers in that bargaining unit may take a strike vote and the school board would likewise have the right to lock teachers out. Bargaining would continue in other units.





## The Alberta Teachers' Association

### 20. How was the Association involved in the creation of this new model?

The Minister of Education was reported as saying that both the Association and ASBA were consulted in the writing of this bill. Neither body feels they were involved enough in the process. Government's consultation on the Association side involved two meetings with officials where the Association presented and argued for its policy. The Association was not provided any briefing regarding government's intentions nor a copy of the Act prior to its introduction.

### 21. Why did the Association react favorable to the bill?

Association bargaining policy 5.A.51 states:

*5.A.51 The Alberta Teachers' Association supports a collective bargaining framework for its members wherein*

- 1. matters acceptable to the Association are negotiated at a central table between the Association representing its members and the Government of Alberta as financier of public education,*
- 2. matters acceptable to the Association are negotiated in separate collective agreements between the Association and each employing school jurisdiction,*
- 3. provisions governing teacher employment contained within the School Act are retained in that Act and*
- 4. provisions of the Labour Relations Code and the Employment Standards Code continue to apply to teachers.*

Though the regulations are yet to be finalized it appears that this model brings us significantly closer to achieving Association policy by bringing the government to the table.

### 22. Why do we want government involved in collective bargaining?

Government needs to be at the table because it is the sole funder of public education. Government is also the policy maker and we can deal with more issues of importance to the profession with it at the table.

