

A Summary of Teacher Collective Bargaining in Saskatchewan

FORWARD

This paper presents a brief summary of the collective bargaining process for teachers in the Province of Saskatchewan. The information is organized around legislation entitled *The Education Act, 1995*. Collective bargaining is a major obligation for school boards as it defines the relationship between school boards and their employees, as well as having major financial consequences.

LEGISLATIVE FRAMEWORK (Who, What, Why, When)

Sections 234-269 of *The Education Act, 1995* set out the features of collective bargaining which apply to boards of education and teachers employed by those boards. Those features include "local" negotiations on certain matters between a board and teachers in each school division as well as a provincial bargaining structure and process. This structure is often referred to as "bi-level" bargaining. Its features are summarized under the following points:

1. Application of the Provincial Agreement

The provincial collective bargaining agreement contains certain provisions which apply uniformly to all boards and teachers (eg. salary rates), and certain provisions which apply only to teachers and the provincial government (eg. pension matters).

2. Scope of Provincial Negotiations

Negotiations must be conducted on the following eight matters:

- a. salaries of teachers,
- b. allowances for principals and vice-principals,
- c. sick leave for teachers,
- d. teacher pensions,
- e. group life insurance for teachers,
- f. criteria for designating teachers to be out-of-scope,
- g. duration of the agreement,
- h. and any matter which may be ancillary or incidental to any of the above seven matters or that may be necessary to their implementation (eg. salary increments).

Note:

With respect to the above eight matters, boards of education are directly responsible for paying the costs and administering the provisions of salaries, principal/vice-principal allowances and sick leave. The negotiated

salary provisions constitute over 60% of the total operating costs of all school divisions, and significantly influence the salary negotiations between boards and their non-teaching staffs (eg. staff expectations of the same percentage increases as are negotiated for teachers).

The provincial government and teachers hold the responsibility for the pension and group life insurance provisions. Boards of education make no direct financial contributions with respect to these two matters.

Subject to the following restrictions, the two committees (described later) which conduct provincial negotiations may, upon mutual agreement, bargain other matters.

The provincial bargaining committees cannot bargain any of the six matters which the Act specifies for "local" bargaining. Those six matters are:

- a. duration of the local agreement,
- b. educational leave for teachers,
- c. sabbatical leave for teachers,
- d. substitute teacher salaries,
- e. pay periods for teachers,
- f. special allowances for teachers,
- g. and any matter which may be ancillary or incidental to any of the above six matters or that may be necessary to their implementation.

Examples of matters which the provincial bargaining committees could agree to bargain, and on which teachers have tabled bargaining proposals in previous rounds of negotiations, are preparation time, participation in school extracurricular activity, and family responsibility leave. Either party has the right to refuse to negotiate an additional matter.

The Education Act, 1995 states "no collective bargaining agreement is to contain terms regulating the selection of teachers, the courses of study, the program of studies or the professional methods and techniques employed by teachers." Examples where this would apply include procedures for determining redundant teaching positions or teacher assignments.

3. The Parties Involved in the Conduct of Provincial Negotiations:

- a. The two committees which conduct provincial negotiations are as follows:
 - i. The Saskatchewan Teachers' Federation appoints a committee of four members which represents teachers.
 - ii. The Government-Trustee Bargaining Committee which represents the provincial government and boards of education is comprised of nine individuals:
 - five members appointed by the provincial government, and
 - four members appointed by the Saskatchewan School Boards Association.

4. Commencement of Provincial Negotiations

- a. Negotiations to revise and conclude an agreement must commence not later than 100 days prior to the day on which the agreement expires. It is common for the parties to begin negotiations earlier.

5. Processes for Resolving a Bargaining Impasse

Prior to the commencement of negotiations, teachers determine which one of two sets of procedures (commonly known as Route A and Route B) will be available to the committees to resolve an impasse in negotiations. Once that selection has been made, it is the only one that can be used in that round of bargaining. Those two sets of procedures are as follows:

- a. Route A: Binding arbitration in which the impasse is settled and the agreement is determined by a three-member arbitration board. An application (by either committee) for arbitration may be preceded by an application for a mediator. Mediation tends to be a much more informal and less complicated process than arbitration. Strike and lockout are not permitted within Route A.
- b. Route B: Non-binding conciliation in which a three-member conciliation board writes a report with recommendations for an agreement to end the impasse. An application (by either committee) for conciliation may be preceded by an application for a mediator. Mediation tends to be a much more informal and less complicated process than conciliation. Strike and lockout are permitted once conciliation has been exhausted.

(prepared by Robert Buettner, Saskatchewan School Boards Association, November 2006)