



# Memorandum

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The Alberta Teachers' Association

## INFORMATION MEMO

**Date** 2025 02 20

**To** Members of the Calgary Public Teachers' Bargaining Unit

**From** Sean D Brown, Coordinator, Teacher Employment Services (TES)

**Re** UPDATE: Canadian Union of Public Employees (CUPE) Labour Dispute with the Calgary Board of Education

The Alberta Teachers' Association (Association) is committed to updating members on CUPE Local 40's (CUPE) labour action plan and providing advice and guidance to teachers.

The Association has been informed that CUPE, representing custodial and maintenance workers in the Calgary Board of Education (Division), took a strike vote last week and 94.5 per cent of about 800 Division employees who are CUPE Local 40 members voted in favour of job action. CUPE has since served their required 72-hour notice to commence labour action. From the information the Association has acquired, CUPE intends to commence complete service withdrawal on 2025 02 24.

Labour action will disrupt schools; it is a feature and not a "bug" of a strike. The intent is to create leverage to achieve a fair and reasonable settlement at the bargaining table. While the Association is not part of the decision-making process for how and what CUPE will do, we are connected with local and provincial CUPE leaders and will offer our support how and where we can.

Calgary Public teachers will likely have questions about what they can and cannot do concerning CUPE's action and how they can show solidarity with their CUPE coworkers, since what they are going through now may be a road that Alberta teachers must strongly consider in the weeks and months ahead. The items below should address many member concerns regarding potential labour disruption by CUPE.

- Teachers are free to show solidarity and support for their CUPE coworkers but must do so professionally and responsibly.
- Should resolution not be possible before the strike commences, teachers are still required and expected to attend their work sites as usual, even if this means crossing a CUPE picket line.

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- Subject to any dress code policies in the Division and the school, teachers are encouraged to show their support by wearing purple.
- The discussion of the labour action needs to be carefully managed around students and should be age appropriate.
- There is a **risk of discipline** should a teacher choose to join a CUPE picket line. While there may be an argument around freedom of expression, members should be aware that they are not in a lawful strike position and continue to have obligations to the employer. This obligation could include a duty of loyalty and fidelity; therefore, participation carries some risk of discipline, even if it is done on your own unassigned time or outside of school hours. Should the Division act against a teacher, the Association would represent the member to the best of its abilities, to the extent possible.
- With an active strike commencing, teachers **should not** be taking on the work of another bargaining unit. In most cases, the work of the Division's CUPE employees is not teacher work, as it is custodial and maintenance related. However, some duties of CUPE members could be deemed teacher work, especially concerning a child's immediate health and well-being, particularly concerning biohazards and spills, which risk slip and fall injuries.
- Teachers should ask their school leaders about contingency plans for biohazards and spills, including **reviewing relevant hazard assessments**, which are part of every school division's Occupational Health and Safety (OHS) procedures and practices.
- With CUPE on strike, **schools will be less clean**. While it is one thing for teachers to be responsible for a "tidy classroom," it is altogether different for there to be an expectation that teachers (including school leaders) will mop, sweep, and clean/sanitize washrooms.
- Section 196 of the *Education Act* states that, among other things, "a teacher, while providing instruction or supervision, **must**, subject to any applicable collective agreement and the teacher's contract of employment, **carry out the duties that are assigned to the teacher by the principal or the board.**" Given this, teachers who feel directed to undertake a task they believe is unsafe, is not the work of a teacher or for which they lack the necessary training, such as Workplace Hazardous Materials Information System (WHMIS), to undertake the directive appropriately should **contact TES as soon as possible**.
- If teachers are assigned such work:
  - They should ask why they are being assigned to the task and what other measures have been considered or attempted before coming to them to complete it.
  - Teachers should then ask if they are being directed to do the work.
  - If they are, the Association strongly suggests that they follow the lawful order of the Division, unless the teacher believes the work to be dangerous (from an OHS perspective) and then protest the assignment accordingly.
  - The Association strongly suggests that teachers make their protest known to their principal, in writing, regarding the direction given and follow lawful orders of the Division to avoid future employment ramifications. *Each situation may require a different response and set of actions to resolve. Therefore, no one path or course of action can be provided.*
  - Then, teachers should keep track of any additional assigned time and contact TES for assistance.

It is important to note that cleaning products used for commercial purposes are not the same as those used in typical households. They often require a more rigorous handling procedure to ensure those using them are not harmed, or those accessing the area are not at risk. In some cases, Divisions have purchased large quantities of concentrated cleaning products to maximize savings. Still, those solutions need to be correctly handled, appropriately diluted, and administered according to the manufacturer's specifications. Custodial and janitorial staff have the proper training, such as WHMIS, and expertise in this area. As a result, **teachers should not be tasked with any of these responsibilities.** Should teachers be directed to use an unfamiliar product, they **should ask to see the WHMIS safety data sheet** for the product and contact TES for advice as soon as possible.

As previously suggested, if a teacher is assigned custodial or maintenance work:

- A teacher should ask why they are being assigned to it and what other measures have been considered or attempted before coming to them to complete the task.
- Teachers should then ask if they are being directed to do the work.
- If they are, the Association strongly suggests they inform the principal that they believe the work is dangerous (from an OHS perspective) and/or that they lack the proper training to complete the task. Should a teacher choose to comply because they interpreted the direction to be a lawful order of the Division, they should contact TES as soon as possible for assistance and keep track of any additional time worked (assigned time).
- WHMIS training is essential for teachers handling cleaning chemicals, ensuring they understand the hazards and safe handling procedures. The Alberta OHS Code mandates that employers provide education and training to workers exposed to hazardous products, stating: "An employer must ensure that a worker who is or may be exposed to a hazardous product at a work site receives education and training to ensure the safe use, handling and storage of the hazardous product."

It is undeniable that local teachers and school leaders are facing additional pressures because of the strike. This is what strikes do; they stress a system. They are meant to demonstrate the importance of the work that has been withdrawn.

**Quite simply, the more work that is done outside the striking group, the longer it may take for the disputing parties to resolve.**

Unfortunately, these situations are rarely simple. Teachers' work is complex, and many times, there are tensions between what they should be doing, given their education and expertise, and the work being assigned.

The current situation is particularly challenging for school leaders. Principals need to balance their school's needs and carefully support their staff. By following the direction provided by the Division, they can ensure that messaging and direction are consistent. A separate memo will be sent to school leaders today as they experience unique challenges in their roles.

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Labour action can have a life of its own and is not easy, but it takes a concerted and sustained effort to make a difference. As a result, information from the Association to our members may change throughout any action that CUPE may engage in. We commit to keeping members as up to date as possible and will work with CUPE officials and teachers' Local President to ensure teachers understand what is happening and how they can support it.

**During any potential CUPE action, members with questions or concerns about their roles and responsibilities as teachers should contact TES at 1-800-232-7208.**

SDB/dmc/mjg/ejl

cc S E Clements, Local President, Calgary Public Teachers' Local No 38  
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TES and Local Staff Officers