



# Memorandum

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The Alberta Teachers' Association

## INFORMATION MEMO

**Date** 2025 01 28

**To** Members of the Foothills Teachers' Bargaining Unit

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

**Re** Canadian Union of Public Employees Labour Dispute in Foothills School Division

The Alberta Teachers' Association (Association) has been meeting with both local and provincial Canadian Union of Public Employees (CUPE) officials regarding the potential labour action by their respective members at schools in Alberta school divisions. With over 250,000 public service members in negotiations this year, it is important that the groups work as collaboratively as possible since, in the end, we all want the same thing: respect for the work that we do, working conditions that allow us to provide the best possible service and wages that catch up and keep up. Each one of these items directly benefits the communities where we live and work.

The Association is committed to keeping our members informed with the most up-to-date and accurate information about the situation and their responsibilities during a labour action from another union.

Late last week, CUPE Local 5040, representing educational assistants, clerical, and library staff members in the Foothills School Division (Division), reached an impasse at formal mediation and have asked the mediator to write out so they can move towards potential labour action. Currently, the Association is unaware of the timing of any possible strike vote, which, assuming a successful vote, must be followed by 72 hours notice before any action can commence. Until such time the CUPE local would not be in a legal strike position.

Foothills CUPE members are not alone in their struggle. Also last week, CUPE Locals 40 and 520, representing caretaking and janitorial staff in both Calgary Public and Catholic School Divisions reached impasse in their mediation. Should they move towards strike action, they will join their colleagues in Edmonton Public (Local 3550), Sturgeon Public (Local 4625), and both Fort McMurray Public (Local 2545) and Catholic (Local 2559) school divisions who are currently on strike. The Association also understands that CUPE in Black Gold School Division (Local 3484) and Parkland School Division (Local 5543) reached an impasse with their respective employers last week as well and are awaiting their mediators to write out.

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An important distinction needs to be made between the possible labour disputes in a teacher's division and the ones that may erupt with Calgary Public and/or Catholic employers. In the Calgary Public and/or Catholic case, the CUPE locals represent caretaking and custodial staff. While by no means is this differentiation meant to minimize their struggle for fair wages and supportive working conditions, the work done by these CUPE members is **not** teacher work. In the case of CUPE members who are educational assistants, the line is unfortunately less clear and a teacher's ability to refuse being directed potentially more complicated.

Despite the current uncertainty, the Association is ready to address our members' questions about how action may impact them, their obligations if a CUPE strike were to commence, and how they can show solidarity with their colleagues. The general information below is meant to provide some clarity for our members and, hopefully, ease some concerns. When more specific information on CUPE's action becomes available, the Association will provide more detailed advice and direction, guiding our members through this situation and ensuring that our members are not left in the dark.

CUPE, at their sole discretion, may take any or all of the following actions:

- hold information pickets (to provide information to parents when they are dropping off and picking up their children) at the beginning and end of the day while remaining at work,
- during the school day, they may conduct a work-to-rule campaign where they would only complete the core duties of their work,
- a complete withdrawal of service or
- other actions they deem fit.

These actions are meant to inform parents about the status of their bargaining and ask for public assistance in achieving 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 leaders and will offer our support how and where we can.

Foothills teachers will likely have questions about what they can and should not do concerning CUPE's action. There is also likely an interest on how teachers can show solidarity with their CUPE co-workers since what they are going through now may be a road that Alberta teachers must strongly consider in the months ahead. The items below should address many member concerns regarding potential labour disruption by CUPE.

1. Teachers are free to show solidarity and support for their CUPE coworkers but must do so professionally and responsibly.
2. If CUPE were to hold information pickets before and after school, teachers would be required and expected to report to work on the same schedule as they usually would and to continue with their regular duties and responsibilities without interruption.
3. At their discretion, teachers could participate in information pickets during their unassigned time and before/after school. Members would need to adhere to their assignable/instructional time responsibilities and not join in any activity that conflicts with those commitments. *It is important to note that should a full withdrawal of services occur, the advice pertaining to picket lines will need to change to reflect a potential risk for disciplinary action from the Division.*

4. Should CUPE initiate a work-to-rule campaign or a complete withdrawal of service, teachers **should not** be taking on the work of another bargaining unit. As previously mentioned, while there is ambiguity around support staff/education assistant work being like teacher work, such is not the case for caretaking and custodial staff.
5. Because of the potential uncertainty between what may be considered “teacher work,” as opposed to the work a teacher should be doing, given their education, training, and expertise, the delineation between the two are not as straightforward as some may think regarding classroom supports. In some cases, it **could** be teacher work, especially if it relates to the health and well-being of a child.
6. The Division should be undertaking the development of contingency plans. Some members are likely to have concerns, specifically around toileting/hygiene support and medication management for students, and to how to address those situations. To provide members with advice, the Association needs to know the plan. There may be instances where new tasks are directed. Still, they require specific training and inservicing to complete them effectively and comply with directives set out by a student's support plan.
7. The ambiguity regarding the role of the teacher exists because of the *Education Act*, specifically s. 196 (g), “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 lacks the necessary training and development to undertake the directive appropriately should **contact Teacher Employment Services (TES) as soon as possible**. In the interim, 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.
8. To be clear, the Association will represent a teacher should they choose to refuse a directive. However, it is important to note that while the Association will do everything possible to protect the member, there may be situations where even through its best efforts the Association cannot remove all consequences because of a teacher’s actions. **Teachers are encouraged to contact TES for advice and support.**
9. While teachers may want to assist the school in providing these services to “help out,” doing so prolongs strike action, should it occur, by not allowing the Division(s) to experience the teaching day without the services of CUPE members.
10. If there are questions relating to the tasks or “work” being directed to complete, or if a teacher believes the work is unsafe or lacks the necessary training and development to undertake the directive appropriately, they should **contact TES as soon as possible**.
11. Subject to any dress code policies in the Division and the school, teachers are encouraged to show their support by wearing purple.
12. The discussion of the labour action needs to be carefully managed around students and should be age appropriate.
13. It is an individual's choice to join an information picket and/or to choose to wear purple to show support.

As previously suggested, if a teacher is assigned educational assistants, clerical, and library 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.

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- If they are, the Association strongly suggests that they point out that they believe the work to be dangerous (from an Occupational Health and Safety perspective) and/or they lack the proper training and inservices to complete the task. Should a teacher choose to comply, because they interpreted the direction to be a lawful order of the Division unless, they should contact TES as soon as possible for assistance and keep track of any additional time work (assigned time).

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 removed by those acting. 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. The work of a teacher is complex and many times there are tensions between what a teacher should be doing, their work given their education and expertise, and the work being assigned.

The current situation is particularly challenging for school leaders. Principals need to carefully balance the needs of their school and supporting their staff. By following the direction provided by the Division, they can make certain that messaging and direction is consistent. This ensures that, wherever possible, substitute teachers are only undertaking work that would be teaching.

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 members' Local President to ensure members understand what is happening and how they can support it.

*Additional memos will be provided, with a specific advice for school leaders, should the situation escalate to a complete withdrawal of service by CUPE.*

**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/ejl

cc W B Westworth, Local President, Foothills Teachers Local No 16  
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TES Staff Officers