



Memorandum

The Alberta Teachers' Association

INFORMATION MEMO

Date 2025 02 21

To Members of the Foothills Teachers' Bargaining Unit

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

Re **UPDATE:** Canadian Union of Public Employees (CUPE) Labour Dispute in the Foothills School Division

In the memorandum provided to the Foothills Teachers' Bargaining Unit of the Foothills School Division (Division) at the end of January, the Alberta Teachers' Association (Association) committed to keeping members updated on CUPE Local 5040's (CUPE) labour action plan and providing advice and guidance to teachers.

The Association has been informed that CUPE, representing the Division's support staff and educational assistants, has issued the required 72-hour notice to commence labour action. This follows a strike vote earlier this month, in which 82 per cent of their members supported taking labour action. From the information the Association has acquired, CUPE is planning a complete withdrawal of service to commence this coming Monday (2025 02 24).

With the dispute escalating, some of the guidance the Association provided to members at the end of January now needs to shift. The Association knows that teachers will likely have questions, especially now, given CUPE's impending labour action, about how the strike may impact them, their obligations, and how they can show solidarity with their coworkers.

Labour action will disrupt schools; it is a feature, 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.

Division 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.

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- 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.
- 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.
- Given the potential uncertainty between what may be considered “teacher work” and the work a teacher should be doing, given their education, training, and expertise, the delineation between the two is not as straightforward as some think regarding classroom support. In some cases, it **could** be teacher work, especially if it relates to the health and well-being of a child.
- The Division should be developing contingency plans. Some teachers are likely concerned about toileting/hygiene support and medication management for students and how to address those situations. To provide teachers 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.
- The ambiguity regarding the role of the teacher exists because of the *Education Act*, specifically s. 196 (1)(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 lack the necessary training and development to undertake the directive appropriately should **contact 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.
- To be clear, the **Association will represent** a teacher should they refuse a directive. However, it is essential to note that while the Association will do everything possible to protect the teacher, there may be situations where, despite its best efforts, the Association cannot remove all the consequences of a teacher’s actions. **Teachers are encouraged to contact TES for advice and support.**
- While teachers may want to assist the school during these challenging times by voluntarily taking on additional duties to “help out,” doing so will only prolong strike action by not allowing the system to experience the teaching day without the services of CUPE members.
- If you have questions about the tasks or “work” you are being directed to complete, if you believe the work is unsafe or if you think you lack the required training and development to undertake the directive appropriately, you should speak with your principal and attempt to resolve the issue. However, if necessary, you may choose to protest the direction provided

by the school leader. Should you protest the assignment, please **contact TES as soon as possible for assistance.**

As previously suggested, if a teacher is assigned support staff and educational assistants' work, they 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.
- 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 possible 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.*
- Teachers should keep track of any additional assigned time and contact TES for assistance.

It is undeniable that local teachers and school leaders will face 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 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 there are often 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 Division's direction, 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.

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 current as possible. We will continue to work with CUPE officials and your Local President, Mr Wade Westworth, to ensure teachers understand what is happening and how they can best manage the new pressures created by the labour action.

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 Local No 16
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TES Staff Officers