



The Alberta Teachers' Association

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Honourable Demetrios Nicolaides
Minister of Education and Childcare
228 Legislature Building
10800 97 Avenue
Edmonton AB T5K 2B6

Dear Madam Premier and Minister Nicolaides

As the elected representative of over 51,000 Alberta teachers, I am writing to condemn the decision of your government to use Bill 2, the *Back to School Act*, to impose a legislated settlement on teachers while simultaneously, through the use of section 33 of the Canadian Charter of Rights and Freedoms, overriding our fundamental freedoms of association and free expression.

While government has attempted to justify this legislation as the only means of bringing the teachers' lawful strike to a conclusion, in fact, alternative approaches were available to you. Most notably, you could have chosen to negotiate to include a student-teacher ratio or a class-size cap or provisions to better manage the education of students with complex needs in the collective agreement. The Association provided potential approaches to achieving this, which were rejected out of hand.

Alternatively, you could have sought to refer the outstanding matters to fair and unfettered mediation or arbitration and simultaneously preserved the capacity of local teacher bargaining units to engage in bargaining with their employer boards. Instead, you chose to pass Bill 2 in the darkness of the night, having stifled any opportunity for meaningful debate in the seat of our province's democracy.

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This first use of the Charter's notwithstanding clause in an act of the Alberta legislature is a stain upon your record and undercuts the credibility of the many calls you have made for all levels of government to respect the rights of citizens. Even those who have no immediate stake in the particular issues that brought teachers to strike for 16 days recognize that rights and freedoms are indivisible and that this action establishes a precedent for further intrusions by government.

Premier and Minister, you still have an opportunity to do what is right. I encourage you before the end of this legislative session to repeal Bill 2, and particularly its invocation of the notwithstanding clause, and thus restore the right of teachers to bargain and, if necessary, to strike as provided for in the Charter as it has been interpreted and applied by the courts over the last three decades. There are solutions to the accumulated challenges facing Alberta's public education system and the teachers who work every day within it. What Albertans require from you is the political will to reach agreement on concrete solutions that teachers, students, parents and Albertans can have confidence in.

Sincerely

Jason C Schilling

Jason C Schilling
President

JCS/mm
cc Provincial Executive Council
Executive Staff