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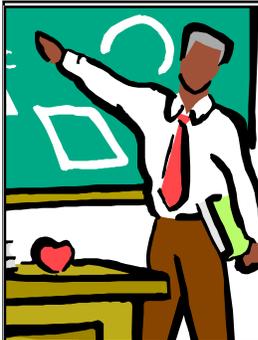
FOCUS is published as an information newsletter and is intended for guidance; however, before acting on any information contained in FOCUS, teachers should contact a member of the Federation Administrative Staff.

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FOCUS



The Replacement of Absent Teachers

On February 16, 2006, the Federation presented a complaint to the Labour and Employment Board on the issue of replacing all absent teachers, in every circumstance, regardless of their assignment or duties. The Chairman of the Board agreed that not replacing some teachers constituted a violation of Article 21.01 of the

Collective Agreement and, without any party requesting this, he went further and ordered the Employer to train supply teachers before the beginning of the 2007-2008 school year so that they be able to replace absent teachers in any kind of teaching assignment.

The Employer has chosen to have this decision reviewed by a judge by way of a process known as Judicial Review. The threshold for the judge to intervene is to find the Chairman's decision patently unreasonable. If this occurs, then the whole decision is quashed. The hearing before the judge was on December 4, 2006, and teachers will be advised of the result once it is known. In the meantime, the decision from the Chairman of the Labour and Employment Board remains in effect.

PRACTICAL WORKSHOP FOR THE NBTF NETWORK OF GRIEVANCE OFFICERS COMMITTEE



The NBTF Network of Grievance Officers' Committee and Alternates were invited to a practical workshop at the Federation building on November 6, 2006 for the French workshop and November 8, 2006 for the English workshop. Participants were made aware of their mandate and of the Union's Duty of Fair Representation. They reviewed the Federation policies on grievances and looked closely at the timelines and paper work.

Furthermore, the evaluation forms revealed that 99,9% of participants really

appreciated the afternoon sessions where they were placed in mock situations with the Employer and the grievor. All agreed that the hands-on approach was beneficial to capture the essence of the morning sessions. Participants indicated that they were better prepared to accomplish their duties should a grievance arise in their branch. The Federation administrative staff would like to extend its appreciation to all participants for the quality of their interventions and for accepting this responsibility.

Next Round of Bargaining

The Collective Agreement between the Board of Management and the New Brunswick Teachers' Federation expires February 29, 2008. Under the *Public Service Labour Relations Act*, either party may serve notice to bargain sixty (60) days prior to the expiration of the contract. Thus, in all likelihood, the parties will begin negotiations at some point early in January 2008.

The Federation Board of Directors, at its October 27, 2006 meeting, discussed a number of issues related to the next round of bargaining. After the last round of negotiations, it was proposed that the NBTF conduct a comprehensive review of all its policies on negotiations. These proposed policy amendments were presented to the Federation Board last spring and discussed at the branch level prior to being approved at the October Board meeting.

The following represents some of the principal policy changes which teachers should take note of. Unlike past practice, teachers will now have one opportunity to make submissions for the Federation's asking package. In the past, branch meetings were scheduled for the purpose of discussing bargaining priorities and submissions for the asking package. The Federation Committee on Terms and Conditions of Employment would review all the submissions and prepare the asking package for the Board of Directors' consideration. It would then be discussed at the branch level, prior to the Board reconvening to approve the final package. It has been determined that this additional step in the process is not in the Federation's best interest as it results in our bargaining proposals being disclosed several months prior to the commencement of negotiations. In view of this, it is critical that teachers become actively involved when the call for submissions is made.

The Board of Directors also approved a change in policy to the fashion in which votes are conducted on a Conciliation Board Report or Binding Arbitration. In the past, policy dictated that a vote by members be taken on whether to accept or reject the Conciliation Board Report. The NBTF Executive Committee now has the discretion to determine whether such a vote is in the best interest of the Federation. This should serve to accelerate the bargaining process when it is clearly evident that a Conciliator's Report is unacceptable.

Another policy change will see the parties make every effort to provide simultaneous translation at bargaining sessions involving the two Negotiating Teams. In the past, consecutive translation was provided. The policy does provide a provision, however, that affords the Strategies Committee some discretion to determine that a bargaining session may proceed with consecutive translation, if it is felt that an undue delay in the process would be detrimental to the Federation's interest.

As part of this exercise, the Federation's policy on communication with members during bargaining was also amended to ensure that every potential avenue of communication be considered in providing teachers information in a timely fashion.



In addition to the review of policies, the Board of Directors had a full discussion of the anticipated consultation with the membership in preparation for the upcoming round of negotiations. Beginning in January 2007, branch meetings will be held to review with teachers the results of last year's survey on negotiations.

These meetings will also include a discussion of the changes to the NBTF policies on negotiations, as well as a review of the various steps prior to the commencement of bargaining.

Later this spring, in April 2007, a communiqué from the Federation calling for submissions shall be sent to all teachers. Branch meetings will be scheduled for the purpose of discussing submissions for the asking package. Whereas this is the one opportunity for teachers to make submissions, it is important that members participate actively in the process.



In September 2007, the Federation Committee on Terms and Conditions of Employment (FCTCE) will meet to prepare the asking package. The FCTCE is a committee comprised of the Federation Co-

Presidents plus nine members appointed by the NBTA and five members appointed by the AEFNB. In making appointments to the committee, every effort is made to ensure that teachers from all levels in the school system are represented, including teachers holding positions of responsibility. The FCTCE will review all the submissions received from branches and/or individual teachers and will prepare a bargaining package for the approval of the Federation Board of Directors.

The Board of Directors will receive the proposed package for confidential review prior to its scheduled October 2007 meeting, at which time the Board will fully discuss and approve the final asking package. As per past practice, a Provincial Labour Education Workshop will be held next fall for members of the Board of Directors and Branch Presidents. The workshop is intended to provide guidance to branch leaders on a host of issues related to bargaining and labour relations.

The Federation is well aware of teachers' concerns with the difficulties experienced during the last round of bargaining. These have been communicated to senior officials at the Office of Human Resources, including the new Minister responsible for public sector bargaining. The Federation shall make every effort to hasten the process under the *Public Service Labour Relations Act* and to reduce to the extent possible the time it takes to negotiate a satisfactory Collective Agreement.

Teacher Survey on Negotiations

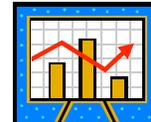
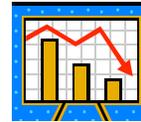


In June 2006, teachers were asked to complete a survey on the negotiation process. The Federation Board of Directors was interested in getting teacher's opinions on the process surrounding the last round of bargaining and on their ideas as to the upcoming round of negotiations.

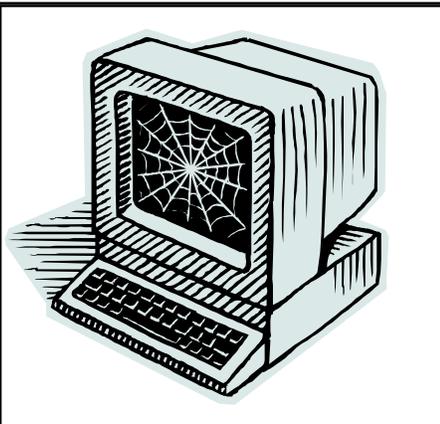
Of the 7 664 surveys distributed, 3 454 were returned for a participation rate of 44%. With such a significant return, especially at the end of the school year, the results were deemed to be statistically valid.

A bilingual student majoring in Administration from UNB was hired to compile and analyze the data during the summer months. His report was submitted to the Federation Board of Directors at its October 2006 meeting. The following is an overview of the results. More details will be available to members during the branch meetings scheduled in January, February and March of 2007, at which Federation staff members will participate.

- * 60% of respondents did not submit proposals for the asking package;
- * 80% + of respondents said they understood the process, participated in meetings, read communiqués;
- * 80% + of respondents said they understood the negotiation timetable, got sufficient information on the Conciliation Board Report and on the strike vote and understood why the withdrawal of voluntary services was implemented;
- * 53% preferred the withdrawal of voluntary services while 35% would have preferred a work stoppage;
- * Though a majority indicated knowing about the Web site, 60% did not visit it;
- * Though the majority knew about the help line, 80% did not use it;
- * 35% found the *Raise Your Hand Campaign* to be ineffective;
- * 53% felt that the NBTf did not make sufficient use of the media;
- * 75% + found the process to be too long;
- * 75% want to start talking now about the next round of bargaining;
- * Though teachers want a media campaign, they do not agree on how it should be done (50% / 50%);
- * E-mails and "Members Only" Web site got the approval of a majority of respondents (85%).



The Federation Board of Directors determined that the data obtained in this survey was key information and will be useful in making important decisions as to how the next round of negotiations will be conducted. The Federation invites all teachers to participate actively in the upcoming branch meetings to discuss the next round of bargaining.



“MEMBERS ONLY” WEBSITE

The Federation Executive Committee, at its meeting in December 2006, gave the authorization to begin work on a “Members Only” Web site. The objective is to have the site up and running before the Associations' AGM in May 2007. Meanwhile, members are invited to visit the Federation's Web site regularly and to click on **Latest News** regularly to keep informed on the latest developments in Labour Relations.

www.nbt-fenb.nb.ca

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PARENT-TEACHER COMMUNICATIONS

Over the years, the Federation and the Associations have had many questions from teachers on the issue of communications with parents in sometimes difficult situations. Comments and guidelines were prepared to be used by teachers in situations of difficulties with parents. Teachers have the right to work in a positive learning environment and the Employer has the responsibility to ensure it. The following is a summary of an article published in the January 2005 No. 7 issue of FOCUS. You may access that edition of Focus on-line at www.nbtf-fenb.nb.ca to read the complete article.

1. A parent-teacher orientation meeting is usually held early in each school year.
2. In addition there should be regularly-scheduled parent-teacher interviews (2 per year) which could involve parts of the school day or evening. Evenings can be imposed by the school district pursuant to its authority under Articles 10 and 18 of the Collective Agreement.
3. All parents should be well informed of the dates, purpose and process to be followed with respect to these parent-teacher interviews.
4. There should also be a school protocol or a school district protocol (as described in Policy 703) outlining procedures for parents and teachers to follow when organizing other parent-teacher communications. The following guidelines may be useful:
 - (a) Parents and teachers may arrange individual visits or interviews. Parents cannot summon a teacher to a meeting.
 - (b) Parents must check with the principal or the principal's office when coming to the school to visit a teacher.
 - (c) Parents should be discouraged from dropping into the school unannounced.
 - (d) Parents and teachers may communicate by telephone or e-mail to obtain information or to ask questions; however, such communications must take place at a reasonable time of day.
 - (e) It must be clear that parents do not run the schools. It must also be clear that the principal is responsible for the administration of the school on a daily basis and may determine who comes and goes in the school or on school grounds.
- (f) On occasion, the principal may deem appropriate to write to individual parents emphasizing communications procedures with the school and clarifying how they must conduct themselves when meeting with teachers.
- (g) Teachers are not required to put up with persistent verbal abuse by parents - either in person, on the telephone or by emails - and teachers should not tolerate any type of harassment. **(See Section 13 of the Education Act)**
5. The NBTF will not tolerate threats of violence or physical assault on teachers. Assaults of any kind must be reported to the principal and to the Director of Education. If the school or the Employer takes no action, contact the NBTF for advice and legal assistance.
6. In extreme situations, the *Trespass Act* may be used to prevent parents from coming on school property. In addition, Section 22 of the *Education Act* states that a teacher may expel any person who creates a disturbance.

Policy 703 is now under review. The new policy should include a code of conduct for parents and students. The NBTF will be consulted before final changes are implemented. Teachers will be made aware of the new policy as soon as it becomes available.

Teacher Security and School Searches



We sometimes get inquiries from teachers as to what their responsibilities are when the school is faced with a serious threat such as bombs or firearms. Under Article 21(1) of the Education Act, every teacher has a general oversight of school property while being used for school purposes. Article 21(2)(a) continues by saying that every teacher shall maintain proper order and discipline in or on school property. Article 27(1)(e) of the Act states that teachers must attend to the health and well-being of each pupil. Finally, Article 25(1)(a) of Regulation 97-150 obligates teachers to maintain regular supervision of the pupils on the school grounds. Therefore, teachers must take appropriate and reasonable action to distance the students and secure them from any threat.

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Most districts have guidelines on how to proceed in such cases and evacuate or close schools, if necessary. But teachers cannot be required to jeopardize their own safety by being requested to conduct bomb searches, for instance. The Occupational Health and Safety Act states under Article 9(1)(a) that every Employer shall take every reasonable precaution to ensure the health and safety of its employees. Also Article 19 of the Act states that an employee may refuse to do any act at his place of employment where he has reasonable grounds for believing that the act is likely to endanger his health or safety or the health or safety of any other employee.



STORM DAYS

Frequently Asked Questions



What is the situation for a teacher who is on leave when there is a storm day?

The NBTF and the Employer have agreed on an interpretation for a teacher who is on sick leave at a time when the school is closed because of inclement weather. If the teacher is in school the day previous to the storm day or the day following that storm day, then it will be assumed that the teacher would have been at work during the storm day. A sick day will not be deducted in such a situation. For example, if the storm day is on a Thursday and the teacher was absent for health reasons on the Wednesday but is at work on the Friday, then it is assumed that the teacher would have been at work on the Thursday which was the storm day. The day will not be deducted as a sick day.

For any teacher who is on sick leave both on the day before and the day after a storm day, it is assumed that the teacher would not have been at work on the storm day. That day will then be deducted from a teacher's accumulated sick leave.

What about other situations involving a long-term leave?

Obviously, if the teacher is on a paid leave and there is a storm day, there won't be any consequence since this day is already remunerated. Some leaves which fall into this category are educational leaves, paid leaves under Articles 35.02, 34.01 and 32.03, or when a teacher has been subpoenaed to testify in court. However, for teachers who are on unpaid leave, it is

expected that this storm day would be paid. The Employer has already accepted to grant a leave but the condition at the outset was that it would be without pay. Essentially, a storm day cannot make it such that a teacher would be in a better financial position than if it had not occurred.

With regards to compassionate leave, the same type of interpretation should be applied. For example, the Collective Agreement states that a bereavement leave must be taken at the time of the situation requiring the leave. There again, the NBTF has agreed with the Employer that a bereavement leave must be taken within the period of 7 days following the time of the event (death). Saturdays and Sundays count but statutory holidays don't. A storm day would then be counted as any other day. Further, this interpretation on bereavement leave is applicable at any time during the calendar year.

Are substitute teachers paid during a storm day?

Policy 202 (Article 6.6.1) indicates that if a substitute teacher who teaches more than ten (10) consecutive teaching days in the same assignment in a school that is closed due to a storm will be paid for that storm day in accordance with Article 16.02 of the Collective Agreement provided that the storm day occurs during the assignment, including the first and last scheduled day of the assignment.

For other questions related to storm days, please call a member of the Federation administrative staff at 452-1736



News from the NBTF Group Insurance Trustees

Cost containment Issues

Here are a few suggestions to the members of our Health and Dental plans to help maintain the reasonable use of the various plan benefits.

Dispensing fees

There is a great discrepancy amongst pharmacies in their charges for dispensing fees. In a recent survey conducted by a Committee of St. John Retired Teachers indicated that the costs vary between \$6.97 (Walmart) and \$8.95 elsewhere. There are probably even lower costs in some other areas of the province. It is important that members seek information on the dispensing costs and suggest to their pharmacist that they adopt the more reasonable rates and if not, members should go somewhere where they do. Obviously, convenience and quality of services are important. Some plans are based on reimbursement of the lowest cost available and the member pays the difference; that is not the case for our plan.



Another practice which has been discussed is that of having a different (and higher) rate for insured members than that of the non-insured members. Trustees agree that there is no justification for that and it is not in the best interest of the plan.

In some situations, a pharmacy will not be able to provide the full prescription and the member will have to return to have the prescription completed. It happens that the dispensing fees are charged twice; or again, the pharmacist will partly fill a long-term prescription and charge another dispensing fee for the rest of it. In all these cases there should only be one charge for dispensing fees.

Members who suffer from chronic diseases should purchase medication for the longest possible period to reduce dispensing fees.

By following the above suggestions, members could improve their plan thus ensuring a reasonable premium.

Vision Care

The retinal exam has become a regular part of the eye exam for most optometrists, if not all, and it serves as a good detector of other illnesses such as Diabetes and even early Cancer detection. The Trustees have increased the maximum for an eye exam from the current \$52 to \$64 in order to provide 80% of the usual cost of \$80 for an eye exam including a retinal exam. Some optometrists will charge more because of the equipment they use but the suggested rate by the Association is around \$80.



Members should also be aware of another factor about this benefit. Some optometrists will not do both exams during the same visit. If the patient has to return and is charged for another visit, the plan will not cover it since the plan only covers one eye exam every 24 months. In such cases, the

member should ensure that only one visit is billed for both sessions.

Dental Services

It should be noted that the reimbursement of dental costs is based on the Fee Guide in effect for 2007; if a member chooses to go to a specialist, the cost may be higher and the member must then pay the difference.



There again, the Trustees have been made aware of a different rate for insured patients versus non-insured patients. Members should be vigilant and not accept such practices since they are not in the best interest of the plan or the members.

The Trustees appreciate the cooperation of the members in these efforts to maintain a plan with reasonable benefits and premiums.

Market Study

As has been the practice every five years, the Trustees are going to be conducting a Market Study in 2007. Many suggestions have been received from members and will be given due consideration during this study.

Life Insurance

The Trustees will consider increasing the Basic Life Insurance amount for members. They have also launched an enrollment campaign for both the Accidental Death and Optional Life plans.

Signing of Claim Forms

Some members have raised the issue of having to sign the claim forms thereby authorizing the Claims Administration office to use the member's relevant information to service providers (doctors, dentists, optometrists, counselors, etc.) to verify claims. This is a legal requirement under the *Personal Information Protection and Electronic Documents Act* which is now a part of all of the insurance industry's operation. No claim can be considered for payment without the proper signature. Members should be aware that only information relevant to the claim is intended and can be used by virtue of the current wording.

