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September/October, 2008

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THE FEDERATION EXECUTIVE COMMITTEE EXTENDS GREETINGS TO ALL TEACHERS

Welcome back to all teachers from the New Brunswick Teachers' Federation Executive Committee! May this school year meet with all your expectations. The Federation Executive Committee would also like to relay the following important information about the NBTF, and on the services it provides to its members.



The New Brunswick Teachers' Federation (NBTF), is your professional union and a bilingual organization; therefore, all services are offered to teachers in the language of their affiliate association (NBTA or AEFNB). The NBTF represents approximately 7800 members in the negotiation and application of the Collective Agreement with the Provincial Government. This includes acting on behalf of teachers in employee-Employer related issues with the Office of Human Resources, School Districts, and the Department of Education.

As teachers read this newsletter, the NBTF will actively be in the process of negotiating a new Collective Agreement. The Federation Executive Committee encourages all teachers to keep updated on the latest information related to negotiations by visiting the NBTF web site regularly at: www.nbtf-fenb.nb.ca. The Members Only Section contains the step by step calendar of the negotiation process. Updated news on discussions at the table is also available on this site.

The NBTF is also responsible for pensions and teacher certification and provides its members with information and guidance in the areas of group insurance and counselling programs. However, each association does the ground work in the fields of pension, certification and counselling.

Another mandate of the NBTF is to provide a variety of support services to the two professional associations, NBTA and AEFNB, in the areas of printing services, Resource Centre, and all administrative and management services related to the NBTF building.

Finally, the NBTF is responsible for the costs related to the purchases of commonly used furniture and equipment, maintenance and repair of the building and grounds.

Throughout the school year, teachers are encouraged to keep in touch with their school representative and their branch leadership. The Federation Executive Committee anticipates a year filled with important issues related to teachers' working conditions. It is essential that all members get the information first hand. Visit the web site, attend branch meetings and read Focus.

Any questions, comments or suggestions are welcomed and should be forwarded to any member of the Federation administrative staff at 452-1736.

Have a great school year!



FOCUS is printed by the New Brunswick Teachers' Federation

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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.

Contributors to this issue:

Robert Gagné, Marilyn Boudreau, Lise Shaw, Kevin Sheehan

Editor & Graphic Design: Marilyn Boudreau

ISSN 1710-4238

New Brunswick Teachers' Federation Art Work Contest Winners



The winners of the New Brunswick Teachers' Federation Art Work Contest were selected on May 5, 2008. Each winning candidate was able to reproduce the theme Education in general or Teaching in particular. All of the drawings will be framed and posted on the walls of the NBTF building. CONGRATULATIONS TO :

Jennifer Allen	Grade 12, École Baie- Ste-Anne, District 11
Pierre Couturier	Grade 4, Centre d'apprentissage Haut Madawaska, District 03
Madeleine Bourque	Kindergarten, École Père-Edgar-T-Leblanc District 11
Lynne Arseneault	Grade 8, Bessborough School District 02
Morgan Acker	Grade 10, Harvey High School District 18
Samantha Branch	Grade 11, Oromocto High School, District 17
Anna Crossley	Grade 2, Kennebecasis Park Elementary, District 06

Each candidate received a prize of \$100.00. The New Brunswick Teachers' Federation would like to thank the 65 candidates who participated in the contest and the teachers and parents who encouraged their participation.

In picture, winner Morgan Acker, from Harvey High School, receives her prize money from Marilyn Boudreau, Labour Relations Officer for NBTF.

TEACHERS' WORKING CONDITIONS FUND (SCHEDULE K OF THE COLLECTIVE AGREEMENT)

The objective of the Teachers' Working Conditions Fund is to improve the working conditions of teachers, which also includes school administrators. The amount allocated to the TWCF for this school year is \$1 million. These funds are now available.



Forty percent (40%) of the fund will be distributed equally to each school in the province. The balance of the fund is then distributed proportionally to each school based on the number of approved full-time equivalent teachers (FTE) in the school as of September 30th of this school year. To inquire as to how much money is allocated to your school, contact your district office.

For teachers to benefit from this fund, each school must appoint a Teachers' Committee to manage the Fund and this Committee shall have complete discretion for its use related to projects under Article 19 (Preparation Time) and Article 22 (Non-Teaching Duties; i.e. Supervision). The **Teachers' Committee** may include a representative from the school administration as well as teachers from various levels in the school. While administrators may participate on the committee, the discretion to administer the funds rests with the Teachers' Committee, as a whole, in accordance with Article .02 of Schedule K of the Collective Agreement.

It is suggested that the **Teachers' Committees** plan their projects in detail so as not to unduly increase the workload of principals. For example, drawing up a schedule of supervision for auxiliary personnel.

Any suggestions from the **Teachers' Committee** for other uses of the Fund, including *wellness, professional development, purchase of educational materials and projects related to school improvement plans* shall be subject to the approval of the Superintendent or his/her designate. The hiring of personnel, purchasing of goods and services or any other expenditure that results from the utilization of the Fund shall be administered and processed by the school districts.

Requests for use of the Fund must be forwarded to the school's **Teachers' Committee** and may be submitted by any member of the teaching staff. Because parts of the fund can be carried over to another school year, **Teachers' Committees** are expected to keep records of expenses and to communicate regularly with the school district as to the status of their account.

Projects financed by the Fund must have a duration equal to the amount of funding allocated; under no circumstances shall these projects create a continuing obligation, financial or otherwise, for either the Employer or the teachers.

The NBTF Executive Committee for the 2008-2009 school year

The Federation Executive Committee holds meetings, directs and supervises the Federation's operations between the meetings of the Board of Directors as stipulated in the guidelines of the Federation and the Board of Directors. It holds other powers and functions assigned to it by the Board of Directors.

Front Row: Robert Gagné (NBTF), Noreen Bonnell, Brent Shaw, Marcel Larocque and Monique Caissie

Standing: Bob Fitzpatrick, Kevin Sheehan (NBTF), Marilyn Boudreau (NBTF), Ronna Gauthier, Grant Hendry, Rogrigue Hébert (alternate), Pierre Robichaud, Suzanne Bourgeois and Wayne Coburn.



Absent from picture:

Louise Landry (AEFNB) and Jefferson Robidoux replaced by Rodrigue Hébert



Hours of Instruction: Frequently Asked Questions

Is there a difference between the hours of instruction and a teacher's workday?

An adjudication decision on Article 18 of the Collective Agreement has established that the hours of instruction described in Article 18.01 are indeed the hours of instruction for students and do not necessarily translate into hours of work for teachers. Article 18.02 has already spelled out for some time that teachers recognize the requirement of duties beyond the hours of instruction and this is still believed to address the duties of preparation, marking and parent-teacher interviews, all of which normally occur outside the hours of instruction.

How does one calculate the hours of instruction?

The best definition of the hours of instruction would be that it is *all the time from when a student would be considered to be late at the commencement of classes in the morning up until the time when class is dismissed at the end of the day, excluding the lunch period*. This would mean that in a case where the bell rings in the morning to notify students that they have to be in class, and the second bell rings five minutes later to mark the beginning of classes, the hours of instruction would start counting from the second bell. If there is only one bell in the morning and at that time students are to be expected to be in their class, then the calculation would begin from that bell. All the time between the opening and closing of classes, including recess or homeroom periods as well as breaks are counted for the purpose of hours of instruction.

When are teachers expected to be in school in the morning?

Article 25(1)f of *Regulations 97-150 of the Education Act* requires that *teachers be present 20 minutes prior to the opening of classes in the morning and 20 minutes before the opening of classes after the lunch period*. In practice, the 20 minutes before the afternoon session is not applied because it comes in conflict with the 60-minute duty-free period provided in Article 22 of the Collective Agreement.

Can teachers be required to be at school prior to 20 minutes before the commencement of classes?

Teachers may be required to be in school prior to the 20 minutes before the commencement of classes in the morning if they are assigned to do non-teaching duties as per Article 22 of the Collective Agreement. Any non-teaching duties such as supervision assigned to teachers during those 20 minutes should be counted in the calculation of non-teaching duties overall.

When can teachers leave the school in the afternoon?

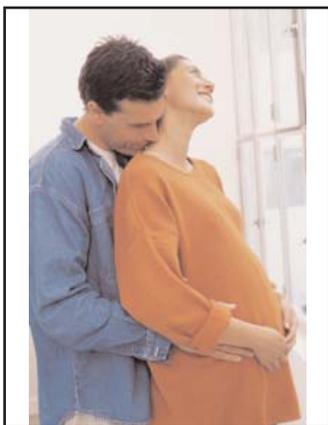
Another adjudication decision has stated that *teachers may be required to stay at school for a reasonable time after the hours of instruction so that they may be available for administrative or educational purposes*. The reasonable time suggested in that adjudication was 30 minutes after the departure of buses; there has been no other interpretation of anything beyond 30 minutes.

Are teachers required to attend meetings after the hours of instruction?

Section 25(1)j under *Regulations 97-150 of the Education Act* whereby teachers are required to attend meetings called by principals or superintendents. Teachers are required to attend staff meetings which deal with administrative issues such as scheduling, school policies, school discipline, promotion, or other issues related to the general operation of the school. The NBTF has usually advised teachers that the activities involved in parent-teacher meetings fall within the general description of Article 18.02, and has accepted that there is an obligation for teachers to attend such meetings if their duration and frequency are reasonable. The Federation would also agree that a meet the teacher meeting at the beginning of a school year require teachers to be present. A calendar of the scheduled meetings should normally be distributed to teachers at the beginning of the school year. Teachers should plan ahead and make arrangements in order to attend these meetings. However, the Federation has always taken the position that other scheduled meetings, such as PD sessions, Math nights, fund raisers, book clubs, etc., called after the hours of instruction are left to discretion of the teacher.

Please call a member of the administrative staff should you have any questions on this issue or any other issue: 452-1736.

Expecting a Baby?



Advice to Teachers from

The
New Brunswick Teachers'
Federation



New Information Pamphlet Available to Teachers

The New Brunswick Teachers' Federation has published an information pamphlet for expectant teachers on how to plan a maternity leave. Samples of the pamphlet were mailed out with this issue of FOCUS. The pamphlet can also be accessed and downloaded from the Federation web site at:

www.nbtf-fenb.nb.ca

Teachers wishing to take a maternity leave during the coming school year need to call a member of the Federation administrative staff and request a maternity leave form. This pamphlet will guide teachers through the process of planning a leave, requesting and accessing EI benefits and other benefits as provided by the Collective Agreement. All teachers under contract are entitled to maternity and parental benefits.

Code of Ethics and Union Representation

The level of service which all unions must provide to their members is known as a duty of fair representation. The Supreme Court of Canada has established principles, which unions must meet when deciding whether to support a grievance and afterwards with respect to representation. They are as follows:

1- The exclusive power conferred on a union to act as spokesperson for the employees in a bargaining unit entails a corresponding obligation on the union to fairly represent all employees comprised in the unit.

2- When, as is true here and is generally the case, the right to take a grievance to arbitration is reserved to the union, the employee does not have an absolute right to arbitration and the union enjoys considerable discretion.

3- This discretion must be exercised in good faith, objectively and honestly, after a thorough study of the grievance and the case, taking into account the significance of the grievance and of its consequences for the employee on the one hand and the legitimate interests of the union on the other.

4- The union's decision must not be arbitrary, capricious, discriminatory or wrongful.

5- The representation by the union must be fair, genuine and not merely apparent, undertaken with integrity and competence, without serious or major negligence, and without hostility towards the employee. (I)

The duty of fair representation does not extend to representing a member who is a respondent in a complaint pursuant to the professional code of conduct. The NBTF Executive Committee has therefore decided that its services would not be provided in such a case where a complaint has been filed against a member by his or her professional association. Of course the member may nevertheless be represented by independent legal counsel or any person of his or her choice.

(I) Re Gagnon [1984] S.C.R. 509 at p.527.

Update on Negotiations

The two negotiating teams held bargaining sessions on June 18, 19 and 20, 2008. A communiqué was posted on the Members' Only Website, outlining the discussion between the parties, as well as a summary of the articles which were signed off. Further talks were scheduled for September 23, 24 and 25, 2008, as well as October 7, 8 and 9, 2008. It is anticipated that these remaining dates will allow the parties to hold a full discussion of all the outstanding issues.



The Strategies Committee, in concert with the Federation Executive Committee, continues to monitor the day to day conduct of negotiations. While the NBTF will make every effort to reach an agreement within the two party talks, the Executive may at some point approve the appointment of a Conciliation Officer to facilitate a settlement. When a tentative agreement is reached, it is subject to the approval of the Federation Board of Directors and most importantly, ratification by the full NBTF membership. Teachers are encouraged to visit the Members Only Website (www.nbtffebn.nb.ca) for detailed confidential updates on negotiations.

New Addition to NBTF Support Staff

NBTF Executive Secretary

Christina Ouellette, executive secretary, will be replacing Sonia Comeau for the 2008-2009 school year and will assist Liette Savoy who also works with the Federation administrative staff. Her duties include regular office work such as typing, filing, preparing kits for different committees, organizing meetings in the building, preparing maternity leave forms, directing calls, etc. To reach Christina:

christina.ouellette@nbtffebn.ca or call: 506-452-1754



Salary for Early Career Teachers

As per Article 52 of the Collective Agreement, new teachers may apply to have previous work experience, in New Brunswick or outside the province, evaluated for an increase in salary. Recognition may be given for work that is related to teaching upon application to the Office of Teacher Certification at the Department of Education.

Interested teachers need to fill out a form, available from the NBTA website www.nbta.ca. Click on *Certification* and download the form called *Application for Work-Related Experience for Salary Purposes*.

It is also recommended that new teachers call their district office to ensure that all supply teaching experience is being credited.

Teachers are also reminded that the deadline to have the increase back-dated to July 1, 2008 is October 31, 2008. After that date, recognition shall be made effective the second day of January, 2009.



Can “Sniffer” Dogs Be Used to Conduct Random Searches in Schools? Decision from the Supreme Court of Canada

The NBTf will occasionally get calls from school principals asking if they are able to invite the police to conduct random searches of school property using “sniffer” dogs. Of course, at first glance, this seems like a good deterrent for students who would consider bringing drugs into a school or who would traffic illegal substances. However, the Supreme Court of Canada just recently restricted that practice to the standard of “reasonable suspicion”.



This issue has been before the courts since 2000. At that time, the principal of St-Patrick’s High School in Sarnia, Ontario issued an open invitation to police to randomly search the school with ‘sniffer’ dogs at its convenience. Neither the school authority nor the police had prior knowledge that drugs were circulating in that school. However the principal felt that this would discourage anyone from such an undertaking.

In a “fly-by” visit, the police and ‘sniffer’ dog visited the school and eventually searched M.A.’s school bag. The police found a cocktail of drugs and paraphernalia. The student was charged with possession for the purpose of trafficking and possession of psilocybin (magic mushrooms). M.A.’s defense lawyers were successful in having the charges dismissed and their client acquitted of all charges because they argued that M.A.’s rights under Section 8 of the Charter had been violated by two unreasonable searches: the search by the ‘sniffer’ dog and the physical search of M.A.’s school bag. The Court of Appeal agreed and on April 25, 2008, so did the Supreme Court of Canada.

Thus, the Supreme Court determined that the standard applicable to the use of drug detecting dogs is that of a reasonable suspicion. Random, speculative searches will no longer meet the standard, because they are now deemed, *prima facie*, unreasonable. However, school authorities will be permitted to act based upon reasonable grounds if they believe that a school policy or school rule has or is being violated. So unless there is reasonable basis for the suspicion that a crime is being committed, a random search by a dog’s nose will be viewed as a violation of Section 8 of the *Charter of Rights and Freedoms*.

Ref.: Fairweather, P., Sniffer Searches, Privacy And Reasonable Suspicion: The Supreme Court of Canada Guides The Dogs In R. v. A.M., Inforum: Comments, CAPSLE, Volume 17, No. 4, June 2008.

Meet The New Brunswick Teachers’ Federation Administrative Staff



Robert Gagné
Executive Director



Kevin Sheehan
Deputy
Executive Director



Marilyn Boudreau
Labour Relations
Officer

The Federation Administrative Staff offers teachers guidance and representation concerning issues related to their working conditions. All communications with the Federation Administrative Staff are kept confidential. Teachers should not hesitate to call if they have concerns, need information or clarification, need assistance if they are the respondent in a complaint, or need an interpretation of the Collective Agreement. They can be reached at 506-452-1736. E-mail: first name.last name@nbtffenb.ca

Addressing the New Face of Bullying: Teaching Young People to Think Critically and Act Ethically Online

*Written by Emmanuelle Erny-Newton, Media and Internet
Education Specialist
with the Media Awareness Network*

A group of girls chat on MSN messenger with Samia who desperately wants to be part of their group. "Who is your favourite guy? What do you think about so-and-so?" they ask. The girls then divulge the intimate details of Samia's answers to the entire school.

Owen, Rachid and Frank purposely push their teacher to the breaking point in order to film her hysterics using a cell phone and then post the video on *YouTube*.

Dumped by Louis, Joyce spreads a rumour online that Louis is gay. To cut him off from communicating with anyone, she orders everyone to block him from their MSN messenger accounts.

Technology such as the Internet and cell phones has given young people a new—and powerful—platform from which to target peers.

There is little doubt that cyber bullying, which can be the equivalent of "social death" for many young people, is traumatic. It differs from traditional, face-to-face bullying in that it is relentless and public and at the same time anonymous. Cyber bullying has turned the usual image of "the bully" on its head; it's no longer only the "tough kids" who may act aggressively—it can just as easily be the shy, quiet types, hidden behind their computers. Added to this is the potential presence of countless, invisible witnesses and/or collaborators to the cyber bullying, which creates a situation where victims are left unsure who knows, and who to fear.¹

Technology also extends the reach these young people have, enabling them to harass their targets anywhere and at anytime.

While these situations should be reported, it can be difficult for young people to step forward: how do you report an attack that leaves no physical scars and is committed by a nameless attacker? Will the consequences of telling an adult you are being cyber bullied be worse than the bullying itself? Adults want to help, but many feel ill-equipped to handle bullying in a digital world.

*** Portion of this article entitled: *Cyberbullying in the home* has been omitted because of lack of space**

Addressing Cyber Bullying in the School

Although cyber bullying often takes place outside school property, the relationship leading up to the bullying often begins at school. In addition, cyber bullying has tangible consequences to the school environment, instilling a climate of insecurity and fear which can inhibit learning.

As is often the case, prevention is the best approach. Cyber bullying expert Shaheen Shariff, of McGill University's faculty of education, states that reactive umbrella policies, such as expulsion or suspensions, don't stop the problem.⁵ This is because punitive actions don't get at the root causes of the bullying behaviour. For example, a 2005 Alberta study found one-third of students who engaged in cyber bullying had also been victims of online bullying themselves.⁶

As with parents, teachers need to involve young people in talking about and finding solutions to peer relationship problems. Class discussions about what is and isn't acceptable online behaviour; how citizenship, community and ethics in our every day lives apply online; the importance of empathy; and the ways that technology can affect how we communicate with others, are important concepts to introduce.

In addition to helping students think critically about concepts such as these, teachers also need to re-evaluate their own attitudes and behaviours. The ethical foundations that teachers build in their classrooms constitute an informal, but powerful vehicle for developing moral and social values amongst their students.

To help educators better understand issues relating to cyber bullying and to facilitate the introduction of these concepts into their classrooms, Media Awareness Network (MNet) has developed a series of lessons that are available on the MNet Web site:

<http://www.education-medias.ca/english/resources/educational/lessons/cyberbullying.cfm>.

Based on the latest cyber bullying research, and linked to Canadian provincial curricular outcomes, these lessons start with students' online activities and provide them with an opportunity to turn a critical eye to their virtual communications.

When Bullying Happens

In addition to fostering dialogue at home and in school, parents and teachers can mitigate the negative effects of bullying by teaching young people what to do if they are confronted with, or are witnesses to, cyber bullying. The role of witnesses is particularly important. Because bullying is all about power, witnesses have significant clout in perpetuating or stopping the bullying behaviour. Young people need to understand that when cyber bullying occurs, silence can represent social consensus. Failing to react to cyber bullying ensures its continued existence.

Article continues on page 8...

**Addressing the New Face of Bullying:
Teaching Young People to Think Critically and Act
Ethically Online**
Article continued from Page 7...

For young people who are being harassed online, help them take control of the situation by teaching them the “Stop, Block, Talk and Save” action plan.

Stop: Leave the environment or online activity where the bullying is occurring.

Block: Don’t respond to the messages and block the bully from sending you more messages.

Talk: Talk to a trusted adult, call a helpline, and alert the police if the bullying includes threats of physical harm. If harassing images or messages have been posted on a Web site, request that the site remove these immediately.

Save: Save all the harassing messages and send them to your message service provider (*Yahoo*, *Hotmail*, etc). They can then determine the source of the messages through the computer’s IP address. No one is totally anonymous on the Internet. This is equally true of cell phones.

Practice What You Preach
Adults have a significant role to play in helping young people address online bullying and harassment. Young people live in a popular culture that approves of and even promotes cynicism, practical jokes and even violence. It can sometimes be difficult for children and youth to know where to draw the line between humour and harassment. The modeling adults provide in language and tone used when communicating—whether it is online or face-to-face—can help young people determine their own boundaries of acceptable communication.

Media Awareness Network is a Canadian not-for-profit centre of expertise in media education. Its vision is to ensure children and youth possess the necessary critical thinking skills and tools to understand and actively engage with media. (www.media-awareness.ca)

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¹ 41per cent of victims of cyber bullying in grade seven don’t know the identity of their attacker.

² Media Awareness Network (2005) *Young Canadians in a Wired World, Phase II* <http://www.medias-awareness.ca/english/recherche/JCMB/index.cfm>

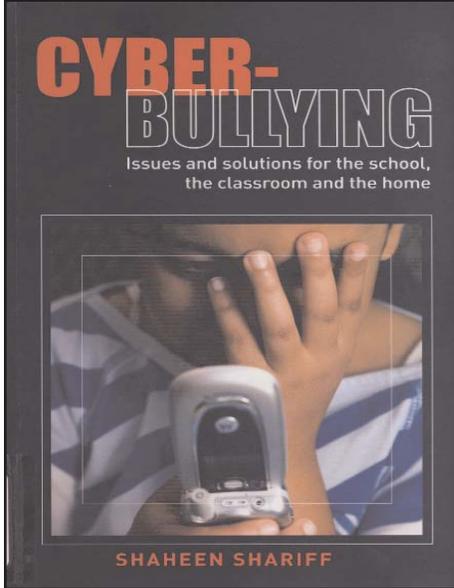
³ Ibid

⁴ 2007 Pew report: *Cyberbullying and Online Teens* http://www.pewinternet.org/PPF/r/216/report_display.asp

⁵ Shariff S., *Cyberbullying, issues and solutions for the school, the classroom and the home*, Routledge, 2008.

⁶ Quing Li, *New Bottle but Old Wine: A Research of Cyberbullying in Schools*, Elsevier Ltd., Calgary, Alberta, 2005.

**Cyber-Bullying:
Issues and Solutions for the School, the
Classroom and the Home**



Now Available from the NBTF Resource Centre

“Shaheen Sharaff’s thought-provoking book alerts all educators and policy-makers to the rise of cyber-bullying internationally, and the dangers of implementing reactive responses to control it.”

At a time when teachers and policy makers are looking into ways of blocking sites like Facebook and introducing zero tolerance policies on cyber-bullying, one must ask the question: Is the problem the medium or the message? This book speaks to educators and parents who strive to understand how and why these behaviors happen and opens a new world of thinking into how to deal with the situations... A must read!

A Word of Advice

E-mails sent with the Employer’s equipment, either on the job or at a distance, are the Employer’s property. These e-mails cannot be deemed “personal”. If you are using an nbed account, be



mindful of this fact. Read **Policy 311** very carefully and monitor your on line behavior.

NEWS from the NBTF Group Insurance Trustees



ACCIDENTAL DENTAL COVERAGE: IMPORTANT – DID YOU KNOW?

Did you know that if you are enrolled in the NBTF Health plan, dental treatment for the repair of damage resulting directly from an accidental injury to natural teeth actually falls under the **Option B1 – Health Coverage**, and not under the Dental Insurance Plan, Option B4?

The treatment must be rendered within six months following the accident and your coverage must still be in force. Payment will be made based on the amount for the least expensive procedure which will provide a professionally adequate result. The accident must be the result of a direct accidental blow and not by an object wittingly or unwittingly placed in the mouth.

Any dental treatment rendered in relation to the accident or any future treatment deemed necessary by your dentist must be reviewed and approved prior to reimbursement being made. As such, any dental x-rays pertaining to the accident must be submitted with the claim.

It is very important to note that it is your responsibility to ensure that the Johnson Inc. Claims Administration office is informed that the dental treatment is as a result of an accident. Do not rely on your dental office to indicate on the dental claim form that the treatment is as a result of an accident. If the response to this question on the claim form is 'NO' then Johnsons will adjudicate the claim as a regular dental claim, and certain procedures and expenses related to the accident may not be covered.

If you have any questions concerning your coverage for this benefit, please do not hesitate to contact the Johnson Inc. Claims Administration office at 1-800-442-4428 or at Fredericton@johnson.ca.

Lise Shaw Begins Her Mandate as Liaison Person



Lise Shaw
Liaison
Group Insurance

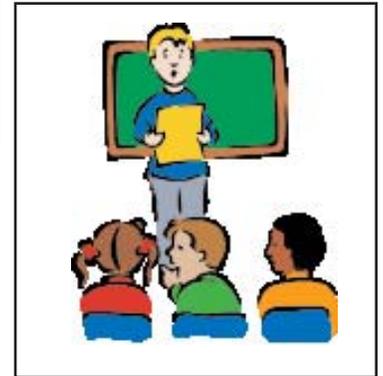
lise.shaw@nbtffeb.ca

506-452-1836

Lise Shaw began her mandate as Liaison with NBTF Group Insurance Trustees. Her duties and responsibilities are as follows:

1. Attend all Trustees and sub-committee meetings. Prepare agendas for these meetings, provide information and advice to Trustees, record the Minutes for all meetings. Complete various projects as assigned by Trustees.
2. Act as a liaison between the Group Insurance consultant, the insurance underwriters, plan members and Trustees.
3. Take calls from plan members and provide assistance to individuals, particularly in the area of salary continuation.
4. Draft and distribute Newsletters, booklets and pamphlets to members.
5. Keep abreast of changes and new information in the area of Group Insurance. Be proactive by bringing suggestions/recommendations to Trustees.
6. Make presentations to schools and local branches on Group Insurance plans and benefits.

ARTICLE 20 - CLASS SIZE 2008-2009 SCHOOL YEAR



September 2008

- 20.01 Whenever reasonably practicable the normal class size shall be twenty-seven (27) pupils. No class size shall exceed thirty (30) pupils.
- 20.02 Notwithstanding Clause 20.01, the maximum class size for grades 4 - 6 inclusive shall be twenty-nine (29) pupils; however, if unforeseen circumstances arise, the maximum class size may be increased to thirty (30) pupils.
- 20.03 Notwithstanding Clause 20.01, classes exceeding thirty (30) pupils shall be allowed when formed by the grouping of other classes for team teaching or similar purposes. The Employer agrees that the application of Clause 20.03 is subject to the modifications outlined in Clauses 20.02, 20.04, 20.05 and 20.06.
- 20.04 Notwithstanding Clause 20.01, it is agreed that the maximum class size for grades 1 and 2 shall be twenty-two (22) pupils.
- 20.05 Notwithstanding Clause 20.01, the maximum class size for Grade 3 shall be twenty-seven (27) pupils; however, if unforeseen circumstances arise, the maximum class size may be increased to twenty-eight (28) pupils.
- 20.06 The maximum class size for kindergarten shall be twenty-two (22) pupils.
- 20.07 (1) If it is necessary to combine two (2) or more grades in one class with one teacher, the maximum class size for such a combined class shall be as follows:

<u>Grades 1-3</u>	<u>Grades 3-5</u>	<u>Grades 5-12</u>
17	24	25

- (2) A kindergarten class which is combined with any other grade shall not exceed seventeen (17) pupils.

CONTRARY TO POPULAR BELIEF, THE EMPLOYER ENJOYS NO DISCRETION TO EXTEND THE APPLICATION OF THIS ARTICLE BEYOND THE FIRST SCHOOL DAY.



This information is also available on the NBTF web site under Collective Agreement - Article 20 on the members only site. Visit this site regularly at:

www.nbtf-fenb.ca



LOCAL LIAISON COMMITTEE

GUIDELINES FOR BEST PRACTICES

The following guidelines are jointly recommended by the Employer and the New Brunswick Teachers' Federation as best practices to promote the effective operation of the local liaison committees pursuant to Article 15 of the Collective Agreement.

- 1- The Committee shall meet no less than two (2) times per year, should either party request such meeting.
- 2- The meetings should be held at the time and date mutually agreed to by the parties well in advance.
- 3- All committee members should make every reasonable effort to attend the meetings, Either party may appoint a substitute representative in the event of the absence of a committee member.
- 4- The content of the meeting and any specific terms of reference governing the conduct and the scope of the committee will be determined locally.
- 5- The principal agenda items should be agreed to in advance to provide each side sufficient time to engage in a meaningful dialogue on the issues in question. Either side may submit agenda items for discussion at the meeting.
- 6- The committee should appoint a secretary who would have the responsibility of preparing the minutes from the meeting. The minutes should be circulated to the committee members, prior to its next meeting.
- 7- The committee should focus its discussion on broad issues of interest and concern, as opposed to very unique issues related to individual teachers. Such exceptional matters could be addressed in another venue.
- 8- The items for discussion at the meeting should address priority issues.
- 9- It may be appropriate, on occasion, for the parties to invite someone other than a committee member, who may possess a particular expertise on a given agenda item.
- 10- Each side should make every reasonable effort to follow up in a timely fashion on issues discussed at the local liaison committee. Decisions, regarding matters which have been resolved should be implemented as quickly as possible. Issues which have been deferred, should be fully explored in the interim period, to promote a meaningful dialogue between the parties at the next meeting.
- 11- It is in the best interest of both sides to create an environment of open communication and cooperation at the local level. Such a climate promotes improved employee-employer relations.
- 12- The Local Liaison Committee does not have the power to modify the Collective Agreement.
- 13- The Local Liaison Committee is but one forum for exchanging information and discussing concerns at the local level. Other means of communication and consultation should be considered when appropriate.

For questions or comments on these guidelines, please contact the Federation administrative staff



ADMINISTRATION OF MEDICATION

The Federation and the Department of Education have both adopted policies with respect to the administration of medication to students. The policies are quite similar except that the Department's Policy 704 contains more details as to the responsibilities of parents, teachers and school officials. All teachers and principals should receive in-service this year as to the new guidelines found in Policy 704.

If the conditions and procedures set forth in the policies are respected, there is then an obligation on teachers to administer medication. The administration of medication is an inherent Employer responsibility towards students and it is perhaps even more formalized since the new Education Act. It is reasonable to expect that this duty be delegated to teachers except if it is expressly stated that it may be done voluntarily or if it is prohibited by the Collective Agreement or Legislation. Such is not the case. It is thus an implicit contractual obligation which is tied in to the duties of teachers.

Article 27.01(e) of the Education Act states that teachers have an obligation to attend to the health and well-being of each pupil. A broad interpretation of this article would undoubtedly include the obligation to administer medication and minor medical procedures such as treating superficial wounds and scrapes which are not severe.

The Federation policy may seem more restrictive since it discusses only the administration of oral medication. The Department's Policy 704 discusses oral medication but also includes inhalation products and other medical procedures. Inhalation products could probably fall into the same category as the administration of oral medication. It is another story with medical procedures; it is submitted that we could not impose a duty to a teacher to provide a medical procedure since the teacher does not have the necessary training in this area and we could not relate this duty to that of teaching. Of course, emergency situations are an exception which will be discussed later.

It could not be considered as being reasonable or fair to ask a teacher to administer a significant amount of medication or to a significant number of students. The task should then be shared since it is not equitable in terms of workload and responsibility. The administration of a significant amount of medication can also lead to errors. The teacher will also have a claim to ask for help with the administration of medication if this duty becomes such that it disturbs the quality of teaching.

Anything which may be considered as requiring medical knowledge or training is not mandatory unless facing a situation of emergency. The epi-pen, rectal suppositories, etc., are medical procedures which require a specific training. We cannot expect teachers to accomplish such procedures unless they are specifically trained and are facing an emergency.

It is different when facing an emergency situation where the life of a student may depend on a quick procedure. There is an implicit duty which is then imposed on a teacher to act in these urgent situations just as a parent would do with his own child. Recognizing that the teacher does not have medical training, we may nonetheless expect a reaction on the part of the teacher in order to save the student's life but not to the point of undertaking procedures which are beyond the teacher's training or that could ultimately result in causing harm to the student.

In the majority of cases, the parents would have advised the school about a student's particular medical condition. In cooperation with the parents and the Employer, the school administration must ensure that a sufficient number of staff at the school are trained in being able to help the student in case of an emergency. When we mention staff, this includes whomever works or volunteers at the school.

In cases where there is an accident or injury because of the administration of medication or because of a procedure when facing an emergency, the teachers are protected by a government policy. The conditions for this policy to apply are:

- that the service given has been authorized in advance;
- that the service is given according to the guidelines;
- that the teacher has acted in good faith.

In cases of alleged negligence of the teacher, the Employer will defend, resolve or negotiate a settlement of the claim and the Employer will pay for all damages, costs and expenses of the claim. The Employer will not try to collect from the teacher the money which it has paid out on his or her behalf.

Obviously, "gray zones" remain, especially concerning medical procedures. In summary, we cannot impose upon teachers that they accomplish procedures for which they have not been trained or that would be too difficult. Emergencies may be the exception.

For further guidance on this issue, please contact any member of the Federation Administrative Staff at 506-452-1736.