

October 14, 2011

Dear Association President:

**Re: Student Teachers and the Brandon University Faculty Association Strike**

As you are aware the Brandon University Faculty Association is currently on strike. This situation puts our members in a difficult position, as many are poised to accept faculty students into their classrooms for their teaching practicum.

Given that we have been fielding a number of questions from Association Presidents and other members about how they should approach this issue, we wish to provide you with information about our members' rights and responsibilities in this situation. First, please make it clear to members that although they cannot refuse to accept student teachers into their classrooms -- and in fact are required to do so by legislation -- they do have the right to refuse to perform any function normally performed by the faculty advisor. Faculty advisor functions may include, but are not limited to, supervising the program, evaluating the student teacher, and communicating directly with the University.

Cooperating teachers normally restrict themselves to welcoming the student to the classroom, giving the student opportunities to instruct, and coaching the student when they instruct. Principals normally restrict themselves to arranging for students to work with cooperating teachers. Generally speaking, any other duties are the responsibility of the Faculty advisor.

Per section 15 of *The Labour Relations Act*, any teacher or school administrator who refuses to perform the work of another employer (Brandon University) whose employees (BUFA) are on a legal strike would not be in breach of their collective agreement or any term or condition of their employment, and thus could not be disciplined for this decision. If any action was taken against a member by an employer or someone acting on the employer's behalf, then the employer or anyone acting on their behalf may be charged with committing an unfair labour practice.

However, this right can only be exercised by the member on his or her own. Neither the Association nor the Society can tell members that they should not do any of the activities normally undertaken by a Faculty advisor.

Section 110 of *The Public Schools Act* prohibits teachers from striking. The definition of a strike in *The Labour Relations Act* is very broad and applies to teachers. As a result, teachers cannot refuse to cross picket lines, refuse to continue to do work, or even refuse to continue the normal pattern of work. In addition, neither the Society nor any of its teacher associations can counsel teachers in anyway that they should take action to support the faculty. This decision must be an individual decision. In this matter, the role of the Society and its associations is to advise

members what their rights are. Should they wish, our members of course have the right to participate in a lawful picket line as long as they do so on their own time.

If members are in doubt as to whether a duty they are being asked to perform is normally done by faculty members or if they are unsure of their rights under *The Labour Relations Act*, please ask them to call Kirsten Andersson at the Society for advice.

It is never easy when a sister union is on strike. We need to take care not to undermine their efforts, and also ensure that neither the Society nor our Associations participate in action that is contrary to *The Labour Relations Act*.

If you have any questions, please do not hesitate to call me.

Yours in solidarity,

A handwritten signature in black ink that reads "Paul Olson". The signature is written in a cursive, slightly slanted style.

Paul Olson  
President  
The Manitoba Teachers' Society