

# Good Practices and Dispute Resolution

The Report of the Joint Committee

May 2013



Saskatchewan  
Ministry of  
Education





# Letter of Transmittal

May 2013

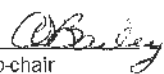
The Joint Committee on Good Practices and Dispute Resolution is pleased to submit its report for consideration by the parties to the Provincial Collective Bargaining Agreement. The joint committee was established through the Memorandum of Agreement negotiated as part of the *2010-2013 Provincial Collective Bargaining Agreement*. Its deliberations were directed by the terms of reference set out in the Memorandum of Agreement.

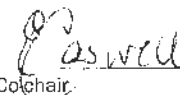
In submitting this report, the committee believes that the original 2002 report provided a strong foundation for our work especially in its expression of the principles and values that are foundational to exemplary human relations and dispute resolution practices. The original report stands the test of time and merits consideration by those interested in ensuring excellence in personnel and dispute resolution practices.

It is the committee's hope that action by the parties resulting from this report will strengthen human relations and dispute resolution practices, and assist in shaping the culture of the educational community in a collaborative and positive direction.

The committee looks forward to the parties' deliberations regarding this report and is prepared to meet with the parties to review and discuss it.

Respectfully submitted,

  
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Co-chair  
Saskatchewan School  
Boards Association

  
\_\_\_\_\_  
Co-chair  
Saskatchewan  
Ministry of Education

  
\_\_\_\_\_  
Co-chair  
Saskatchewan Teachers'  
Federation



# Table of Contents

<b>Background and Process</b> .....	1
<b>Recommendations and Action Plan</b> .....	3
Recommendations .....	4
A. Foundational Strategies .....	4
B. Proactive and Developmental Strategies .....	6
C. Intervention and Resolution Strategies .....	8
Action Plan .....	9
Appendix A	
Memorandum of Agreement from the <i>2010-2013 Provincial Collective Bargaining Agreement</i> .....	10
Appendix B	
Members of the Joint Committee on Good Practices and Dispute Resolution .....	12
Appendix C	
Participants from LEADS and SASBO Who Informed the Committee’s Work .....	13
Appendix D	
Belief Statements – Good Practices and Dispute Resolution .....	14
Appendix E	
Goal Statement – Good Practices and Dispute Resolution .....	16



# Background and Process

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In the *2010-2013 Provincial Collective Bargaining Agreement*, a Memorandum of Agreement (see Appendix A) was reached with the intention of reviewing the 2002 *Good Practices and Dispute Resolution* report. The terms of reference for this review are included in the Memorandum of Agreement. This review was undertaken by a committee consisting of three members appointed by each of the Ministry of Education, the Saskatchewan Teachers' Federation and the Saskatchewan School Boards Association. The committee membership is outlined in Appendix B.

The committee had its inaugural meeting in April 2012. It then deliberated during 10 meetings from September 2012 until April 2013. Key elements of the committee's process included the following.

## Review of the 2002 Document

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As directed by the terms of reference, the committee reviewed the principles and values, belief statements, educational community culture and goal statements contained in the 2002 report. It also considered the statement of commitment and the recommendations proposed in the original report.

## Changes in the Last Decade

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To fulfil the terms of reference, the committee sought a shared understanding of changes in the education sector during the last decade that impact human relations and dispute resolution practices. Some of these significant changes include:

- Restructuring of school divisions.
- Adoption of new governance models by educational organizations.
- Development of human resource departments and specialists within school divisions.
- New accountability processes and structures along with greater emphasis on student achievement.
- Shifts in demographics including an increasing First Nations and Métis population and an increase in immigration to the province.
- Introduction of new technology and corresponding changes in communication.

This understanding of the significant changes and of the current educational environment provided the context for the review and renewal of the recommendations in the original 2002 report and informed each party's affirmation of the commitment to seek excellence in human relations and dispute resolution practices.

## **Consultation with Human Resource Leaders**

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To ensure a more complete understanding of the current state of personnel and dispute resolution practices, the committee engaged members of the Saskatchewan Association of School Business Officials and the League of Educational Administrators, Directors and Superintendents, who lead human resource work in their school divisions, in a teleconference. These professionals, who generously offered their time and expertise, are recognized in Appendix C.

## **Positive Direction**

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The committee concluded from its review of the current educational environment and of developments in the last decade, that much has been achieved in the development of human relations and dispute resolution practices. Evidence of a positive environment is reflected through increased expertise, supportive policies and practices, closer relationships and a strong will shared by the parties to ensure that student learning benefits from the implementation of the best possible human relations and dispute resolution practices.

The committee wishes the readers of this report to clearly understand that the parties to the Provincial Collective Bargaining Agreement are committed to continuing to work collaboratively toward the goal of establishing and sustaining exemplary personnel and dispute resolution practices.

## **Required Action**

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The committee reviewed the recommendations in the 2002 report and considered additional recommendations that would fulfil the intention to establish and sustain exemplary personnel and dispute resolution practices. The committee recognized that conflict is inherent in human relations and is to be anticipated in personnel practices. The committee concluded that, while positive environments have developed over the past decade, continued action as described in the recommendations and action plan is required. The committee believes that a positive environment contributes to the improvement of students' learning and achievement.

Deliberations frequently turned to the importance of communication among the parties and among those who might be engaged in resolving a disagreement or dispute. Many of the recommendations proposed by the committee rely on healthy relationships among the parties that can only be achieved by clear and open communication.

The learning and achievement of First Nations and Métis students merit special consideration in personnel and dispute resolution practices. Recruiting, hiring and retaining First Nations and Métis teachers and leaders is crucial, and the application of the recommendations must pay particular attention to this urgent need. The committee recognizes that fostering deeper understanding of indigenous world views will enrich personnel practices.

## **Application of Recommendations**

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While the committee's mandate arose out of the *2010-2013 Provincial Collective Bargaining Agreement*, the value of processes recommended to the parties may have value at the local level and may merit wider application.



# Recommendations and Action Plan

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In proposing the following recommendations and action plan, the committee recognizes that the practice of good human relations is the responsibility of all of the individuals and organizations that constitute the Saskatchewan educational community.

As directed by the terms of reference, the committee reviewed the 2002 recommendations and considered additional recommendations intended to assist in accomplishing the overall goal of establishing and sustaining exemplary personnel and dispute resolution practices in Saskatchewan. The committee's recommendations are organized within three categories:

- A. Foundational Strategies
- B. Proactive and Developmental Strategies
- C. Intervention and Resolution Strategies

The proposed action plan along with the recommendations seeks to ensure that the ideas and intentions of the 2002 report and of this current review will endure and permeate the educational culture of Saskatchewan.

# Recommendations

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## A. Foundational Strategies

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Two foundational strategies are proposed to clearly state the parties' commitment to pursue excellence in personnel and dispute resolution practices and to ensure understanding of the parties' shared beliefs and goal.

### **Recommendation A. 1.**

#### **Statement of Commitment**

Upon the committee's review of the statement of commitment from the 2002 report, the committee recommends the addition of statements regarding the pursuit of the overall goal (Appendix E) as well as the parties' commitment to implement the recommendations and action plan proposed within this report.

**The committee recommends that each party to the Provincial Collective Bargaining Agreement commits to:**

- (a) Adhering to the belief statements and the goal set out in this report.
- (b) Working reasonably with all others in attempting to achieve the best solutions to problems or disputes in ways that place the needs of students first and that will preserve the dignity of individuals and groups.
- (c) Working collaboratively with the other parties in the implementation of the recommendations and action plan proposed in this report.

### **Recommendation A. 2.**

#### **Statement of Beliefs and Goal**

Upon review of the principles and values, belief statements, educational community culture and goal statements in the 2002 *Good Practices and Dispute Resolution* report, the committee concluded that the time-honoured principles and values that underpin shared understandings of what constitutes good human relations and dispute resolution practices are still relevant today.

The values expressed within the preamble to the *2010-2013 Provincial Collective Bargaining Agreement* provide additional support and guidance to the educational community.

The Saskatchewan Teachers' Federation, the Saskatchewan School Boards Association and the Government of Saskatchewan affirm their commitments to a culture that holds the greater good of publicly funded education at the forefront of their behaviours.

The relationships in this culture are characterized by cooperation, trust, mutual respect and transparency while seeking common understandings.

The parties to this Agreement recognize the value of collaborative processes in support of negotiations in matters that are outlined in legislation and any other matters that we jointly agree to bargain. (p. 1)

The committee concluded that this preamble and the shared belief statements and goal statement as articulated in appendices D and E summarize essential ideas pertaining to good practices and dispute resolution in a manner that is useful to members of the educational community.

**The committee recommends that in addition to making this report available, the preamble to the *2010-2013 Provincial Collective Bargaining Agreement*, as well as the shared beliefs and goal statement set out in appendices D and E, be communicated so that these key ideas permeate the educational community of Saskatchewan.**

## **B. Proactive and Developmental Strategies**

This category of recommendations reflects the committee's understanding of the importance of actions that will contribute to the development of an educational culture characterized by positive relationships, shared understanding and high levels of expertise related to personnel practices.

### **Recommendation B. 1.**

#### **Interpretive Processes and Bulletins for Provincial Collective Bargaining Agreements**

The committee viewed the 2002 recommendation to develop interpretive bulletins for provincial collective bargaining agreements as a positive contribution to achieving shared understanding and improved relationships.

The committee recommends that:

- (a) The parties to the Provincial Collective Bargaining Agreement continue to strengthen the joint practice of engaging in interpretive processes and writing interpretive bulletins for provincial collective bargaining agreements.
- (b) Each of the parties engage in processes with their respective members to further their knowledge and understanding of provincial collective bargaining agreements.

### **Recommendation B. 2.**

#### **Centralized Repository of Results of Dispute Resolution Processes**

The committee recognized the value of third-party decisions in informing exemplary practices and of the need for enhanced access to consistent information regarding the results of formal dispute resolution processes such as, but not limited to, arbitrations and boards of reference.

The committee recommends that the parties develop a centralized repository that will hold, provide access to and disseminate the decisions that have arisen out of formal disputes.

### **Recommendation B. 3.**

#### **Development of Individual and Collective Capacity**

The committee recognized the development of increased human resource capacity over the last decade. It also recognized that good human relations permeate leadership work in all organizations within the educational environment. Therefore, all leaders and educational partner organizations share responsibility for skill and knowledge development regarding practices that contribute to good human relations and healthy working relationships.

The committee recommends that the parties continue to develop and strengthen the individual and collective capacity of those who work in human resource roles, as well as those in leadership roles within the educational community, and that whenever possible these measures should include inter-organizational learning and sharing.

#### **Recommendation B. 4.**

##### **Articulating and Sharing Exemplary Practices**

The committee endorsed the efforts made by human resource professionals and other leaders in the educational community in Saskatchewan to articulate and share exemplary practices through the development of networks as well as through a variety of professional development opportunities.

**The committee recommends that the parties continue the practice of assisting, promoting and encouraging the development, articulation and sharing of exemplary practices regarding personnel and dispute resolution.**

#### **Recommendation B. 5.**

##### **Mentorships**

The committee reviewed the recommendation from the 2002 report that intra-organizational and inter-organizational mentorships be developed. The committee recognizes that mentorships are one of many learning models that might be profitably implemented in efforts to build individual and collective capacity.

**The committee recommends that mentorship continue to be considered among other learning models as the parties encourage and engage in capacity development described in recommendations B. 3 and B. 4.**

## **C. Intervention and Resolution Strategies**

This category of strategies is intended to assist in the resolution of disputes that arise in the educational community. The satisfactory resolution of disputes occurs when there is trust between and among individuals and organizations that comprise the educational community.

### **Recommendation C. 1.**

#### **Building Trust**

The committee recognizes that developing and sharing written protocols or standard processes and practices build trust and understanding.

**The committee recommends that the parties continue to establish and share processes that build trust so that those directly involved in conflict are empowered to resolve them.**

### **Recommendation C. 2.**

#### **Informal Dispute Resolution**

The 2002 report recommended that a cadre of educational diplomats be established to assist in dispute resolution. Such diplomats would provide additional informal processes to the existing formal processes of dispute resolution.

The committee acknowledged that dispute resolution can often be facilitated through informal processes that preserve relationships and are less expensive than formal processes. The committee also noted that the capacity to use informal processes as an educational community has increased in the last decade with efforts to introduce interest-based problem solving and other less formal processes.

**The committee recommends that a range of informal processes, where appropriate, be utilized prior to the application of formal processes set out in policy, legislation and negotiated agreements.**

### **Recommendation C. 3.**

#### **Formal Dispute Resolution**

The committee concluded that the approaches to cultural change and dispute resolution options listed in Appendix C of the 2002 report require elaboration, updating and sequence to be more useful to members of the educational community. The committee also recognized that additional dispute resolution processes, some initiated by board policies and others, such as grievance procedures within local agreements, have been implemented in recent years.

**The committee recommends that the parties establish educational opportunities and tools that illustrate the purpose, potential outcomes, appropriateness and sequence of formal resolution processes set out in applicable legislation, policies and collective agreements.**

# Action Plan

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The proposed action plan is intended to ensure that good human relations and dispute resolution processes receive the ongoing attention of the parties and their respective professionals. This plan, if implemented, will assist in achieving the goal of excellence in personnel and dispute resolution practices.

1. Upon approval of recommendations by the parties to the Provincial Collective Bargaining Agreement, the committee recommends that the parties establish an implementation committee, not limited to representatives of the parties, that will be responsible for:
  - (a) Developing a plan to implement the recommendations that the parties have approved.
  - (b) Implementing and monitoring the plan.
  - (c) Assessing progress regarding the implementation plan and reporting such progress to the parties.
2. The committee believes that it is important for the parties to consider that time, expertise and resources are required to implement the recommendations set out in this report.
3. The committee also acknowledges that the parties to the Provincial Collective Bargaining Agreement may benefit from a periodic review of the impact of the implementation of the recommendations upon establishing and sustaining exemplary personnel practices.

**Memorandum of Agreement  
from the 2010-2013 Provincial Collective Bargaining Agreement**

# Memorandum of Agreement

## Re: Good Practices and Dispute Resolution

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### Preamble:

1. The parties to this Agreement recognize that education is a human endeavour and as such acknowledge the need for personnel practices to be guided by the principles and values set out in the *Good Practices and Dispute Resolution* report of December 2002.
2. The parties to this Agreement recognize that good personnel policies and practices are based on the principles of due process and are the statutory responsibility of the employing board of education and their officials.
3. The parties to this Agreement recognize that good personnel practices involve the conduct both of employing boards of education and their officials and of employees and their representatives.
4. In acknowledging this, the Government of Saskatchewan recognizes that it has an important role to play in encouraging and supporting consistent application of its statutes, regulations and policies; in assisting in the resolution of disagreements related to them and in encouraging personnel practices that strengthen the publicly funded education system.

### Background:

Whereas the parties to the 2000-2002 *Provincial Collective Bargaining Agreement* signed a Memorandum of Agreement to establish a joint committee to undertake to create and maintain processes intended to assist in the interpretation and application of the Agreement, promote effective personnel and policy practices within Saskatchewan school divisions and assist in resolving disagreements;

Whereas *Good Practices and Dispute Resolution: the Report of the Joint Committee of the Parties to the Provincial Collective Bargaining Agreement* (December 2002) has been endorsed by the parties to the Agreement;

Whereas the parties to the Agreement have engaged in a series of initiatives aimed at building awareness, sharing best practices and enhancing skill development in human interactions within the education system as pertaining to the report; and

Whereas a decade has passed since the signatories committed to establish mechanisms for implementing the recommendations contained in the joint report, the parties to this Agreement recognize the need to review the recommendations in the *Good Practice and Dispute Resolution* report and agree to the following:

### Agreement:

The parties to the 2010-2013 *Provincial Collective Bargaining Agreement* agree:

1. A committee shall be established no later than January 31, 2012.
2. The committee shall consist of three members appointed by each of the Ministry of Education, the Saskatchewan Teachers' Federation and the Saskatchewan School Boards Association.
3. The Terms of Reference of the committee shall be:
  - (a) To review the principles and values, belief statements, educational community culture and goal statements contained in the *Good Practices and Dispute Resolution* report (December 2002);
  - (b) To review and affirm the "Statement of Commitment" as referred to on page 12 of the report within the context of the current educational environment;
  - (c) To review and renew the recommendations contained in the report within the context of the current educational environment; and
  - (d) To prepare an action plan for moving the recommendations forward for the consideration of the parties to the Agreement.
4. The committee shall report its findings and recommendations to the parties to the Agreement within the term of this Agreement.



In witness whereof the duly authorized representatives of the parties hereto have set their hands

at Regina, Saskatchewan this 4th day of October 2011.

Signed on behalf of the  
Boards of Education and the  
Government of Saskatchewan

Signed on behalf of the  
Teachers of Saskatchewan

Darlene Thompson  
Darlene Thompson

Gwen Dueck  
Gwen Dueck

Frances Bast  
Frances Bast

Steven Allen  
Steven Allen

Crandall Hrynkiw  
Crandall Hrynkiw

Sonja Susut  
Sonja Susut

Darren McKee  
Darren McKee

Colin Keess  
Colin Keess

David Spencer  
David Spencer

Sandi Urban-Hall  
Sandi Urban-Hall

Jane Ford  
Jane Ford

Ronina Pethick  
Ronina Pethick

Barbara Young  
Barbara Young

## Appendix B

### **Members of the Joint Committee on Good Practices and Dispute Resolution**

#### **Government of Saskatchewan, Ministry of Education**

Frances Bast

Elaine Caswell\*

David Spencer

#### **Saskatchewan School Boards Association**

Connie Bailey\*

Lionel Diederichs\* +

Jaimie Smith-Windsor

#### **Saskatchewan Teachers' Federation**

Gwen Dueck\*

Tish Karpa

Rob Lehne

\* denotes co-chairpersons

\* Connie Bailey served on the committee for its entire term and assumed duties as co-chair for March and April 2013.

+ Lionel Diederichs left the committee at the end of February 2013 when he ceased employment with the Saskatchewan School Boards Association.

The committee acknowledges the significant contribution of Jim Jutras as facilitator of the processes undertaken by the committee to fulfil the terms of reference.

## Appendix C

### **Participants from LEADS and SASBO Who Informed the Committee's Work**

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The committee appreciated the contributions of the following school division human resource leaders who participated in a teleconference with the committee on December 12, 2012.

#### **League of Educational Administrators, Directors and Superintendents (LEADS)**

Allan Boutin

Kyle McIntyre

Brenda Vickers

#### **Saskatchewan Association of School Business Officials (SASBO)**

Bob Bayles

Dean Biesenthal

Michelle Leith

Phil Benson, Executive Director of SASBO, and Allan Boutin, representative of the LEADS Human Resources network, also provided additional information regarding the credentials and professional development of human resource leaders.

## Appendix D

### **Belief Statements – Good Practices and Dispute Resolution**

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The committee's review of the 2002 *Good Practices and Dispute Resolution* report affirmed the key concepts that provide a critical foundation for good human relations and dispute resolution practice. The committee concluded that these ideas must be widely understood and offers the parties a succinct version for their use as per Recommendation A. 1. The committee also found that the same powerful ideas were expressed in the preface to the *2010-2013 Provincial Collective Bargaining Agreement* in such a manner that it might also be used as a means of promoting the understanding of these critical concepts.

#### **Preamble to the 2010-2013 Provincial Collective Bargaining Agreement**

The Saskatchewan Teachers' Federation, the Saskatchewan School Boards Association and the Government of Saskatchewan affirm their commitments to a culture that holds the greater good of publicly funded education at the forefront of their behaviours.

The relationships in this culture are characterized by cooperation, trust, mutual respect and transparency while seeking common understandings.

The parties to this Agreement recognize the value of collaborative processes in support of negotiations in matters that are outlined in legislation and any other matters that we jointly agree to bargain. (p. 1)

#### **Belief Statements Regarding Good Human Relations Practices and Dispute Resolution**

A legal framework directs and guides the practice of human relations and dispute resolution. Members of the educational community must be committed to their respective codes of conduct and to excellence in their professional practice. In addition to the legal framework and codes of conduct, the committee believes that practice should be guided by the following beliefs regarding the interaction of members of the Saskatchewan educational community. These beliefs, often expressed in the wording of the 2002 report, are organized within the larger concepts drawn from the above preamble to the *2010-2013 Provincial Collective Bargaining Agreement*.

#### **Seeking the Greater Good**

##### **Greater Good**

The greater good of public education should be foremost in the minds and actions of individuals, organizations and the parties to this document.

##### **Respect for Diversity**

The education system should hold an inherent value in the contributions of all members of the educational community and be inclusive of the wide range of cultural and individual diversity.

##### **Equity**

Participants in the educational system should have access to and benefit from all available opportunities, processes and programs.

## **Trust**

### **Trust**

Trust is key to successful human relations and amelioration of disputes. Members of the educational community should have confidence in other individuals and organizations.

### **Trustworthiness**

All parties to the agreement as well as all individuals should act in such a manner as to be seen as trustworthy by others. Reliability, consistency, honesty and openness all contribute to such trustworthiness.

### **Transparency**

Policies, procedures and processes should be clear, accessible and consistently applied.

### **Good Faith**

The best effort of individuals is supported when there is an expectation that these individuals are trusted to do their best and to work diligently toward students' learning success.

## **Mutual Respect**

### **Honour**

Members of the educational community should commit to conducting themselves in such a manner as to bring respect and high regard to the educational community.

### **Ethical Behaviour**

To function as a community, participants' behaviour should be guided by codes of conduct and by the desire to make a positive difference in the lives of students and society.

### **Integrity**

The parties and individuals should act in such a manner that their actions are consistent with their expressed personal and organizational beliefs and intentions.

### **Civility**

The parties and individuals should conduct themselves in a polite and respectful manner and work through disagreements in a manner that respects the dignity of all participants.

## **Co-operation and Responsibility**

### **Fairness**

Participants in education should demonstrate open-mindedness, objectivity and balance of viewpoint.

### **Collaboration**

Problems are best addressed when the parties and participants work together in a problem-solving manner. An interest based approach is one option for collaborative problem solving.

### **Accountability**

Individuals and organizations should demonstrate responsibility and be accountable for their interactions with others.

## Appendix E

### **Goal Statement – Good Practices and Dispute Resolution**

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It is the goal of the parties to establish and sustain exemplary personnel relationships, practices and a culture that will support excellence in the learning and achievement of Saskatchewan's children and youth.

These exemplary practices should:

- Be inspired by the beliefs espoused and described in this document.
- Comply with the spirit and letter of the law and associated regulations.
- Honour established agreements and other covenants.
- Be guided by clear, regularly reviewed policies.
- Reflect the research regarding best practices in the various areas of human relations practice.
- Include decision-making processes that reflect the principles of due process.
- Promote organizational health and high morale.
- Provide opportunities for individuals to develop to their fullest potential.



