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Re: Final Report – Task Force on Teacher Time

On behalf of the Task Force on Teacher Time, I transmit to you the Final Report of the **Task Force on Teacher Time**.

It has been my privilege to act as Chair of this important Task Force. I wish to thank your respective members who served on the Task Force for their dedication and hard work, and also thank your organizations for the assistance provided during our deliberations.

Yours very truly,



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Task Force on Teacher Time Final Report – January 2016



This is the final report and recommendations of the Task Force on Teacher Time. The Task Force was established through an agreement, a Letter of Understanding between the three parties involved in provincewide collective bargaining under *The Education Act, 1995*:¹

- The Saskatchewan School Boards Association
- The Government of Saskatchewan, as represented by the Minister of Education
- The Saskatchewan Teachers' Federation

The background leading up to that Letter of Understanding is described in the Introduction, while the Letter of Understanding itself is attached as Appendix A.

¹S.S. 1995 c.E-0.2 (the "Act").

Contents

Introduction	1
Background	2
Assigned Tasks	4
Task Force Process	6
Current Statutory Framework	7
The Intensification of the Teacher Workload	13
Diversity	15
Central Questions	17
Definitions	18
Assigned Teacher Time	20
Assigned Teacher Time for Direct Student Instruction	21
Assigned Teacher Time Not Involving Direct Student Instruction	21
Professional Responsibilities of Teachers	22
Limits on Assigned Teacher Time	23
Tools for Regulating Assigned Teacher Time	24
Legislative Option	25
Collective Agreement Option	25
Hybrid Option	26
Basic Conclusion	27
Concluding Observations	28
Recommendations	30
Postscript by the Chair.....	31
Appendices	33
Appendix A: Letter of Understanding From 2013-2017 Provincial Collective Bargaining Agreement	33
Appendix B: Memorandum of Agreement Re: Teacher Assigned Time	39

Introduction

Teachers, like most other employees, swap work for pay. School boards, like most other employers, swap pay for work. Often, an employee's pay bears a direct relationship to the hours they work. But professional teaching is a unique form of employment. Teachers devote a great deal of time beyond the classroom: planning, marking, collaborating with others, all for the good of their school and the quality of student education.

Compensation for teachers involves an annual salary detached from a specified workweek. For their salary, and as professionals, teachers deliver classroom instruction during the school year, but they do a lot more than that. Some of it involves assigned non-teaching duties that must be performed at set times and places. Much of it involves self-directed work, which is essential for their teaching, but which can be carried out at times and places they choose.

Until recently, teachers drew comfort that their assigned time was closely related to the school day and the school year, matters set out in legislation. When legislation changed it left some teachers with the feeling that new demands were, or could be, placed on their time without restraint. At much the same time, some school boards found themselves having to carry out their responsibilities to provide quality education, including specified hours of student instruction, with restrained financial resources and without their earlier ability to raise revenue through local taxation.

Due to changes in legislation, some boards chose to lengthen the school day. Some teachers reasoned that longer days should mean higher salaries. This translated into enhanced financial demands during collective bargaining. Such expectations proved difficult to achieve; in the view of the Government-Trustee Bargaining Committee there was not, and should not be, any such link between the length of the school day for students and the salaries paid to, and the assigned time of, teachers.

Much time in bargaining was spent, some with the help of a Conciliation Board, in grappling with this issue, which, once all parties set aside their assumptions and simplistic solutions, proved complex and multi-faceted. Few denied that teachers are entitled to experience a reasonable work-life balance and that the demands placed upon them to complete assigned work should be subject to reasonable and ascertainable limits. However, given the self-directed nature of many professional duties, questions emerged. How should the various aspects of their work be defined, just what limits might be appropriate and who should set those limits? These questions had to be considered in the context of diverse demographics and geography, as well as the diversity of school boards and teaching assignments.

A new collective agreement was reached without resolving these questions but recognizing that answers had to be found. This Task Force was given that job. It requires us to answer just how can teachers be assured that the demands on their time will not expand without restraint, to the detriment of their personal lives or their capacity to carry out their self-directed professional responsibilities. It equally requires us to assess, and to state with some clarity, just what can be expected of a teacher, quantitatively, by their employing board in exchange for their salary.

The overarching goal is to strike a fair and respectful balance. A teacher's time is a valuable resource, to be compensated fairly, offered up professionally and used wisely, all for the betterment of Saskatchewan's students.

Background

Collective bargaining for Saskatchewan’s teachers takes place at the provincial level between the Saskatchewan Teachers’ Federation and the joint Government-Trustee Bargaining Committee established under *The Education Act, 1995*² and at the local level between local associations and individual school boards.

Provincial bargaining for the latest renewal of the provincewide collective agreement proved difficult, with the negotiation, and subsequent rejection, of two tentative collective agreements. A three-person Conciliation Board was established in August 2014 to assist. After many meetings and intense negotiations, the parties concluded an agreement, but not until the Conciliation Board had issued a detailed report as to what the parties ought to do.

That report, issued on February 6, 2015, explains the issues involved in that round of bargaining. Its Recommendation 12 was that the parties agree to the creation of, and a process for, a Task Force on Teacher Time. Once accepted, that recommendation became the basis for the Letter of Understanding previously alluded to.

The Conciliation Board’s commentary on “Teacher Time Issues” set the stage for its own recommendation, and thus for the work we have since undertaken. It first alluded to the separate work being done over the intensification of teacher time. The Conciliation Board then continued:

The issue the STF has sought to resolve at this bargaining table is the more concrete issue of hours of assigned work, whether assigned to instructional or non-instructional time. If teachers were production workers in a factory, the issue would be easy; an hour’s work would yield an hour’s pay. But teachers are not production workers, and their working time needs to be recognized in its several different aspects. Teachers spend important time directly instructing students, but school boards also assign them administrative, professional development or organizational responsibilities. Beyond that, and in their unregulated time, they plan, mark, keep up to date and generally ensure they live up to the professional standards expected of them.

Just before conciliation began, and in a joint effort to find solutions, the parties formed a “Joint Committee on Student and Teacher Time.” While making substantial progress on both intensification and assigned work issues, they were unable to find workable solutions.

This is a “Whack-a-mole” issue. Taking a piecemeal approach, trying to knock down each issue separately, inevitably leads to related questions and to new problems popping up. These issues are not insoluble, but they are complex. Despite the parties best efforts, and the best efforts of this conciliation board with its experience in educational bargaining, we were unable to come up with a series of workable, acceptable, solutions. It is not going to be solved by 140 character contributions on social media. Nor is it the sole preserve of the STF and the Government-Trustee committees in collective bargaining. There are other stakeholders, and broader social interests, involved. There are local issues, legislative issues, public policy issues and compensation issues, all in need of attention.

² Section 234 of the Act.

The Conciliation Board offered the following explanation of why it felt it necessary to recommend further study.

Everyone recognizes that teachers do much more than instruct students in their classrooms during school hours. They are assigned to do other tasks at other times, and they do much other work to enable them to be effective, albeit “off the clock.” Defining these differing aspects of a teacher’s professional responsibility is essential if collectively bargained terms are to be used, but precise definitions are elusive. It is true the pre-2012 legislation defined student hours, but this was, at best, only a rough metaphor for a teacher’s working time. Our recommendations build on the parties’ best efforts to craft these definitions, but an important part of the Task Force’s work, if this approach is accepted, will be to finish that process.

There are important issues behind teacher-time that involve the future role and autonomy of school boards, and the existing practice of negotiating locally over issues that can profoundly affect the assigned hours of teachers and the ability of school boards to fit non-classroom commitments plus prescribed student hours into a truncated school year. The elimination of revenue generation options for school boards, and the fear that alterations to local agreements will be resisted, exacerbate the problem.

The STF argues that the reason this teacher time issue has become acute now is because of the elimination of some important statutory protections. Assuming that to be so, it may well be that part of the most appropriate solution lies in the introduction of new regulations or legislation, in updated form, to address one or perhaps both of the key issues. Those issues are the minimum hours for, and the time within which, students should be taught and the parallel but not identical issues of the maximum (and perhaps minimum) hours that a teacher can be scheduled for classroom and extra-classroom work. The public policy decisions on student time are not self-evidently collective bargaining issues, although the STF can provide important insights. It will be difficult to design teacher-time solutions if student time and school calendaring issues remain in flux. Parallel but complimentary solutions are needed to ensure the success of both school administration and teacher collective bargaining.

Assigned Tasks

Through Appendix A, the parties to bargaining set out what they wished this Task Force to do, how it should be done and who should be involved in doing it. The Task Force has worked diligently to try to fulfil that mandate. Appendix A contains important directives worth noting here. The issues were defined this way:

Provincial teacher collective bargaining yields, among other things, an annual pay rate for full-time teachers and a pro-rated pay rate for part-time teachers. The parties wish to identify a way of expressing, in clear terms, the expectations of a full-time teacher, and by extension a part-time teacher, in terms of the quantity of time a teacher can be assigned work by their employing school board.

The parties wish to identify an effective mechanism to regulate the quantity of time a teacher can be assigned work generally within the definitions used below. That mechanism may include the enactment of appropriate regulatory or statutory terms, collectively bargained terms and conditions of employment, the incorporation by reference of statutory or regulatory terms into collective agreements or some other process or processes.

The Task Force was instructed to consider the following specific topics, which we have done.

- The interrelationship of the regulatory control of student and instructional time and the assignment of teacher time.
- The diversity in the educational environment within which teachers and school boards operate and the necessity for flexibility in terms of the allocation of teacher time to accommodate that diversity.
- The influence of locally bargained terms and conditions of employment on availability and allocation of teacher time within the school division.
- The circumstances and manner in which policies established by school boards can or should be able to impact the time required to be expended by a teacher on carrying out their professional responsibilities.
- The mechanisms used in other jurisdictions to address similar issues.
- The work done by the Joint Committee on Student and Teacher Time.

It called for a report, to be issued in January 2016, "... with the objective that recommendations, following the discussions referred to below and where mutually agreed to, will be implemented for the 2016-17 school year."

[The Report will make] ... recommendations, supported by rationale, which address the following questions:

- Are the definitions described above, or some variant on those definitions, appropriate ways of addressing the allocation of teacher time?
- How have, or may, changes to the statutory regulation of the school year and of instructional time affect the allocation of teacher time and any mechanisms to regulate the times teachers may be assigned duties within the above definitions or variants of those definitions?
- In what way can the expected work time for a teacher (aside from provisions already in place such as articles 2.3 and 2.6 of the Provincial Collective Bargaining Agreement) be described and how might maximum teacher time be established and enforced?
- What maximum figures are appropriate?

- What is the appropriate regulatory or collectively bargained mechanism for ensuring that minimums and maximums are incorporated into the annual school calendaring process?
- How can any global statement of the expectations of a teacher be adjusted to accommodate the needs of particular educational situations?
- How could/should variations in locally negotiated terms and conditions of employment that affect the availability or allocation of teacher time be integrated into provincially bargained, uniform provincial salary rates?
- How do such considerations apply to persons working less than full time?
- How might we incorporate other comments or recommendations that, while extending beyond the question of teacher time, arise from the Task Force's work and deserve consideration by the parties?

Task Force Process

The parties appointed the following members to the Task Force:

Chair Andrew C. L. Sims, Q.C.

Members

- Clint Repski Assistant Deputy Minister, Ministry of Education
- Patrick Maze President, Saskatchewan Teachers' Federation
- *Greg Miller Associate Deputy Minister, Ministry of Education
- Gerry Craswell Executive Director, Information Management and Support, Ministry of Education
- Ronna Pethick Vice-President, Saskatchewan School Boards Association
- Ray Morrison Chair, Saskatoon School Division No. 13
- *Randy Cline Vice-President, Saskatchewan Teachers' Federation
- Michael Gatin Senior Administrative Staff, Saskatchewan Teachers' Federation
- Randy Schmaltz ... Senior Administrative Staff, Saskatchewan Teachers' Federation
- Leanne White Senior Administrative Staff, Saskatchewan Teachers' Federation

*Incoming STF President Patrick Maze replaced Randy Cline as a member and he also participated as an observer during the May meeting. Assistant Deputy Minister Clint Repski replaced Greg Miller when Mr. Miller took on new duties within government.

The Task Force met in Saskatoon on the following dates:

- April 22, 2015
- May 19, 2015
- June 23 and 24, 2015
- July 27, 2015
- September 21, 2015
- October 8 and 9, 2015
- November 20, 2015
- December 18, 2015
- February 12, 2016

Ms. Brenda Grevna was asked to act as recorder, and the Task Force wishes to express its thanks for her efficiency in carrying out that and other administrative tasks. Leanne White, Gerry Craswell and the chair reviewed minutes of each meeting prior to their circulation.

The Letter of Understanding called for two interim reports, the first of which was published on June 29, 2015, and the second on November 16, 2015.

Current Statutory Framework

Teachers have a form of “dual-status” employment. They are professional teachers as described in *The Education Act, 1995*, with the benefits, protections, duties and responsibilities that status entails. They are also local school board employees, governed by their contracts of hire and by the terms established in both the provincial collective bargaining agreement and their particular local agreement. Section 237 of the Act establishes the scope of bargaining for the respective committees. The provincial committees:

- (1)(a) shall bargain collectively with respect to:
 - (i) salaries of teachers;
 - (ii) allowances for principals and vice-principals;
 - (iii) superannuation of teachers;
 - (iv) group life insurance for teachers;
 - (v) criteria respecting the designation of persons as not being teachers within the meaning of any provision of this Act pertaining to collective bargaining;
 - (vi) the duration of a provincial agreement;
 - (vii) sick leave for teachers;
 - (viii) any other matters that may be ancillary or incidental to any of the matters mentioned in subclauses (i) to (vii) or that may be necessary to their implementation;
- (b) may bargain collectively with respect to matters other than those mentioned in clause (2)(a).

The local bargaining committees:

- (2)(a) shall bargain collectively with respect to:
 - (i) sabbatical leave for teachers;
 - (ii) educational leave for teachers;
 - (iii) salaries for substitute teachers;
 - (iv) the duration of a local agreement;
 - (v) pay periods for teachers;
 - (vi) special allowances for teachers;
- (b) may bargain collectively with respect to matters other than those mentioned in clause (1)(a).

Section 237(6) excludes certain matters from bargaining at either level.

- (6) No collective bargaining agreement is to contain terms regulating the selection of teachers, the courses of study, the program of studies or the professional methods and techniques employed by teachers.

This split between statutory and collective agreement provisions appropriately leads to collective agreements written in terms that reflect their statutory backdrop and being interpreted in ways consistent with the Act.

Over the last few years, the legislature has changed certain of the Act's provisions and moved others from the Act itself into regulations.³

When statutory provisions change, questions arise about whether the collectively bargained provisions need to change, perhaps to fill a void, to restate assumptions or to adapt to new circumstances. Some of the issues over teacher time raised during the last round of bargaining arose partly because of fears engendered by such changes to statutory terms. The Task Force began its work by reviewing current legislative provisions and the changes that preceded them. However, recommendations for the future need to start with current legislation, not assumptions carried over from legislation since repealed.

The Task Force examined the terms used in other jurisdictions to deal with similar issues, but found them of modest assistance because, in each case, they formed but one part of a larger statutory framework, unique to each province. It proved more productive to continue to craft terms suitable for Saskatchewan's own legislative and collectively bargained arrangements.

Most of the significant legislative changes did not so much involve teacher time as student time. The school year, the school day and other provisions defining when schools should operate were assumed to place restraints, and often in practice do place restraints, on when teachers are required to work, because so many teaching activities are tied to the times students are in school. The emerging complexities of schools and of teachers' duties have, if not broken, at least altered any assumed direct link between teacher time and student time or the school day. Nonetheless, when the regulations changed, concerns were raised and became significant in bargaining. One change in particular proved influential due to an apparently unintended effect. School boards had a mandate to provide a set number of student instructional hours. When the start of the school year was moved until after Labour Day, those hours had to be accomplished in a truncated calendar period, leading some school boards to extend the length of the school day.

The Task Force reviewed in detail the most significant provisions governing school operations and student instructional time, which are as follows.

Section 2 in *The Education Act, 1995*, states:

“school day” means a day within a school year:

(a) on which instruction is given to pupils or examinations or other educational activities involving pupils are conducted, and that may include time authorized by a board of education or the conseil scolaire, as the case may be, for the purposes of non-instructional time; or

(b) that is authorized by a board of education or the conseil scolaire, as the case may be, for the purposes of non-instructional time;

“school year” means the period commencing on July 1 in one calendar year and ending on June 30 in the next calendar year;

Section 163 of the Act gives a more particular definition for the school year:

163(1) In this section, “instructional day” means a day within a school year on which instruction is given to pupils or on which examinations or other educational activities involving pupils are conducted.

³ Regulations are passed by the Lieutenant Governor in Council and approved by cabinet subject to their authority within the Act to do so. The regulations are contained in *The Education Regulations, 2015*.

(2) A school year consists of 200 school days, but for any school year the minister may, by order, determine any lesser number of school days that the minister considers advisable.

(3) Unless the order specifies otherwise, an order made pursuant to subsection (2) remains in effect for subsequent school years until it is repealed.

(4) Subject to the regulations and to subsections (4.1) and (6), every board of education and the conseil scolaire shall determine:

- (a) the opening date and closing date of its schools;
- (b) school hours of operation; and
- (c) the schedule of operation for a school year and for any term, semester or other period of a school year, as the case may be.

(4.1) For any school year in which Labour Day occurs on or after September 5, the minister may, by order, set a date in September that is earlier than Labour Day as the first instructional day for the school year.

(5) In the absence of a minister's order pursuant to subsection (4.1), the earliest day that a board of education or the conseil scolaire may set as the first instructional day in a school year is the first day following Labour Day.

(6) The latest day that a board of education or the conseil scolaire may set as the last instructional day in a school year is June 30.

Section 370(1) of the Act empowers the Lieutenant Governor in Council to make regulations for a variety of subjects including the ability to define words or expressions used in the Act. Section 370 allows regulations:

(mm.6) for the purposes of section 163, prescribing matters respecting the school year, including:

- (i) prescribing general school hours of operation, and prescribing acceptable variations of those hours;
- (ii) prescribing the general schedule of operation for a school year;
- (iii) prescribing the amount of instructional time required in a school year;
- (iv) prescribing the type of activities that constitute instructional and non-instructional time;
- (v) prescribing the minutes in each school day that are to constitute a recess period;
- (vi) prescribing days as school holidays;
- (vii) prescribing vacation periods;
- (viii) prescribing notification requirements pursuant to which a board of education or the conseil scolaire shall notify its employees, trustees, parents and pupils, and the minister in the prescribed circumstances, of various matters respecting the school year;
- (ix) authorizing the minister to determine any of the matters set out in subclauses (i) to (viii);

(nn) respecting any matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the purpose and intent of this Act;

(oo) prescribing or governing any other matter or thing required or authorized by this act to be prescribed or governed in the regulations.

These regulation-making powers describe what can be prescribed or amended without the necessity of a change to the Act itself, although with provincial cabinet approval and in accordance with legislated procedures for due process and consultation. Assigning such matters to regulation, of course, may make them appear less secure to some than would be the case if the rules were in the Act itself, but this difference is essentially a question of the time it takes to make changes.

The specific regulations concerning student instructional times are:

School day

27(1) A school day shall consist of not less than five hours of:

- (a) instructional time;
- (b) non-instructional time; or
- (c) a combination of instructional time and non-instructional time.

(2) Each school day on which instruction is given to pupils must include:

- (a) a recess period of 15 minutes, or break periods amounting to 15 minutes, in each the morning and the afternoon; or
- (b) a recess period or break periods amounting to 30 minutes.

School year

28(1) In each school year, every board of education and the conseil scolaire shall provide at least:

- (a) 950 hours of instructional time for grades 1 to 12; and
- (b) 475 hours of instructional time for kindergarten.

(2) Subject to subsection (1), a board of education or the conseil scolaire may allow for fewer than five school days in a week.

Other regulations carve out certain statutory holidays like Christmas and spring break, and set a minimum period of six weeks for summer vacation. Primarily for the purposes of regulating the students' educational experience, the regulations set out two definitions:

Instructional time

25 Instructional time is any time in which pupils of a school are in attendance and under teacher supervision for the purpose of receiving instruction in an educational program, including work experience programs, parent-teacher-pupil conferences, examinations, and other learning activities provided by the board of education or conseil scolaire.

Non-instructional time

26 Non-instructional time is any time:

- (a) when pupils of a school are not in attendance but teachers are present at the school or at another site agreed to by the board of education or conseil scolaire; or
- (b) when teachers are present at the school and pupils of the school are in attendance at school but are not receiving instruction in an educational program.

This definition of non-instructional time serves to include such days in the calculation of the school year.

For the discussion that follows, it will be important to recognize the breadth of a teacher's professional responsibilities defined in Section 231 of the Act.

231(1) A teacher is responsible, in co-operation with staff colleagues and administrative authorities, for:

- (a) advancing the educational standards and efficiency of the school;
- (b) participating in educational planning by the staff and the board of education or the conseil scolaire; and
- (c) advancing his or her personal professional competence.

(2) A teacher shall:

- (a) diligently and faithfully teach the pupils in the educational program assigned by the principal;
- (b) plan and organize the learning activities of the class with due regard for the individual differences and needs of the pupils;
- (c) co-operate with colleagues and associates in program development and teaching activities pertaining to the class and individual pupils;
- (d) maintain, in co-operation with colleagues and with the principal, good order and general discipline in the classroom and on school premises;
- (e) conduct and manage assigned functions in the instructional program in accordance with the educational policies of the board of education or the conseil scolaire and the applicable regulations;
- (f) keep a record of attendance of the pupils for statistical purposes in the form that the department may prescribe or in any other form that may be recommended by the principal and approved by the minister;
- (g) report regularly, in accordance with policies of the school approved by the board of education or the conseil scolaire to the parent or guardian of each pupil with respect to progress and any circumstances or conditions that may be of mutual interest and concern to the teacher and the parent or guardian;
- (h) participate, under the leadership of the principal, in developing cooperation and co-ordination of effort and activities of members of the staff in accomplishing the objectives of the school;
- (i) exclude any pupil from the class for overt opposition to the teacher's authority or other gross misconduct and, by the conclusion of that day, report in writing to the principal the circumstances of that exclusion;
- (j) furnish, on request, to the board of education or the conseil scolaire, the director, the principal or the minister, any data or information in the teacher's possession respecting anything connected with the operation of the school or in any way affecting its interests or well-being;
- (k) deliver up any school records or other school property or property of the school division or conseil scolaire in the teacher's possession when leaving the employment of the board of education or the conseil scolaire or when requested in writing by the board of education or the conseil scolaire to do so;
- (l) exclude from the teacher's classroom any pupil suspected to be suffering from, or of being convalescent from or in contact with, a communicable disease and immediately report that exclusion to the principal who shall give notification of the exclusion and the reasons for it to the medical health officer;

(m) re-admit to the classroom, on production of a written certificate from the medical health officer, any pupil who has been excluded pursuant to clause (l);

(n) co-operate with the colleges of education of the universities in the education and training of teachers in accordance with the regulations and any policies of the board of education or the conseil scolaire with respect to access to the school and its facilities for that purpose;

(o) attend regularly all meetings of the staff convened by the principal or the director;

(p) advance or promote pupils in their work in accordance with the promotion policies of the school and under the general supervision of the principal; and

(q) co-operate with supervisors, consultants and other personnel, and undertake personal initiatives in activities intended or designed to enhance in-service professional growth and the development of professional competence and status.

The Intensification of the Teacher Workload

The Task Force, throughout its deliberations, has remained acutely aware that the demands on teachers' time involve a qualitative as well as a quantitative dimension. There is the time devoted to tasks and then there is the intensity of the tasks themselves. The Task Force discussed the report, *Understanding and Exploration of Teacher Time and Workload Intensification: Final Report of the Joint Committee*. That tripartite Committee provided recommendations that have influenced this Task Force's work. Indeed, their first recommendation made direct reference to our mandate.

Recommendation 1. Deliberation to resolve the outstanding teacher time issues continues through an alternate process that will result in formalized agreement on teacher time.

Key Actions:

- Establish an appropriate alternate process to address the quantity of time issue.
- Define scope and timeline.
- Establish formalized agreement and enact change.

Their third recommendation was also significant.

Recommendation 3. Every school division will have a calendar development policy and process that is based on the best practices, principles and processes, and includes consultations with teachers, students, parents, support staff, school community councils or the broader community into the school calendar.

Key Actions:

- Use practices set out in the Good Practices and Dispute Resolution report; review the current approach and implement the revised process.
- Communicate process to school community.
- Implement for 2016-17 calendar development.

It became readily apparent that each school board's calendaring development process is crucial to, and profoundly affected by, questions concerning assigned teacher time. Calendaring establishes, in a fairly concrete way, when and how assigned time will be employed. It is the process during which most choices between different time allocations have to be made. Calendar development must, with a finite number of available teachers, accommodate all the statutory requirements for the education of students, all locally agreed upon non-instructional assigned time commitments and much of the other work assigned to teachers.

The degree and quality of any consultations involved in the calendar development process influences the level of understanding and acceptance, by teachers, of the tasks they are assigned to undertake.

The focus of this Task Force has been on quantitative issues, rather than duplicating the work on qualitative issues already undertaken by that Committee. Five members of that Committee also served on this Task Force. They emphasized several points about the relationship of the work of the two bodies.

First, members emphasized the significant diversity of experience within the province. That is the subject of the next section. That diversity includes the variety of consultative practices and processes between local associations and locally elected school boards.

Second, given the progress of bargaining and the emphasis the STF gave to the quantity of teacher time (including its potential relation to compensation), that Committee decided to focus more of its efforts on the intensification of the teaching experience. While it developed draft definitions and made Recommendation 1, its work on the topic was essentially deferred to this Task Force.

Third, there is no really firm boundary between the quantity of teacher time and its quality and intensification. Additional assigned time that demonstrably improves the overall teaching experience and the quality of education for students creates less concern than additional work that is not perceived to have that result. According to teachers' representatives, part of the reason why teachers express concerns about both time and intensity of assigned non-classroom activities arises from lack of consultation, skepticism, or failure to buy in to some assigned activities. Simply adding more time to the school day does not translate into better teaching and learning experiences.

School boards offer another perspective, maintaining the right and responsibility to assign such activities as they feel are necessary and appropriate to achieve quality education. There may well be differing views on what is necessary, or of the highest priority, but calendaring decisions cannot always await unanimity, and at times decisions simply need to be made. Similarly, an initiative which requires teacher time to unfold, and which a school board believes is necessary, can be undertaken without a requirement for prior teacher approval.

Mixed views were expressed within the Task Force as to progress to date on the Joint Committee's recommendations. Beyond reflecting those mixed views, the Task Force will leave it to the parties to address such matters, involving the intensity of teacher time, directly and between themselves.

Diversity

Teaching is a diverse profession. Saskatchewan is a diverse province. School boards are diverse in size and geographical location, and face diverse challenges based on the students and communities they serve. Despite all that, we have been asked to find solutions that will work for all teachers, all school boards and throughout the province. In reality, some solutions that may seem appropriate for one school board may not work for another and vice versa.

Responsibility for the delivery of education in Saskatchewan lies with locally elected school boards. There is a “local autonomy” aspect to this, a clear statutory recognition of the diversity between school divisions and of their right, as a school board but within a statutory framework, to choose options that suit their locale. An important part of the concerns discussed by the Task Force revolve around the tension between the importance of local choice and pressures towards provincewide regulation.

The elimination of the local taxation option has already placed a significant restraint on school boards. The province now funds all school boards. While that funding currently still varies from board to board, some express concern that the homogenization of school board revenues may lead to the standardization of other aspects of education and a resulting reduction in local choice. These concerns are felt not only by school boards, but also by local associations, particularly those who have negotiated more liberal allocations of time towards things like professional development. To the extent limits on assigned time are recommended, they may well require choices as to just which uses of assigned teacher time have the highest priority, and these choices may have to be faced by local associations at the bargaining table as well as by school boards themselves.

Teacher tasks outside the classroom that might be considered “assigned time” can be consumed in a variety of ways. Some local agreements commit the local boards to providing more time for professional development days and other such activities than do others. These are choices made through local collective bargaining, but bargained commitments may create less flexibility for a locale than exist elsewhere when assigning responsibilities within provincially established limits. In other locales, there may be less contractually negotiated assigned time, but more school board or administrative initiatives. Such initiatives may require teachers to undertake specified, but out-of-the-classroom, work to support things like professional development, attending meetings or participating on committees and engaging in other work such as system-wide educational initiatives. By saying this, we do not mean to imply that all these activities fall within the definition of assigned time we recommend below.

The Task Force examined three surveys to obtain a clearer picture of this diversity. First, it considered demands upon assigned teacher time for out-of-the-classroom activities; for example, professional development or preparation time, contained within local collective agreements (often called LINC agreements). It then considered similar demands on teacher time due to school board policies and procedures. This included policies touching on demands such as preparation time, supervision in its various forms and various types of extracurricular activities. These surveys helped inform the discussion as to what activities should be included within any definition of assigned time.

Third, the Task Force reviewed information, for 2014-15 and 2015-16, on the number of instructional days and non-instructional days in school calendars. This same survey showed the number of instructional hours in each school day and thus the total instructional hours in each school year. This assisted the discussion of potential limiting mechanisms and totals, since it gave a clearer view of the range of current practices and helped identify averages and outliers for each parameter.

Frequently, as the Task Force discussed the issues before it, the discussion would lead back to this annual calendar development process. Such processes are decided within each school division, and involve planning and priority setting by the board and its administration, along with varying degrees of consultation and collaboration with teachers and other educational stakeholders.

The Task Force recognizes that the choice of process will not be the same within each jurisdiction and that diversity is appropriate. However, there are common features and best practices that can be shared. The Task Force has come to recognize the value of collaborative and consultative processes with respect to the issue of calendar development and trusts that the process can be carried out in a respectful way, focusing all involved on the best interests of the student beneficiaries of the evolving calendar.

Our discussions suggest that there is diversity in the attitude of, or satisfaction with, the consultation processes between school boards and local associations. Ideally, school divisions would have developed highly collaborative and mutually respectful relationships. We are in no position to evaluate these relationships individually. However, we can suggest that part of the concern over the allocation of teacher time derives from the feeling that, on occasion, there has been a lack of genuine consultation or where, in the view of some teachers, the potential for improvement to the quality of education is not self-evident. That said, it is apparent that this is not solely a question of communication and collaboration; sometimes it simply reflects differing views on educational philosophy or on the right to manage.

One last observation needs to be made about diversity. School boards, while represented by an association, are autonomous entities. The Saskatchewan School Boards Association has no authority to direct boards to follow any particular approach. In different ways the same is true of local teacher organizations with respect to local bargaining. Local choices, by either side, particularly if outside the norm of provincial practice, can and sometimes do create pressures at the provincial bargaining table. These pressures can, in turn, result in consequences for all participants. It gives common interests that, at times, should transcend pure local autonomy.

Central Questions

This report now turns to three central questions.

- If the quantity of assigned teacher time is to be capped or otherwise regulated, how do you define the different aspects of a teacher's work?
- If a cap is to be introduced, what should be capped, and at what level?
- If such caps or regulation is to be accomplished, through what vehicle should it be carried out?

Definitions

Appendix A includes an early attempt by the parties' own Committee to craft definitions that might be used to regulate teacher time. As soon as the Task Force met it began, using this as a starting point, to refine these definitions, based on the concerns and interests of school boards, teachers and the Ministry of Education.

Initially, it was necessary to explore and, to a large degree, separate issues about the definition of teacher time from the related but distinctly different questions of student time.

Teachers are generally (although not exclusively) assigned classroom and other duties while students are in the school. But this is not a one-on-one relationship. Particularly in larger schools and in the higher grades, students experience several different teachers during the school year. Teachers also experience different levels of assigned classroom or student instructional time. The point is that assigned teacher time is not linked, except very indirectly, to the legislative rules governing the amount of instructional time students must receive, whether that be described in days, hours in the day, or by the length of the school year.

In broad terms, during the school year, the time a teacher devotes to their professional tasks falls into three broad categories. The first can colloquially be called classroom time, the time the teacher is assigned to teach students. The second broad category is time the teacher is assigned to carry out other teaching duties, beyond this classroom time, which can involve a variety of teaching-related assignments. This time is distinguished from the next and third category in that the time the teacher devotes to these activities is set by the school or the collective agreement, not by the teacher themselves. The third category involves the teacher's "take-home work," activities like class preparation, marking and other professional duties unregulated as to when and where they must be done, but still a part of the teacher's overall workload worthy of careful consideration when assessing the individual's ability to maintain an appropriate work-life balance.

On top of these three categories, the Task Force would be remiss if it did not recognize the additional personal time many teachers volunteer for those extracurricular sports, cultural or similar activities that can add so much richness to the student experience.

All concerned recognize that teachers are professionals who are not, and do not expect to be, paid by the hour on a punch-in/punch-out time clock basis. Similarly, all recognize that each teacher faces different demands on their time in qualitative as well as quantitative pressures. No one has suggested that teachers' conditions can or should be homogenized or that any departure be made from the common salary grid applicable to all teachers.

Where the pressure for limitations arises is when assigned time, being a combination of classroom duties and other assigned professional duties, reaches a level that, combined with their essential "take-home work," becomes or appears to become inordinately high. The general sense is that some limit placed upon the amount of assigned work by the day, the week or cumulatively over the year would be appropriate, but initial views differed on what such limits might be. The wish for such limits does not seek to diminish, or have "clocked," the "take-home work" that each teacher undertakes. Quite the contrary, in many respects it seeks limits to the amount of assigned hours precisely so that this other work can be done within a reasonable division between a teacher's total working hours and their non-working hours.

In the view of many teachers as expressed to and by their Federation, the volume of assigned but out-of-classroom duties appears to be expanding, and is adding time-consuming responsibilities that spill beyond the confines of a reasonable workday.

In advocating for change in this area, teachers emphasize that the concern of the majority of the profession is the quality of the education they provide students as they pass through their classrooms. Despite, in negotiations, the issue having been presented as a concern about adding unpaid minutes to the school day, it appears the real sources of concern go deeper than that and include the following. They relate to the way pressures have been placed on those responsible for scheduling to achieve the newly enacted minimum 950 student instructional hours within a limited school year. They concern what some view as an increase in less than productive administrative or paperwork duties that do not self-evidently contribute to their view of better teaching outcomes. They concern the unilateral assignment of such duties without consultation and dialogue with the teachers affected. Describing such views is not to validate them, only to identify what sometimes lies behind the push for monetary compensation or regulation in respect to teacher time concerns.

The government's interest is in ensuring that students receive a sufficient number of hours of instruction to give them an appropriate educational experience. There are honest differences of view over the question of "quantity versus quality." That aside, the government's focus is more on student time than on teacher time, and its definitions of instructional time are designed primarily for that purpose. The government's choice to legislate start and end date parameters for the school year serves a slightly different purpose, but again, these provisions are focused on the student experience rather than on teacher time.

School boards and individual schools work on a calendar system, and it is in the putting together of these calendars that these teacher time issues surface. School boards operate within an allocated budget, without the power to raise their own revenues. Scheduling requires:

- Establishing sufficient classes of appropriate size and diversity to meet student and curriculum needs.
- Allocating time or days to meet the requirements of locally bargained collective agreements that result in a need to assign time outside of classroom time.
- Providing sufficient assigned time, beyond classroom time, to achieve what the school board or school wishes to achieve, using teachers assigned to undertake activities outside of the classroom, but not of a "take-home work" nature.
- Achieving all this within the confines of the statutory requirements related to school year and instructional time.

The ability to balance these demands depends on the level of funding available, the number of teachers available, the choices made jointly through local collective bargaining and the choices made as to what non-classroom assigned time is warranted.

The Task Force members spent considerable time debating what definitions would most appropriately describe the concepts that, so far, this report has only referred to loosely. It is in this discussion that the members' substantial experience as school trustees, as teachers, as principals and as administrators at the board or provincial level proved illuminating. There is little current empirical research that analyzes the way a Saskatchewan teacher's workweek unfolds. However, the Task Force examined a 2012 study involving Calgary teachers that provided assistance on this question by breaking down time spent into quite discreet categories.⁴

⁴ *The New Work of Teaching: A Case Study of the Worklife of Calgary Public Teachers*. An ATA Research Update: February 2012.

The Task Force recommends the following definitions be adopted. In anticipation of a recommendation below, they are in the form of contract language. As the Task Force grappled with definitions, it found it helpful to craft not only the basic language, but to accompany that language with explanatory paragraphs of the kind the parties have used in their regular companion piece to their Provincial Collective Bargaining Agreement, the *Interpretive Bulletin*. These explanatory notes help explain why the particular definitions are recommended.

1. A teacher's time falls within one of the following three categories:
 - (a) Assigned teacher time.
 - (b) Time spent carrying on the teacher's professional responsibilities as a teacher beyond their assigned teacher time.
 - (c) Voluntary time spent on extracurricular activities and similar matters of benefit to the educational system and students, but extending beyond what the teacher's professional activities require them to do.
2. Assigned teacher time consists of the total of assigned teacher time for direct student instruction and assigned teacher time not involving direct student instruction.
3. Assigned teacher time for direct student instruction will customarily take place during the school day as defined in *The Education Regulations, 2015*, but need not encompass the entire school day thus defined, and may extend beyond the school day.

Explanatory Note: *Item 3 and the recommendations for regulatory change that follow draw a distinction between teacher time, a matter over which teachers and the STF have a particular interest, and the parallel concept of student time, a matter the province regulates in the interests of ensuring appropriate educational standards. While teacher time and student time often span the same time on the clock, they are not the same concepts and need to be defined in a way that provides a clear understanding of the differences between the two.*

Assigned Teacher Time

4.
 - (a) In order to provide for the instruction of students and to administer schools and the programs they offer, the school or the employing school board or conseil scolaire will assign teachers to attend to teaching duties at designated times and places subject to any negotiated or contractual limits.
 - (b) Assigned time occurs within a school year as defined by Section 163 of *The Education Act, 1995*, RSS c. E-0.2 and the regulations thereunder, which includes periods that are considered either instructional time and non-instructional time as defined in sections 25 and 26 of *The Education Regulations, 2015*.
 - (c) Assigned teacher time means the sum of assigned teacher time for direct student instruction and assigned teacher time not involving direct student instruction, each as defined below. Assigned time includes duties assigned by the school board or school as well as duties assigned as a result of collectively bargained provisions.

Explanatory Note: *The concept of assigned time is not intended to adopt a time clock approach for the teaching profession. It is tied into the concept of the annual school calendar. Teachers, as a matter of professional responsibility, are expected to arrive at school sufficiently in advance of their assigned time duties so as to be ready to perform their assigned duties. The same is true at the end of those duties, recognizing that some time is usually needed for conversations with peers, discussion of current events in the school and so on. Fifteen minutes before and*

after the assigned duties might be needed for such activities, but this is conceived of as simply an aspect of a teacher's professional responsibility and not as assigned time for the purpose of the limits on assigned time.

Assigned Teacher Time for Direct Student Instruction

5. Assigned teacher time for direct student instruction is any time in which pupils of a school are in attendance and under the teacher's supervision for the purpose of receiving instruction in an educational program, including work experience programs, parent-teacher-pupil conferences, examinations and other learning activities provided by the board of education or conseil scolaire.

Explanatory Note: *Practically, in the large majority of cases, the teacher's day will be linked to the school day, and assigned time for direct student instruction time will closely parallel the times students will attend which currently range between 5.0 and 5.3 hours per day, varying with the number of school days and related factors.*

Assigned Teacher Time Not Involving Direct Student Instruction

6. (a) Assigned time not involving direct student instruction are those times when a teacher is assigned duties to be undertaken at designated times or places that do not involve direct student instruction and may not involve the presence of students. Such assigned duties include, but are not limited to, system-scheduled staff meetings and professional development or in-service training that are directed and required by the school division, in such a way they are or could reasonably be scheduled as part of the school division calendar, and therefore would be consistent for all teachers in the division.

Explanatory Note: *This definition includes expectations that are common for all teachers, though these may vary from teacher to teacher. Assigned time includes non-instructional days; for example, when teachers are expected or required to attend professional development sessions, participate in professional learning communities, school-wide planning days or administrative days (that is, the turnaround days, and those days that usually occur at the beginning or end of the school year). The hours of those days would typically be the number of hours equivalent to an instructional day, but need not be, and could be defined in the school division calendar.*

System-scheduled staff meetings are those times and tasks where staff is expected to participate, regardless of whether a particular day has been specified. For example, staff collectively expected to create a school plan that aligns with the Education Sector Strategic Plan, to be done outside the school day, but at a time or on a date left to their staff's discretion, would be included.

If a division provides early release time for staff meetings, that time would be included. If there is an expectation that a set amount of time outside the normal instructional day be devoted to the continuation of the staff meeting, that too would be included. If a division directs teachers to participate, for example, in 10 hours of required online professional development over the course of the year, this would be included.

Participation in committees as a school representative or participation in optional professional development would not be included.

- (b) Assigned teacher time not involving direct student instruction does not include:
 - (i) Time spent on school-related activities collectively agreed to by staff but not mandated by the school board or conseil scolaire.
 - (ii) Time spent beyond the normal assigned time to attend to unforeseen or emergent circumstances.
 - (iii) Voluntary time as referred to in 1(c) above.
 - (iv) Staff meetings to address non-system directed issues except when release time is given for the purpose of that meeting.

Explanatory Note: *Items 6(b)(i) and 6(b)(ii) recognize that circumstances arise in the life of every school that require attention. Item (i) addresses staff-identified needs of the school. Item (ii) is more directed at unexpected needs that arise due to unforeseen circumstances. Examples might include major weather disturbances, busing disruptions, the need to attend to or plan for unanticipated disruptions in the school's regular activities, fire, flood or similar unanticipated events. Item 6(b)(iii) simply makes it clear that voluntary time for things like extracurricular activities does not count towards the assigned time calculations.*

Professional Responsibilities of Teachers

- 7.
 - (a) Professional teachers are responsible for meeting those general functions and duties set out in Section 231 of *The Education Act, 1995*, RSS c. E-0.2.
 - (b) Nothing in the definition of assigned teacher time limits a teacher's obligation to discharge their professional responsibilities through a combination of assigned and non-assigned time.
 - (c) Teachers have discretion, to be exercised reasonably, as to when they carry out their professional responsibilities that extend beyond assigned teacher time. This includes duties where the outcome required of the teacher is mandatory, but the manner in which the teacher devotes their unassigned time to achieve that outcome is subject to the teacher's discretion.

Explanatory Note: *Supervision of students during recess or break periods is considered to be a part of the teachers' professional responsibilities and therefore is not considered to be assigned time.*

- 8. Nothing in these recommendations affect the duties and responsibilities of teachers who are:
 - (a) Principals, vice-principals and assistant principals with duties assigned in accordance with Section 175 of *The Education Act, 1995*.
 - (b) Co-ordinators, consultants and other employees who are in receipt of a special allowance.

Limits on Assigned Teacher Time

The Task Force considered a variety of ways to describe a reasonable limit on assigned teacher time based on the definitions previously set out. It considered options that placed some of those limits in regulations, and options that used only agreement terms. It weighed the possibility of adding a daily limit, but found that too restricting given the special situation of a number of schools with unique scheduling requirements, either now or in the future. These involved diverse issues such as student transportation, the schedules of non-teaching staff, special needs communities, the possibility of four-day weeks with extended hours during those four days, and so on. Ultimately, it concluded that the most flexible and practical cap would be to use a global figure within the school year. Various numbers were discussed as definitions developed, and then reassessed once final recommended definitions were adopted.

The figure of 1,044 hours is informed by the survey of the length of day and teaching days currently in use throughout the province, along with the current experience with negotiated and school board-directed assigned teacher time, recognizing, in both instances, that outliers exist. It is a figure that can be easily pro-rated for less than full-time employment. It was thought this figure was appropriate to avoid any need to reopen some local agreements. Currently, while the school year may be set at no more than 200 days, 197 days is specified. A total assigned hours cap is sufficiently flexible to still apply even if the specified number of days changes. In contract terms, this recommendation reads:

9. (a) The school year for teachers shall not exceed the number of school days specified in *The Education Act, 1995* and *The Education Regulations, 2015*.
- (b) A teacher's assigned time shall not exceed 1,044 hours within the school year.
- (c) Annual school calendars shall be designed, and Ministry of Education review shall ensure, that calendars can operate within the assigned teacher time limits referred to in (b).
- (d) Any remedy for exceeding the maximum teacher time shall be through the granting of compensatory hours at a future date and not by way of additional wages or overtime, except where sections 2.3 and 2.6 of the Provincial Collective Bargaining Agreement apply.

Explanatory Note: *Teachers who voluntarily accept additional responsibilities beyond those described in Section 231 of The Education Act, 1995, do so outside of their regular assigned time. Examples of this include field trips and student experiences beyond the classroom.*

Tools for Regulating Assigned Teacher Time

The Task Force considered three primary options for regulating assigned teacher time. They are, in summary:

Legislative Option

Amending *The Education Act, 1995*, or *The Education Regulations, 2015*, to define, and place limits on, assigned teacher time.

Collective Agreement Option

Adding terms to the collective agreement, or adding a letter of understanding to the collective agreement, with or without an expiry date, to define and place limits on assigned teacher time.

Hybrid Option

Using a legislative option, but in addition entering into an agreement or letter of understanding between the STF and the Government of Saskatchewan that the legislative or regulatory changes made to regulate assigned teacher time would not be changed – either without prior consultation, or until after an opportunity to address the issue through collective bargaining.

Each approach offers advantages and disadvantages, which the Task Force considered. Any one of these approaches could be used in conjunction with the definitions the Task Force believes are appropriate. The differences between the options relate to factors like flexibility, permanence and enforceability.

Legislative Option

Some might see the legislative option as the most secure, in that legislation is harder to change and not subject to the vagaries of periodic collective bargaining. However, that is less so now that most of the more specific matters are dealt with by regulation rather than as part of the Act itself. While regulatory change still requires that processes be followed, it does not require an act of the legislature.

The legislative approach has the disadvantage of perpetuating any past confusion. This has been between, on the one hand, legislation passed in the public interest to ensure what the government views to be an appropriate level of student instruction, and on the other, protection for teachers in terms of the time they must devote to carry out that student instruction. “Teacher time” and “student time” are simply not the same things.

By and large, terms and conditions of employment for teachers, except for their professional responsibilities and status as members of the teaching profession, have been dealt with by collective bargaining rather than by direct legislation. That is the case both in Saskatchewan as well as in the other jurisdictions the Task Force examined.

Legislative rules lack the enforcement methods contained in a collective agreement. While the Task Force has, throughout, favoured “prevention and pre-planning” over “enforcement and remedies,” legislation still leaves unanswered the question of what happens if a school board’s scheduling is, or is argued to be, contrary to that legislation. Collective agreements more readily provide an answer than do legislation or regulations.

The Task Force considered in some detail the possibility of assigning to the Ministry of Education the task of auditing proposed calendars for compliance with potential statutory rules. This presented a series of logistical difficulties that ultimately led to a rejection of that as a potential solution. Such a process would be insufficiently sensitive to local school differences and school board choices.

Legislative solutions are unilateral in nature. Ultimately, despite any commitment to consultation, it is government’s prerogative to change regulations and the legislature’s prerogative to change the Act. No formal school board or STF consent is required for either process. It is this reality that led to the examination of a hybrid approach discussed later.

Collective Agreement Option

This option would involve implementing the Task Force’s recommendations by a decision of the provincial negotiating committees; these are the parties with the authority to agree to amendments to the collective agreement.

A collective agreement is a form of contract, but it is also an educational tool that school boards, teachers and administrators use in order to understand the parameters within which they operate. It is a guide for operating as well as a contract that, if broken, yields a remedy. This is particularly true of the format within which the Teachers’ Bargaining Committee and the Government-Trustee Bargaining Committee have customarily published their collective agreement. In addition to the text of the agreement, they have regularly agreed upon and published a companion document called an Interpretive Bulletin to summarize and clarify the language in the main document. This approach is partly responsible for the very low number of grievances

and even lower number of arbitrations on the meaning of the Provincial Collective Bargaining Agreement than is experienced in most other jurisdictions. Again, it reinforces the role the agreement plays as a guide to practice, as opposed to simply a remedial tool.

An expressed concern about the collective agreement option is that collective agreement terms, once negotiated, may prove difficult to change or remove. That is true, to the extent such changes require consensus. That said, unless this issue is resolved in a way that is mutually acceptable now, it is certain to re-emerge in collective bargaining again and again, making future agreements more difficult to resolve. It is simply an issue unlikely to disappear. Complex issues, resolved under pressure in the heat of a dispute, rarely receive the detailed attention they need.

A second concern over the collective agreement option is that it might generate a series of individual grievances with individuals alleging non-compliance with the agreed-upon limits or definitions as they apply to the teacher's individual situation. The Task Force's recommendations include provisions to lessen that concern. The overriding purpose of the recommendations advanced is preventative, to provide a common standard that can be used in preparing school calendars that respect the specified limits on assigned teacher time. The definitions are written, as are the explanatory notes, to accommodate unexpected events. The remedy for any individual would be in the form of future time off, rather than damages. The record of the parties dealing effectively with grievances without arbitration is encouraging.

Hybrid Option

A technique used in the past to create a bridge between legislative provisions and contractual protection is for the government to agree, in a letter of understanding or "comfort letter" of some type, not to alter legislative provisions until a certain time, without consultation, without consent or some similar contingency. The current Provincial Collective Bargaining Agreement contains an example of this technique.

13.1 Protection of Classification

The Government of Saskatchewan agrees that the effective date of any amendments to Saskatchewan Regulation Chapter E-0.2 Reg. 11 effective May 6, 2002 under *The Education Act, 1995*, respecting the classification of teachers shall not fall within the term of this Agreement.

After considering this option, the Task Force's view was that it offered little advantage over the collective agreement approach.

Basic Conclusion

Having assessed these three basic approaches, it is the recommendation of the Task Force, as set out later, that the collective agreement option provides the most appropriate vehicle for adopting the processes and definitions we recommend. Appendix B sets out suitable language, in agreement format, but subject to renumbering, for inclusion in the current collective agreement. It is language that has built upon the previous work done collaboratively by the parties and represents the Task Force's best collective judgment, after months of careful study, of an appropriate balance of interests for the future.

Concluding Observations

This has been a difficult issue for the members of the Task Force to address. The Conciliation Board recommending this process did so in the expressed belief that these issues are both urgent and complex. The Task Force's experience reinforces that view. As our comments on diversity reflect, what may appear as easy solutions from one perspective too often raise difficulties from another.

Some may say the definitions and the limits proposed do not provide them with more than they have now, and perhaps less. However, in other locales the situation will be quite different. There is no one ideal solution that can satisfy every interest or demand. The recommendations establish what the Task Force views as a reasonable and achievable expectation of teachers backed up with a reasonable limit on assigned teacher time based on the best definitions of that concept we were able to craft.

The ultimate goal for the province, the school boards, the Saskatchewan Teachers' Federation and the large majority of the teachers it represents is the quality of student education. Nothing in these recommendations is meant to encourage the view that a teacher's professional responsibility is to be gauged by and compensated solely on the basis of "hours on the clock." The definitions proposed recognize what in the large majority of cases is the reality: that teachers spend significant amounts of unregulated, "unassigned" time carrying out their professional responsibilities in the broad sense that they are defined by the Act. They do so without that time being "assigned," but it is nonetheless time devoted to the educational needs of those students. This is in addition to the substantial contributions made by many through volunteer and extracurricular activities that, without remuneration or compensation, enhance the lives of so many students.

The role of school boards is a difficult one. They must provide first-rate education with limited resources and competing calls on those resources they do have. Negotiated limits on assigned time will, at times, require that choices be made, and priorities established as to which uses of assigned time hold the highest priority. The alternative of an unrestrained ability to assign teacher time beyond reasonable limits has the potential to create powerful collective bargaining demands for additional compensation, or to create dissatisfaction that, while ensuring that "assigned time" work is carried out, it is at the expense of the enthusiastic performance of broader professional responsibilities. The Task Force has no wish to see teachers disengage; engagement is an essential feature of successful teaching. No two teachers are the same, and the schools in which they work are each unique. We urge school boards and teachers alike to accept the parameters recommended in this report as reflecting a reasonable balance between their respective interests.

The Task Force also urges the parties to move forward expeditiously with these recommendations so they can, as anticipated, be implemented for the 2016-17 school year. Furthermore, the Task Force recommends that in situations where a decrease or an increase to teacher assigned time is contemplated or necessitated as a result of the recommendations advanced by this Task Force, such changes be addressed collaboratively at the local level and, if necessary, negotiated, so as to minimize the perception of wins or losses on the part of school boards and teachers.

There is a very strong and shared interest, among the stakeholder groups represented on the Task Force, in maintaining and improving the quality of education. They represent different interests, but they are interests all directed at a shared purpose. They are interests the Task Force has sought to balance, but without undermining those positive relationships that already exist. Striking a balance between their competing interests and views is ultimately better for education than leaving those competing perspectives unresolved.

One significant interest is that of the public at large. There are public expectations and government must allocate scarce resources among competing demands for public services. The Task Force mandate gives us no part in that debate. However, unresolved differences of view over the questions we have addressed can and often do present themselves both to the public at large and at the bargaining table in ways that can be unpredictable. We hope that by taking time to work through these issues, the public interest will be served in a more considered way than is possible in the heat of the moment during a labour dispute.

Recommendations

Having completed its consultation, the Task Force makes the following recommendations:

1. That the Teachers' Bargaining Committee of the Saskatchewan Teachers' Federation and the Government-Trustee Bargaining Committee convene forthwith on receipt of this report and enter into an agreement to revise the current collective agreement to include the provisions governing teacher time set out in Appendix B to this report, which consolidates the terms and conditions previously discussed. Further, those committees should agree to include in their Interpretive Bulletin, or some similar document, the explanatory notes included within the suggested collective agreement terms.
2. That the educational partners undertake a joint communication strategy to communicate these recommendations and the implications of these recommendations to all stakeholders.

Postscript by the Chair

It has been my privilege, after chairing the Conciliation Board that recommended this Task Force, to act as its chair and see its work come to a conclusion. I wish to thank my colleagues on the Task Force for their dedicated work, insights and frankness during this process. Each, as the appointee of a significant stakeholder, has had a difficult and delicate role to play. They served not simply as spokespersons for their appointers, but as individuals with a wealth of experience to share on these topics. They had to serve as ambassadors to and from their appointing communities. As such, they each skillfully and sometimes forcefully brought forward the interests of their appointers, but equally they worked together to find ways to come to mutually acceptable recommendations.

I also wish to thank, personally and on behalf of the Task Force, Ms. Grevna for her most efficient administrative support, and those persons, within each of the stakeholder groups, who provided backup services, documentation and research to support the Task Force's activity.

All involved showed a passion for high-quality education that infused and transcended differences of opinion and perspective.

This is the unanimous report and recommendations of the members of the Task Force, signed at the members' request by the chairperson on behalf of the full Task Force.

Dated at Saskatoon, Saskatchewan this 19th day of February, 2016.

A handwritten signature in black ink, appearing to read 'A. C. L. Sims', written over a horizontal line.

Andrew C. L. Sims Q.C., Chairperson

Appendix A

Letter of Understanding

Between:

The Saskatchewan Teachers' Federation

- and -

The Saskatchewan School Boards Association and the Government of Saskatchewan

as represented by the Minister of Education

Terms Used

"Education Act" means *The Education Act, 1995* S.S. 1995, c E-0.2.

"Education Regulations" means the *Education Regulations 1986*, as passed under the Education Act in the form in force on November 1st, 2014.

"Minister" and *"Ministry"* respectively mean the Minister of Education responsible for the Education Act and the Department of Education.

"Statutory" and *"statutory conditions"* include the provisions of the Education Act as well as the Regulations passed under the Education Act.

"School Board" includes school boards and conseils scolaires.

"SSBA" means the Saskatchewan School Boards Association.

"STF" means the Saskatchewan Teachers' Federation.

The Issues

Provincial teacher collective bargaining yields, among other things, an annual pay rate for full-time teachers and a pro-rated pay rate for part-time teachers. The parties wish to identify a way of expressing, in clear terms, the expectations of a full-time teacher, and by extension a part-time teacher, in terms of the quantity of time a teacher can be assigned work by their employing school board.

The parties wish to identify an effective mechanism to regulate the quantity of time a teacher can be assigned work generally within the definitions used below. That mechanism may include the enactment of appropriate regulatory or statutory terms, collectively bargained terms and conditions of employment, the incorporation by reference of statutory or regulatory terms into collective agreements or some other process or processes.

Starting Assumptions

The STF is the statutory bargaining agent for teachers within the Province of Saskatchewan. The various school boards throughout the Province employ those teachers.

Teachers are the members of a profession. The duties of professional teachers are described in Section 231 of the Education Act and elsewhere, as more fully described below.

Collective bargaining under the Education Act takes place on two levels; certain topics are negotiated with local school boards and others are negotiated provincially.

Terms and conditions for teachers involve a dual aspect. Some are defined by statute or regulation and others arise from these collective agreements.

The Minister of Education is responsible under the Education Act for the establishment of school boards or conseils scolaires, the regulations governing operation of schools, the designation of a school year and the requirements for student learning hours.

Report of the Conciliation Board

School boards are responsible for the operation of the schools within their authority including establishing their own school calendars and hours of operation within the parameters established by the statutory provisions.

Changes in instructional hours, the length and timing of the school year, among other factors, can have an impact on the times and dates on which teachers are scheduled to attend work and to fulfil assigned duties. Locally bargained provisions that affect assigned time but not instructional time may also impact on a school board's scheduling options.

What Has Been Done So Far

Changes were made to the statutory and regulatory environment including provisions for a post-Labour Day start to the school year, the implementation of a minimum of 950 instructional hours for students, and the removal of start and end times for the school day.

In collective bargaining towards a 2013-2017 collective agreement, the parties discussed proposals from the Saskatchewan Teachers' Federation that would provide caps of the daily and yearly teacher time (sometimes referred to as assigned or assignable time, although the term remains undefined) during the term of the collective agreement.

The parties recognized that the issue involves complexities as a result of recent regulatory changes, the diversity of school boards-local teacher collective agreements, and a lack of clear definitions as to what may be involved in teacher time.

In order to assess these issues, the parties formed a Joint Committee on Student and Teacher Time that met from August 2014 to January 2015. That Committee had a broad mandate which included teacher time, but its report, it is anticipated, will focus on the intensification of teacher work, leaving the question of teacher time remaining to be addressed by the processes described below.

Both parties recognize that there is a need to define certain terms when speaking of the **quantity** of time a teacher expends carrying out their professional duties. They also recognize that there are issues they need to address concerning the **intensity** of a teacher's work; that is, the degree of effort expended within a given time period given the various demands placed upon a teacher in carrying out their duties.

The discreet issue of the quantity of teacher time is of importance to all three parties and requires the additional and high-level consideration provided for by the processes described below.

Preliminary Definitions

The definitions below are agreed to as sufficient to define the issues to be discussed, recognizing that developing final and comprehensive definitions will form an important part of the Task Force's work.

The duties of teachers as set out in Section 231 of the Education Act, in force as of November 1, 2014, describe the professional responsibilities of teachers. Those responsibilities are further defined in *The Teachers' Federation Act, 2006*, in force as of November 1, 2014. Each school board has the authority to determine how these duties will be exercised during periods of teacher time (sometimes referred to as assigned or assignable time, although the terms remain undefined).

Student Instructional Time

Instructional time is any time in which pupils of a school are in attendance and under teacher supervision for the purpose of receiving instruction in an educational program, including work experience programs, parent-teacher-pupil conferences, examinations and other learning activities provided by the board of education or conseil scolaire.

Teacher Assigned Time

Teacher assigned time is the total time of teacher instructional time and teacher non-instructional time.

Teacher Instructional Time

Teacher instructional time is any time within a school year during which teachers are teaching students and includes instructional time as defined in Section 20.4 of the Education Regulations.

Teacher Non-Instructional Time

Teacher non-instructional time is time within a school year, which is defined as non-instructional time in Section 20.5 of the Education Regulations. For greater clarity, teacher non-instructional time would normally include, but is not limited to, classroom transition/hallway/recess supervision (if assigned), staff meetings, professional development or in-service training, administrative tasks, collaborative time, committee work and other professional activities intended to support a teacher in attending to his or her professional teacher responsibilities. These other non-classroom activities may occur in the school or at another approved site. Students may or may not be present. This involves duties where the outcome required of the teacher is mandatory, but the manner in which the teacher assigns their time to achieve that outcome is, within what is reasonable, subject to the teacher's discretion.

Professional Responsibilities of Teachers

It is jointly recognized that the discharge of teachers' professional responsibilities will necessarily extend beyond a teacher's assigned time such that professional teacher responsibilities will be discharged both during and outside of teacher assigned time. Teachers shall have reasonable discretion as to when they carry out their professional responsibilities that extend beyond teacher assigned time.

The Task Force Will Consider:

- The interrelationship of the regulatory control of student and instructional time and the assignment of teacher time.
- The diversity in the educational environments within which teachers and school boards operate and the necessity for flexibility in terms of the allocation of teacher time to accommodate that diversity.
- The influence of locally bargained terms and conditions of employment on availability and allocation of teacher time within the school division.
- The circumstances and manner in which policies established by school boards can or should be able to impact the time required to be expended by a teacher on carrying out their professional responsibilities.
- The mechanisms used in other jurisdictions to address similar issues.
- The work done by the Joint Committee on Student and Teacher Time.

Process

The parties agree to establish, collaborate with, and support a nine-person Task Force to enquire into, seek consensus about, and make recommendations concerning the issues described above.

Membership

The parties will select an independent third party who will chair the process and ensure that this process is followed. The chair will be a person agreed to by the Saskatchewan Teachers' Federation, the Saskatchewan School Boards Association and the Government of Saskatchewan.

The chair will be selected from persons with experience in the issues involved in the education labour relations environment. The chair will need the ability to gain a fulsome understanding of education and school administration and the concerns of teachers in respect to the demands upon their time related to their employee and professional responsibilities. In the event the chair is unable to act, the parties shall forthwith appoint a person to act in that person's stead.

The Task Force shall further consist of four members appointed by the STF, two members appointed by the Government, and two members appointed by the SSBA. In the event a member becomes unwilling or unable to act, the appointing party may appoint a replacement member.

Responsibilities

In undertaking its work, the Task Force shall, as soon as practicable:

- Consult with those parties the Task Force believes to be potentially affected by the issues in question in such a manner as it considers appropriate.
- Assess the data available to assist in the process and assess or commission such additional information and data as may be necessary.
- Issue consultation documents that frame the issues and solicit views as to appropriate solutions.

In addition, the Task Force may commission studies or call on persons with expertise, from the parties or external, to assist the Task Force in its deliberations.

The parties wish to engage in, and to have their selected chair encourage, a collaborative consensus based decision-making process wherever possible. The parties wish the process to be open and transparent. Members may express dissenting views in reports but every effort should first be made to achieve consensus recommendations. In the event consensus is not possible, recommendations shall be made on the basis of a majority vote.

Cost

The parties agree to share equally the expenses of their own members on the Task Force. The Minister will pay the costs and expenses of the chair. Each party may pay for and contribute in-kind support to the Task Force by way of administrative support and a secretariat.

Communications

The Task Force will establish a mechanism for communication with the parties, other stakeholders and the public and will adhere to that protocol. The parties agree to abide by the protocol adopted by the Task Force in the interests of avoiding mixed messages during the Task Force's proceedings.

Time Frame

The parties will appoint their members to the Task Force within 30 days of the coming into force of the new collective agreement.

The selection of the chair will take place within 30 days of the coming into force of the new collective agreement unless extended by the agreement of the parties.

The Task Force will commence its activities as soon as the appointments are complete. The Task Force may issue one or more interim reports if it believes it is appropriate to do so.

The SSBA will forthwith convene a meeting of its member boards and advise them of this process and its role in securing a collective agreement. They will urge the boards not, during the term of the Task Force process, to make unilateral changes to their school calendars and schedules that result in increases to the assigned times of teachers beyond those times currently in effect.

The Task Force will make two interim reports to the parties in writing on the progress it has made towards its objectives; the first in June 2015 and the second in October 2015. The Task Force will issue its final report and recommendations in January 2016 with the objective that recommendations, following the discussions referred to below and where mutually agreed to, will be implemented for the 2016-17 school year.

Expected Outcomes

The parties expect that the Task Force will issue a report that makes recommendations, supported by rationale, which address the following questions:

- Are the definitions described above, or some variant on those definitions, appropriate ways of addressing the allocation of teacher time?
- How have, or may, changes to the statutory regulation of the school year and of instructional time affect the allocation of teacher time and any mechanisms to regulate the times teachers may be assigned duties within the above definitions or variants of those definitions?
- In what way can the expected work time for a teacher (aside from provisions already in place such as Clauses 2.3 and 2.6 of the Provincial Collective Bargaining Agreement) be described and how might maximum teacher time be established and enforced?
- What maximum figures are appropriate?
- What is the appropriate regulatory or collectively bargained mechanism for ensuring that minimums and maximums are incorporated into the annual school calendaring process?
- How can any global statement of the expectations of a teacher be adjusted to accommodate the needs of particular educational situations?
- How could/should variations in locally negotiated terms and conditions of employment that affect the availability or allocation of teacher time be integrated into provincially bargained, uniform, provincial salary rates?

- How do such considerations apply to persons working less than full time?
- How might we incorporate other comments or recommendations that, while extending beyond the question of teacher time, arise from the Task Force's work and deserve consideration by the parties?

If and when the Task Force recommends that the issues under consideration are appropriately addressed through formal discussion between the parties to the collective agreement, they will meet within 60 days of receiving the report, to engage in good-faith discussion to determine the appropriate disposition of the recommendations, including but not limited to regulatory, legislative and collective agreement language. The parties will determine how to implement the recommendations during the term of the agreement.

Appendix B

MEMORANDUM OF AGREEMENT Re: Teacher Assigned Time

The parties to this memorandum agree that effective with the commencement of the 2016-17 school year, the following definitions shall further define the terms of employment for teachers with respect to the issue of teacher time.

1. A teacher's time falls within one of the following three categories:
 - (a) Assigned teacher time.
 - (b) Time spent carrying on the teacher's professional responsibilities as a teacher beyond their assigned teacher time.
 - (c) Voluntary time spent on extracurricular activities and similar matters of benefit to the educational system and students, but extending beyond what the teacher's professional activities require them to do.
2. Assigned teacher time consists of the total of assigned teacher time for direct student instruction and assigned teacher time not involving direct student instruction.
3. Assigned teacher time for direct student instruction will customarily take place during the school day as defined in *The Education Regulations, 2015*, but need not encompass the entire school day thus defined, and may extend beyond the school day.

Assigned Teacher Time

4.
 - (a) In order to provide for the instruction of students and to administer schools and the programs they offer, the school or the employing school board or conseil scolaire will assign teachers to attend to teaching duties at designated times and places subject to any negotiated or contractual limits.
 - (b) Assigned time occurs within a school year as defined by Section 163 of *The Education Act, 1995*, RSS c. E-0.2 and the regulations thereunder, which includes periods that are considered either instructional time and non-instructional time as defined in sections 25 and 26 of *The Education Regulations, 2015*.
 - (c) Assigned teacher time means the sum of assigned teacher time for direct student instruction and assigned teacher time not involving direct student instruction, each as defined below. Assigned time includes duties assigned by the school board or school as well as duties assigned as a result of collectively bargained provisions.

Assigned Teacher Time for Direct Student Instruction

5. Assigned teacher time for direct student instruction is any time in which pupils of a school are in attendance and under the teacher's supervision for the purpose of receiving instruction in an educational program, including work experience programs, parent-teacher-pupil conferences, examinations and other learning activities provided by the board of education or conseil scolaire.

Assigned Teacher Time Not Involving Direct Student Instruction

6. (a) Assigned time not involving direct student instruction are those times when a teacher is assigned duties to be undertaken at designated times or places that do not involve direct student instruction and may not involve the presence of students. Such assigned duties include, but are not limited to, system-scheduled staff meetings and professional development or in-service training that are directed and required by the school division, in such a way they are or could reasonably be scheduled as part of the school division calendar, and therefore would be consistent for all teachers in the division.
- (b) Assigned teacher time not involving direct student instruction does not include:
 - (i) Time spent on school-related activities collectively agreed to by staff but not mandated by the school board or conseil scolaire.
 - (ii) Time spent beyond the normal assigned time to attend to unforeseen or emergent circumstances.
 - (iii) Voluntary time as referred to in 1(c) above.
 - (iv) Staff meetings to address non-system directed issues except when release time is given for the purpose of that meeting.

Professional Responsibilities of Teachers

7. (a) Professional teachers are responsible for meeting those general functions and duties set out in Section 231 of *The Education Act, 1995*, RSS c. E-0.2.
 - (b) Nothing in the definition of assigned teacher time limits a teacher's obligation to discharge their professional responsibilities through a combination of assigned and non-assigned time.
 - (c) Teachers have discretion, to be exercised reasonably, as to when they carry out their professional responsibilities that extend beyond assigned teacher time. This includes duties where the outcome required of the teacher is mandatory, but the manner in which the teacher devotes their unassigned time to achieve that outcome is subject to the teacher's discretion.
8. Nothing in these recommendations affect the duties and responsibilities of teachers who are:
 - (a) Principals, vice-principals and assistant principals with duties assigned in accordance with Section 175 of *The Education Act, 1995*.
 - (b) Co-ordinators, consultants and other employees who are in receipt of a special allowance.

Agreement

The parties to this memorandum agree that for the purpose of clarifying the relationship between teacher salaries and teacher time the following conditions shall serve to further define the conditions of employment for teachers.

9. (a) The school year for teachers shall not exceed the number of school days specified in *The Education Act, 1995* and *The Education Regulations, 2015*.
- (b) A teacher's assigned time shall not exceed 1,044 hours within the school year.
- (c) Annual school calendars shall be designed, and Ministry of Education review shall ensure, that calendars can operate within the assigned teacher time limits referred to in (b).

(d) Any remedy for exceeding the maximum teacher time shall be through the granting of compensatory hours at a future date and not by way of additional wages or overtime, except where sections 2.3 and 2.6 of the Provincial Collective Bargaining Agreement apply.

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

at _____, Saskatchewan this _____ day of _____, 2016.

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

Signed on behalf of the Teachers of Saskatchewan

