



**Education and Early Childhood Development
Office of the Minister**

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December 4, 2016

Liette Doucet, President
Nova Scotia Teachers Union
3106 Joseph Howe Drive
Halifax, NS B3L 4L7

Dear Ms. Doucet:

Thank you for your letter of today, December 4, 2016 received at 2:15 pm.

By way of response, I would like to ensure I review the attention I have given to this subject since the NSTU Directives were outlined on November 28, 2016.

After considering the NSTU 'Work to Rule 2016' booklet, I wrote to you on December 1, 2016 and raised our serious concerns regarding the Directives you were giving your members. For example, your unqualified and specific directive to "NOT act as a teacher-in-charge" and "NOT to supervise students during lunchtime" (even in providing emergency on-call service) gave rise to serious safety concerns in our view.

You did not reply to my letter. (A copy is attached for ease of reference)

I consulted with School Board Superintendents and Board's senior staff and they shared the safety concerns and amplified them. For example, the SSRSB wrote, "In our view, the ability for us to maintain and ensure a safe, orderly and supportive learning environment is impossible to guarantee under the working expectations for NSTU members as described in the 'Work to Rule 2016' document. We also received concerns from agencies responsible for safety.

We are aware your members, Teachers and Principals, felt a conflict between what the NSTU was asking them to do and what they felt they were required to do under the Education Act. Your own memo of December 3, 2016 documents that, "Public School Teachers have expressed concerns [to NSTU] with respect to their responsibilities to students during NSTU Work to Rule Job Action" (December 3, 2016, NSTU memos to members attached)

As of December 3, 2016 faced with Teachers, Principals, Superintendents and senior staff, and senior public servants advising that risks to students had not been adequately addressed in the NSTU 'Work to Rule 2016' Directives to Members, and having had no reply from you to my letter of December 1, a Directive was provided to School Boards and Superintendents that they,

and Principals proceed with a closure of schools to students due to the unresolved safety concerns (sample copy attached).

Superintendents are responsible for safety in their regions. Principals have overriding responsibility for their specific schools and an obligation to create and maintain a safe, orderly, positive and effective learning environment (s.38). To answer your specific question, students may be admitted into schools when the safety concerns are addressed to the satisfaction of Principals, their Superintendents and the department.

In order for this to happen:

1. The NSTU must modify the 'Work to Rule 2016' directives to members (copy attached) so they comply with the Education Act. For example, the authority to act as a Teacher-in-Charge needs to be restored on an unqualified basis and emergency on call supervision during lunch must be restored. Likewise, the concerns documented by senior school board staff must be addressed to the satisfaction of School Superintendents, in modified NSTU 'Work to Rule 2016' Directives. Modifications can be provided to the Deputy Minister of Education when updated.
2. If School Superintendents and Principals are satisfied that they can meet their obligations for student safety, and maintain an orderly, positive and effective work environment that meets the duties under the Education Act, and they provide written confirmation acceptable to the Department to this effect, students may be re-admitted into the public schools in Nova Scotia.

Principals and Superintendents are responsible for ensuring student safety within school regions and specific schools. As of now (Sunday evening), I have not heard from the executive of the NSTU or from members of NSTU or Superintendents or Principals that their previously expressed concerns about student safety have been resolved.

Your advice to members of the NSTU in your memo issued on the morning of December 3rd that they have individual authority to modify a 'Work to Rule' Directive during a safety incident so long as it is modified "as minimally as possible" when responding is not sufficient. In an emergency a Teacher should not have to assess what it means to "modify" a Directive from their union "as minimally as possible". I am certain your members would act responsibly. Our issue is not with your members but with poorly thought out Work to Rule Directives to your members that gave rise to the serious safety concerns brought to your attention on December 1.

We all want our students to be in the classrooms with their teachers. If the items listed above (1 and 2) can be addressed quickly, students will be re-admitted to their classrooms. With diligence and good faith I am confident this can be resolved and Principals could be in a position to re-admit students to schools as soon as possible as long as the items listed above are met to the satisfaction of Superintendents and their Principals.

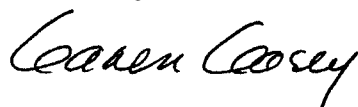
Until safety concerns described are addressed, Principals have an ongoing responsibility to ensure the safety in their schools, and they should comply with the directive. However, if a

student arrives at the school, the Principal is responsible for their safe keeping and should contact their parent (s). When Principals, Superintendents and the department are satisfied and prepared to be accountable in an unqualified way for safety in their schools and certify this in writing, students may be re-admitted into public schools throughout Nova Scotia.

I encourage you to take the opportunity to clarify and re-issue the NSTU 'Work to Rule 2016' Directives so they comply with the Education Act, and hasten the return of students to the classrooms.

Please share this letter and the attachments with your members. Should you, or your members, require any further clarification, please let me know as soon as possible.

Yours truly,



Karen Casey
Minister of Education and Early Childhood Development

c Sandra McKenzie, Deputy Minister
School Board Chairs
School Board Superintendents

Attachments