

BACKGROUND

FREQUENTLY ASKED QUESTIONS: IN DISPUTE

What does “in dispute” mean?

- In dispute is a rarely used process and reserved for the most serious situations that attack the rights of teachers. The process has been used only 14 times in the last 62 years with the last time being in 2002.
- In dispute is declared when an employer makes an egregious action that is detrimental to its relationship with employees and demonstrates significant disregard and lack of respect for employees and/or the collective bargaining process.
- It is a formal process that publicly declares that a school division has proceeded in a manner that substantially interferes with good faith collective bargaining and an unfair labour practice.
- The process can be paused at any time if the employer rectifies its actions and demonstrates a willingness to return to the table and bargain in good faith.

What is the impact of putting a division in dispute?

- Putting an employer in dispute will exert pressure for them to respect fair bargaining practices and help them to return to the table and negotiate in good faith.
- According to [STF Bylaws 7.2.2. and 7.4.7.](#), any member of the STF who applies for or accepts a position, including as a substitute, with an employer who is in dispute, would be in violation of the Code of Collective Interests and be subject to the complaints process.
- Teachers in violation of the Code of Collective Interests could have their names published in STF publications and shared across the country.

Does this designation impact all school divisions?

- No. The “in dispute” designation only applies to Northern Lights School Division.
- Teachers would only be in violation of the Code of Collective Interests if they apply for and/or accept a job with NSLD. **This includes substitute teachers.**
- Teachers currently employed with NLSLD and all teachers province-wide can apply for and accept positions with any division other than NLSLD without being in violation of the Code of Collective Interests.

How is a division put in dispute?

- Putting a school division in dispute is the decision of the STF Executive.
- In this case, information was presented to the Executive during its meeting on June 14, 2023.
- The Executive voted unanimously in favour of putting Northern Lights School Division in dispute if it refused to take corrective action.

Why was this a necessary step?

- The STF will rigorously defend members' rights to collective bargaining at all levels, whether local or provincial in scope. The STF will not accept actions that are in bad faith or attempts to circumvent collective bargaining.
- While this particular instance occurred in one local association, these actions set a precedent and could impact and influence teacher negotiations in other local associations and provincially.
- Putting an employer in dispute is a serious decision that the STF does not take lightly.
- It is a process that can be used to request collective bargaining is respected and members' rights to collective bargaining are protected.

Is this a common occurrence in bargaining?

- The STF has not placed a school division in dispute since 2002.
- Since 1961, in dispute has only been used in 14 instances.

What is the next step in the process?

- The STF's goal is to have both sides return to the table as quickly as possible to finalize a local agreement that is reached through mutual respect and bargaining in good faith.
- To reverse the declaration of "in dispute," the director of education for Northern Lights School Division must rescind his June 12, 2023, letter and acknowledge the letter was outside of the collective bargaining process.
- Teachers have been advised that applying for or accepting a new position, including as a substitute teacher, while the division is in dispute is a violation of the Code of Collective Interests.
- In previous instances, next steps have included mediation.

– 30 –