

# IN SCHOOL CONSULTATION Teacher Council

HOW TO RESPECT OUR OBLIGATIONS AS  
PER THE COLLECTIVE AGREEMENT

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## A. Definition of Consultation

### Consulter :

- 1- Demander avis, conseil à qqn. (interroger, questionner). Consulter un ami, un avocat, un médecin. Consulter l'opinion.
- 2- Regarder qqch pour y chercher des éclaircissements, des explications, des renseignements. Consulter un manuel, un dictionnaire.
- Réf.: Le Petit Robert

### To Consult:

- (to deliberate, counsel, consult)
- 1- To have regard to: consider
- 2- To ask the advice or opinion of (a doctor...); b) to refer to (a dictionary...)
- 3- To serve as a consultant
- Ref.: Merriam Webster


## Definition of Consultation

### To Consult:

- The act or process of consulting
- A conference at which advice is given or views are exchanged.
- A meeting between physicians to discuss the diagnosis or treatment of a case.
- Ref.: The American Heritage Dictionary of the English Language

### Consultation:

- Conférence de personnes qui délibèrent sur une affaire quelconque. Conseil.
- Action de prendre ou de donner avis sur une affaire quelconque.
- Ref.: Dictionnaire Canadien des relations du travail PUL. 1986



## **B. Why do we have an obligation to consult?**

- 1.** Historical Background
- 2.** Vision Of What A School Is
- 3.** Vision Of Meaningful Consultation

# 1. Historical Background

## Prior to the 60's (1800-1960)

- Catholic Church
- Commission Tremblay 1956
- Etats Généraux 1958

## After the 60's (1960-2000)

- Rapport Parent (1964-1966)
- Modifications to the Education Act
- Management Approaches
- Provincial Negotiations

## 2. Vision Of What A School Is



Community stakeholder



Team (teachers, principal, other staff members and parents).



Participation of teachers in the development & shaping of policies, processes and other activities that have an impact on their daily duties is essential.

### 3. Vision Of Meaningful Consultation

**Meaningful consultation** is not a structure: rather it is a **process** that underpins educational decision making.

At its heart, **meaningful consultation** is about interactive, **two-way communication** and dialogue. Such consultation is undertaken to seek information, advice and or informed opinion for consideration **prior** to decision making.

(Lower Mainland Directors of Student Support Services, 1998)



## C. Concept Of Consultation And Terms As Defined By Arbitrators And Courts

- **Pertinent information** shall be provided to the persons who are being consulted.
- A **reasonable period of time** shall be granted to the persons who are being consulted so they may understand the information that is being provided and have enough time to form an opinion.
- The persons consulted shall have the **opportunity to express their opinion** on the topic prior to any decision.

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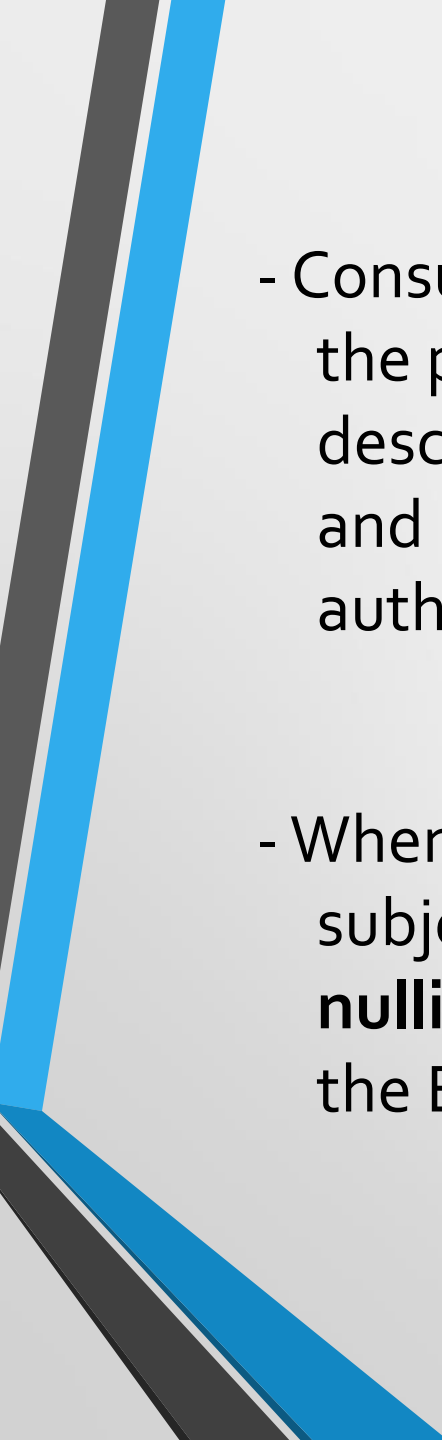
THE BASIC REQUIREMENT FOR A CONSULTATION IS THE **GOOD FAITH OF BOTH PARTIES.**


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THE PURPOSE OF A CONSULTATION IS NOT ONLY TO BE INFORMED AND TO PROVIDE AN OPINION, BUT ALSO SO THAT THE PEOPLE CONSULTED SHALL BE **ASSOCIATED IN A REAL AND EFFICIENT MANNER** IN ORDER TO ENABLE THEM TO INFLUENCE THE AUTHORITY.

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JURISPRUDENCE REQUIRES THAT THE PROCESS OF CONSULTATION GIVES ALL POSSIBILITIES **TO INFLUENCE THE FINAL DECISION.**

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- Consultation is not co-management. Basically, the people consulted shall receive a description of the project **prior to a decision** and have a real opportunity to influence the authority **prior to the final decision**.
  - When consultation is mandatory on a specific subject, the **absence of consultation will nullify any decision** of the school principal or the Board on the subject.



When consultation is done **after the decision**, any action related to this decision is null and void (abolition of post, non-reengagement for surplus).

The right to be consulted is to obtain a clear description of the project **prior the decision** and have a real possibility to influence the authority.



# D. Human Elements For An Efficient Consultation

- Relationship
- School Culture
- Communication Skills

# 1. Relationship

Emphasis that teachers and principals are **partners** and their involvement is **needed** and **valued**.

Invest time in developing relationship through **open communication**.

Develop **trust** and **credibility**.

## 2. School Culture

- Values **diversity** as a strength
- Models **respectful** interactions at all time
- Develop climate where all parties **feel safe** to **share ideas** freely
- Understands that members may have had negative experiences in previous interactions with other administrators or teachers

### 3. Communication Skills

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**Non-verbal** communication (body language)

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**Verbal** communication

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-Active listening skills

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-Giving opportunity for both sides to be heard

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Act **professionally** and remain **respectful**

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**Expressive** skills

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-Learning that it is not what you say, it is how you say it

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**Written** communication

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-Be **careful** and **precise**

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-Avoid misinterpretation and misunderstanding

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# E. Mechanisms Of Consultation At The Board And The School Level

## *Guiding Principles*

The Article 4-1.00 of our local agreement provides basic principles to shape the process of consultation. These principles are directly linked to the jurisprudence on consultation.

- Goal of participation (4-1.02)
- Timeframe for consultation (4-1.04)
- Right to receive all information pertinent to the subject under consultation (4-1.05)
- Option to bring an expert (4-1.05)

• Decisions and policies should reflect the input of the bodies consulted (4-1.06)

# These principles apply to all committees:

## Board Level

- Educational Policies Committee
- Professional Improvement Committee
- Labor Relations Committee
- Board Parity Committee

## School Level

- Teacher Council
- School Level Special Needs Committee
- Governing Board

## F. Teacher Council

### 1. Operation

- Election takes place during the month of August or September (4-2.12)
- Names shall be forwarded to the Principal by the union delegate within five (5) days following the election (4-2.02)
- When a vacancy occurs on TC, a replacement may be elected within 30 days of the vacancy being known (4-2.02)

# Membership & Voting

4-2.03 a) Elementary School:

5 to 10 voting members, 3 to 10 if less than 100 students

b) Secondary School:

7 to 12 voting members if school has more than 20 teachers

5 to 9 if school has less than 20 teachers

c) All teachers if school has less than 5 teachers

d) 5 to 9 voting members when a school has both sectors

4-2.04 Ex Officio members (non-voting): \*

- Principal
- Union Delegate
- Teacher liaison of the Governing Board

**\* No right to vote and to also preside at the meeting**



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1st meeting prior to September 30<sup>th</sup> (4-2.12 2))

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Teacher Council shall meet at least once per month (4-2.12 3))

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Matters decided by vote shall require a simple majority (4-2.12 5))

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Within 10 days of their approval, minutes signed by the chairperson should be forwarded to the union and the Board and be posted in the school (4-2.12 7))

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If teachers do not form a Teacher Council, the Principal is released of the obligation under clause 4-2.06 (4-2.13))

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Teacher Council shall adopt its rules of internal procedures (4-2.12 4))

## 2. Consultation Process

### When?

- Between the date of the request for advice and the date of implementation of the measure, the Teacher Council shall have a reasonable period of time to provide a recommendation, but this period shall not be more than thirty (30) days. (4-2.07)
- Clause 4-1.04 provides for a 30 day period for the Teacher Council to reach a recommendation. Since meetings follow a regular monthly schedule, principals and teachers should be aware of their obligations and prepare to initiate discussions in sufficient time to permit deliberation.

## What are the subjects?

4-2.06 of the local agreement

4-2.09 professional activities

4-2.10 modification of the calendar as per 8-5.02

4-2.11 modification of 8-10.02 of the provincial agreement

4-7.03 collaboration of all teachers and 4-7.04 collaboration of all staff

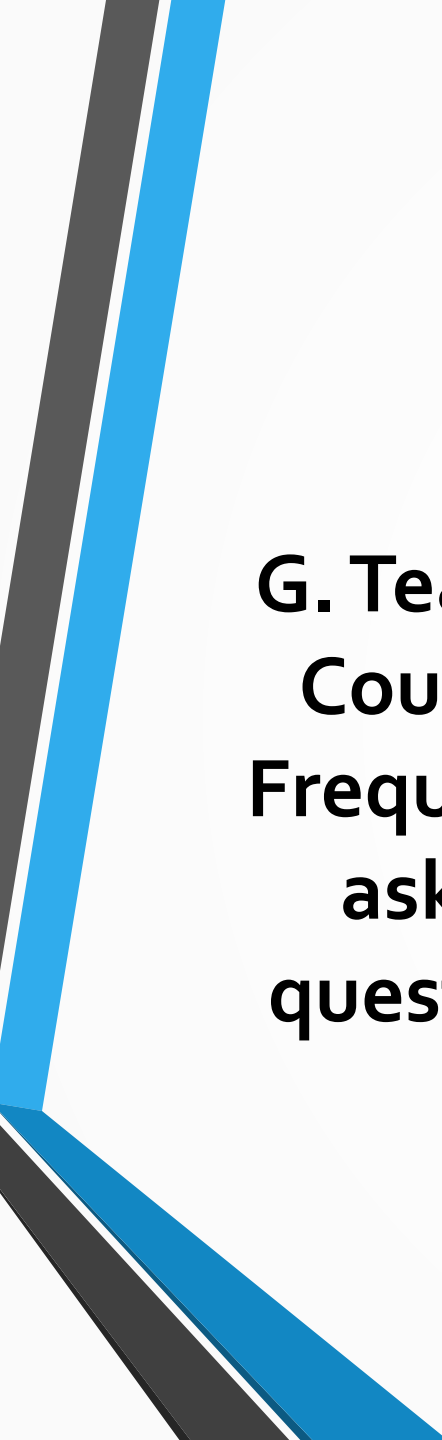
Suggested timeframe for each subject:

<https://www.ltu.ca/wp-content/uploads/2018/10/tc-suggested-timelines.pdf>

## Disagreement with the recommendations

The principal has the right to decide

At the next meeting or within 30 days, the Principal must provide to Teacher Council the reason(s) for the decision **verbally or in writing** (4-2.08)



## **G. Teacher Council: Frequently asked questions**

**Q. The local agreement says that the Council shall adopt its own rules of internal procedures. Can you give some examples?**

**A. Components such as the date and time of regular meetings, publication, posting and circulation of the agenda, official minutes, how a meeting is conducted, translation of minutes if necessary, etc.**





**Q. Who prepares the agenda?**

A. This is normally the prerogative of the Chairperson. A procedure can be in place for soliciting the principal's input for items for consideration prior to the meeting.



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**Q. What happens when consultation does not happen on a mandatory topic? (ref. 4-2.06)**

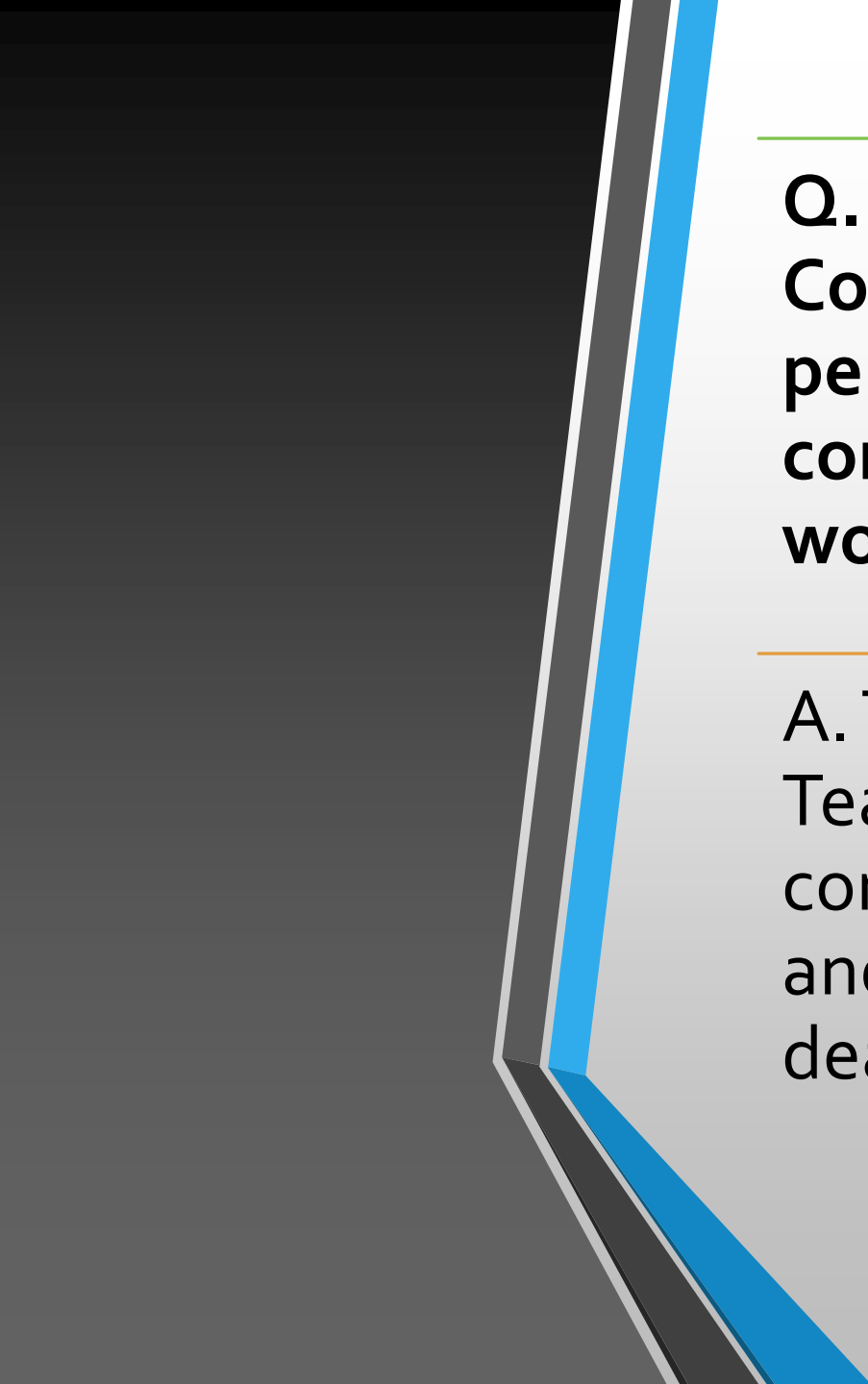
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A. Technically, a grievance can be filed by the union and the decision may be nullified by an arbitrator. In practice, when both parties are in good faith, the chair will remind the principal in advance that the Teacher Council must be consulted.

**Q. Does a recommendation of the Teacher Council have to be implemented?**

**A.** Keep in mind the jurisprudence criteria as well as clause 4-1.06 of the local agreement which stipulates that the principal's decision **should reflect as much as possible the decisions and/or recommendations of the Teacher Council.**

On consultative matters, principals are not bound to implement the recommendation of the Teacher Council. However, the principal must clearly notify the Teacher Council at its next regular meeting or, at the latest, 30 days from the date of the recommendation, and provide the reasons, in writing or verbally.



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**Q. What to do if the Teacher Council wishes to discuss personal issues, personal conflicts or individual workload problems?**

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A. The mandate of the Teacher Council is clearly consultative as per 4-2.06 and these subjects shall be dealt with in other forums.

## **Q. Can I consult teachers via staff meetings rather than at Teacher Council?**

A. Technically, the only type of consultation that matters is that which takes place at Teacher Council. Even for those matters for which the Education Act requires the teacher or the staff as a whole to be consulted, once the teachers have decided, on an annual basis to delegate their participation to the Teacher Council (4-7.01 & 4-7.02), the Council becomes the only representative voice of the teachers. If the discussion happens at a staff meeting, the item should be brought back to TC and be minuted.

## H. Conclusion

- A consultation process at the school level must, by definition, be responsive to the needs of the parties involved in order to ensure not only a healthy educational system but a harmonious labour relations environment as well.

# I. Supporting Documents

- Suggested Timeline

<https://www.ltu.ca/wp-content/uploads/2018/10/tc-suggested-timelines.pdf>

- Education Act Items

<https://www.ltu.ca/wp-content/uploads/2018/10/education-act-items-for-consultation.pdf>

- Sample Monthly Agendas

<https://www.ltu.ca/wp-content/uploads/2018/10/teacher-council-agendas-by-month.pdf>

- Basic Rules of Order

<https://www.ltu.ca/wp-content/uploads/2018/08/teacher-council-basic-rules-of-order.pdf>

- Chairing the TC

<https://www.ltu.ca/wp-content/uploads/2018/08/teacher-council-job-of-chairperson.pdf>