

**Teachers' Employer Bargaining Association (TEBA)  
and  
Alberta Teachers' Association (ATA)**

**2016-18 Central Table Memorandum of Agreement**

**JOINT INTERPRETATION BULLETIN NO. 4-2017**

November 7, 2017

The purpose of this Joint Interpretation Bulletin is to provide clarity related to a reasonable work day within the context of the assignable time definition as per section 11.2 of the 2016-2018 Central Table Memorandum of Agreement.

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**Additional bulletins will be provided as required.**

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A number of questions have arisen regarding a reasonable work day and its application within the Memorandum of Agreement (MOA). The following is intended to provide guidelines to Section 11.2(a)(viii) as they relate to a reasonable work day and provide for factors to take into consideration when addressing a reasonable work day.

In the absence of a standard definition, reasonableness exists as a legal expectation of the parties – both prior to and following the MOA. As a result, both the school jurisdiction and teachers have an obligation to act reasonably in the circumstances.

What may be considered reasonable for some individuals may not be considered reasonable to other individuals within similar circumstances. The assessment will require a case-by-case specific consideration, but with fair and consistent application.

**Excerpt from the 2016-18 Memorandum of Agreement – Section 11.2(a)(viii).**

*“Other activities that are specified by the school jurisdiction to occur at a particular time and place within a reasonable work day”.*

**1. Reasonable Work Day:**

- a. Work days are defined by the school jurisdiction’s operational calendar and in accordance with the *School Act*.
- b. Nothing in the MOA precludes school jurisdictions from continuing past practice in developing their operational calendars and scheduling staff, except within the context of the MOA or other collective agreement provisions (i.e., summer school, night school or days in lieu).
- c. Likewise, the MOA does not preclude a school jurisdiction from offering work to a teacher beyond what is established in the operational calendar, for example on a weekend. If the work is offered, and if the offer is considered reasonable and accepted, then it is considered assigned.
- d. This process of requesting and assigning work to teachers is separate from any activities completed by teachers on a voluntary basis. If a teacher chooses to participate in activities in a voluntary capacity, then the school jurisdiction is not requiring the work to be completed and the time is not considered assigned time.

**2. Guiding Questions:**

In determining whether a particular requirement for a teacher to participate in an “other activity” is reasonable, a school jurisdiction and teacher will consider a number of factors. The following questions, in addition to any other factors deemed appropriate in the specific circumstance, may be of assistance.

- a. Has the teacher been provided adequate notice to participate in “other activities”?
- b. How often does the expectation for “other activities” arise for the affected teacher?
- c. How has this situation been managed in other schools or other school jurisdictions?
- d. What has been a common past practice?
- e. Is the assigned “other activity” unreasonably targeted to a particular teacher or group of teachers (i.e. part-time teachers, probationary teachers, etc.)?
- f. Is there any teacher-specific factor that ought to be considered in the assigning of “other activities” which would result in an unreasonable impact on the teacher (i.e. teachers with prior commitments)?
- g. What impact would scheduling the “other activity” have on the overall day or week (i.e. parent-teacher interviews are scheduled in the evening and then there is a professional development session the next day before school starts)?
- h. Are there any extenuating or unanticipated circumstances?
- i. Is the activity related to the operational needs of the school?

Whether or not one or more of these considerations are met does not necessarily mean the request is reasonable or unreasonable. Reasonableness would be viewed considering the overall contemplation of factors like these. Teachers may also have reasonable grounds for not being able to perform these “other activities” and those reasons would need to be considered in the context of reasonableness.