



# Redundancy

Teachers should contact the local and provincial levels of the Federation to seek advice before amending or terminating a contract of employment or immediately upon receipt of a notice of termination of a contract of employment. Teachers should also inform themselves of any provisions in their local agreement.

## Definitions

### Redundancy:

Redundancy occurs when a board of education has more teachers under contract than it determines are required for the teaching requirements or educational program of the school division.

### Notice of Termination:

A notice of termination is the result of a motion of the board of education to terminate a teacher's contract in accordance with Section 210 of *The Education Act, 1995*.

### Show Cause Hearing:

In accordance with Section 213 of *The Education Act, 1995*, a teacher who receives a notice of termination may apply for an opportunity to meet with the board to show cause why the contract should not be terminated. The board must then either reaffirm or rescind their motion of termination.

### Board of Reference:

A three-person panel that investigates the reasons for a termination of contract and makes a binding ruling as to the validity of the termination.

### Redundancy Pay:

Provision for a severance payment in case of a termination for redundancy is contained in Article 2.8 of the Provincial Collective Bargaining Agreement at the rate of 10 days' salary per year of continuous employment with the board for the first 5 years plus 5 days' salary for each of the years of continuous service over 5. This payment may be taken in cash or, for years of service before 1996, a portion of the payment may be transferred to an RRSP.

## Legal Issues

### The Education Act, 1995

- Section 210(b) provides the opportunity for a board of education to terminate a teacher's contract for reasons of redundancy.
- Section 213 provides that any notice of termination under Section 210 must state that the teacher may at any time within 10 days of receipt of the termination notice apply for an opportunity to attend a meeting of the board to show cause why the contract should not be terminated.
- Section 216 provides that a teacher may within 20 days of the receipt of the termination notice apply to the Minister of Learning for an investigation of the termination by a board of reference as established under Section 218. Such a board of reference consists of a teacher nominee, a board nominee, and a mutually agreed chairperson or, in the event of no agreement, a chairperson appointed by the Chief Justice of the Court of Queen's Bench. The decision of the board of reference, either to uphold the termination or reinstate the teacher, is binding. **Note: In the case of terminations for redundancy, all teachers have the right to a board of reference including teachers in their first or second year in that school division.**

### Precedents

The following principles have been established as a result of earlier redundancy cases.

- A teacher's contract is with the school division; a teacher may be assigned to any of the schools in the division.
- There is no redundancy if there are any suitable open positions within the school division for which the teacher is qualified.
- A Professional "A" Certificate allows a teacher to teach at any grade or subject level.
- A part-time teacher has a right to a part-time position within the school division even if only full-time positions are available.
- The board of education can transfer a teacher to any vacant position within the school division. Teachers have no legislative right to appeal a transfer. A teacher is obligated to accept a transfer or risk termination without redundancy pay.
- Teachers declared redundant prior to June 30 are not automatically eligible for positions which become available after June 30.

## Saskatchewan Teachers' Federation Policy

STF policy on teacher redundancy is contained in the *STF Statement of Policy and Bylaws*. STF policy states that the primary mechanism for determining which teacher or teachers may be redundant is seniority within the division.

**NOTE: STF policy is not binding on boards of education.**

## STF Involvement With Redundancy Situations

- STF works with local associations who are negotiating redundancy provisions with their boards in policy or contract or who are working with their boards to resolve potential redundancy situations.
- STF provides advice, representation, and legal assistance to teachers who have received or anticipate receiving notices of termination for redundancy throughout the process of show cause hearings and boards of reference. **IF YOU ARE IN THIS SITUATION, PLEASE CONTACT THE STF OFFICE.**

## Good Practices and Dispute Resolution

The Good Practices and Dispute Resolution agreement, that was signed by the STF, the Saskatchewan School Trustees Association and the Department of Learning in 2002, provides a framework for processes that respect the roles and relationships of the various groups who are affected by all of the decisions that will be made during a situation of redundancy. Copies of the agreement are available from the STF office in Saskatoon.

## Common Questions

**Q:** Our school is being closed. Does that mean that I, as a teacher in this school, will automatically be declared redundant?

**A:** No, as noted above, you are employed by the school division and assigned presently to your school. The board must provide you with another position or declare you redundant and be prepared to justify the termination of your contract. The STF policy on redundancy provides guidelines for reduction in staff and appropriate ways to accomplish that. For further information, call the STF office.

**Q:** I am a principal. I have been asked by the director to recommend which teacher in the school should be declared redundant. Should I agree to do this?

**A:** No, the STF believes that principals should not be making those decisions. As noted above, teachers are employed by the school division, which means that the principal in one school will not have the information required to determine the staffing needs of the whole division and make such a decision. Principals, in consultation with their staffs, should make recommendations to the director regarding program and staffing needs of their schools but should not make recommendations that affect the entire division or which determine whether the termination of a particular teacher's contract will occur.

This summary contains general information only. In the event of a discrepancy in interpretation, the applicable legislation is the final authority. For further information, contact one of the STF offices.

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