

Notice of Resignation

From time-to-time members seek to accept new job opportunities with other school boards. In the past, particularly during times of surplus and redundancy, changing one's employer in the education world was risky.

Timing of Opportunities

Difficulties can arise if the timing of this opportunity does not coincide with the language set out in the member's current collective agreement regarding providing notice. Most collective agreements will contain a timeline requirement for notice of retirement or resignation. An important caveat to these timelines is the addition of the words "or by mutual agreement." Some members have found themselves in a dilemma when an opportunity to move has arisen at a time that does not allow them to meet these notice provisions.

The Dilemma of "What to Do"

It should be emphasized that members should follow the language set forth in their collective agreement. Sometimes, however, members find themselves in a situation where circumstances make it impossible to comply with existing notice provisions. An example of such a situation is where an individual is offered a position with a different school board in late summer when his/her current employer is expecting the member to return in September. Members should never simply walk away from their responsibilities to the current employer.

Resignation by Mutual Consent

It may be possible to obtain the "mutual agreement" referred to above. Members should speak with their supervisory officer, explain the circumstances, and request that they be granted a resignation by mutual consent. It is important to understand that school boards are under no obligation to agree to such a request. The granting of this request is often dependent upon the ease with which a board can fill the resulting vacancy.

What if the Employer says No?

For both legal and professional reasons, members may need to decline or postpone an opportunity with a new employer. In these circumstances, it will be important to contact the potential employer to explain the situation. It is possible the employer may be willing to defer hiring to allow the individual to adhere to the notice provisions in resigning from the current position. The federation strongly advises members not to abandon their current employment contract. The risks are both legal and professional.

College of Teachers/College of Early Childhood Educators

School boards or other individuals are allowed to complain to the College of Teachers and the College of Early Childhood Educators if they believe an employee has shown "professional misconduct." While there is no specific provision making the termination of a contract without notice grounds for professional misconduct, there are certain general provisions contained in the professional misconduct regulations, which may be relied upon to allow for such complaints to be filed. These include failing to maintain the standards of the profession and conduct unbecoming of a member.

The following provides a checklist of actions to consider when looking to change your employer:

- Strive to have the timing of the change coincide with the provisions of your collective agreement so that adequate notice can be given.
- If this is not possible, consult with your local representative and work with your employer to obtain "mutual agreement" in the termination of your obligation to your current school board.
- Call the Professional Relations Services staff at ETFO for advice and assistance.

For more information, contact Professional Relations Services Staff at 416-962-3836 or 1-888-838-3836 at the provincial office.

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