

**2011-03**

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## BCPSEA Responses to BCTF and Local Teachers' Association Statements

<b>B.C. teachers consider holding June strike vote</b> <i>The Vancouver Sun, May 28, 2011</i>	
<b>BCTF Statement</b>	<b>BCPSEA Response</b>
<p>Lambert said apart from teachers' pay, which ranks eighth in Canada...</p>	<p>Teachers are paid according to their level of educational accomplishment and experience. It is important to understand that the same level of education and experience results in a different salary placement both across provinces and within provinces. Using the same methodology that the BCTF used to frame its salary placement in the 2006 round of bargaining, BC teachers now rank 4<sup>th</sup> in Canada.</p> <p>An accurate description of how BC teachers' salaries have evolved from 2006 to 2011 would include either of the following:</p> <ul style="list-style-type: none"> <li>▪ In 2006, BC teachers' salaries ranked 3<sup>rd</sup> in Canada, and in 2011 now rank 4<sup>th</sup>; <b>or</b></li> <li>▪ In 2006, BC teachers' salaries ranked 6<sup>th</sup> in Canada, and in 2011 now rank 7<sup>th</sup>.</li> </ul> <p>See the BCPSEA <a href="#">Backgrounder: Teacher Salaries</a>, and the discussion paper, <a href="#">Teacher Compensation 2011: Context and Considerations</a>, for more detailed discussion.</p>
<p>The B.C. Teachers' Federation said the government's refusal to drop its "net zero" mandate is the reason teachers may vote June 24-28 to stop all activities outside the classroom in September at the start of next school year.</p>	<p>The government established a compensation mandate of "net zero" to apply to all public sector collective agreements expiring between December 31, 2009 and December 31, 2011. This includes the Provincial Collective Agreement between the BCTF and BCPSEA, which expires June 30, 2011.</p> <p>In an interview on CBC Radio's Almanac, Tuesday, March 22, 2011, Minister of Education George Abbott stated, "Government</p>

The article makes reference to the provincial government in a collective bargaining context. The British Columbia Public School Employers' Association (BCPSEA) is the employers' association and accredited bargaining agent for all 60 public boards of education in British Columbia. BCPSEA operates as a co-governance model between the provincial government and the boards of education. Representatives from the 60 boards of education elect nine school trustees to the BCPSEA Board of Directors including the Chair and the Vice-Chair; they are joined by four government representatives and a non-voting representative each from the BC School Superintendents' Association and the BC Association of School Business Officials.

	<p>has made no secret of the fact that, given the recession that we have been working our way through since 2009 and which we are still dealing with as a government, we have said repeatedly that we will have net zero mandates for two-year contracts with public sector employees. Indeed, about two-thirds of the public servants in the province have undertaken or signed collective agreements that reflect zero-and-zero mandates.”</p>
<p>“Most of our local tables have not approached bargaining with any issues of substance, they have stalled on matters of protocol,” Lambert said. “The provincial bargaining table has spent a lot of time on process.”</p>	<p>Bargaining is subject to agreement between the BCTF and BCPSEA; no one party can impose their bargaining model. The agreed-upon model has certain items negotiated at the local level and others at the provincial level — all cost items are bargained at the provincial level.</p> <p>The BCTF and BCPSEA negotiated an agreement when the provincial–local model of bargaining was created; that agreement designates which items are to be bargained at the local level and which items are to be bargained at the provincial level.</p> <p>The BCTF wants to return to a local bargaining model that existed between 1987 and 1994. BCPSEA has provided to the BCTF a series of options with the goal of achieving a workable model from both the union and employer perspectives; however, the BCTF is resolute in their pursuit of the 1987-97 model. The most recent BCPSEA counter-offer remains on the table.</p> <p>In the absence of an agreement to change the designation of which items are local and which items are provincial, the BCTF has been counselling its local teachers’ unions to table provincial matters at local tables. This advice and approach is not constructive and further, is in contravention of both the <i>Public Education Labour Relations Act</i> and the agreement between the BCTF and BCPSEA that designates which items are to be bargained at local tables and which items are to be bargained at the provincial table.</p>
<p>“What we’ve found as teachers, is many items that are of very significant importance at a local level are not attended to at a provincial level,” Lambert said. “This gives rise to arbitrations and very costly disagreements.”</p>	<p>BCPSEA proposed a process to the BCTF to address the BCTF concerns. Specifically, BCPSEA proposed that in order to begin this process, the provincial parties could:</p> <ul style="list-style-type: none"> <li>▪ identify all matters at issue</li> <li>▪ identify matters unique to one district or region</li> <li>▪ develop a process to address such matters subject to the principles above</li> <li>▪ engage the assistance of a third party to examine issues which may need to be addressed within a local or other context and consider potential solutions with consideration for the principles identified above.</li> </ul> <p>To date, the BCTF has not responded to our most recent letter of February 4, 2011 in this regard.</p>

<p>A recent B.C. Supreme Court ruling restored the ability — taken away in 2001 — of teachers to negotiate class sizes and compositions.</p>	<p>This statement is inaccurate. Madam Justice Griffin, in her decision, stated as follows:</p> <p>[paragraph 308] “Legislation that is enacted without consultation with the employees, which invalidates collective agreement terms and prohibits future collective bargaining on subjects that were previously the subject of collective bargaining, clearly infringes s. 2(d) of the Charter, as held in Health Services: see paras 119-122, 128, 182. I am persuaded that in enacting ss. 8, 9 and 15 of PEFCA, and s. 5 of the Amendment Act, the government did all these things, and this constituted a violation of the teachers’ freedom of association guaranteed by s. 2(d) of the Charter.”</p> <p>The Court’s decision that certain provisions of the government’s legislation were unconstitutional is largely based on the Court’s finding that the BCTF was not consulted properly prior to the legislation being enacted. The Court gave the government 12 months to decide its policy moving forward, and then time to implement that policy by either engaging the BCTF in the appropriate consultation process or, if it chooses, allowing the pre-2002 collective agreement provisions to be added back into the collective agreements. The government commenced its consultation with the BCTF on May 20.</p> <p>For more detailed discussion, see the following documents on the BCPSEA website:</p> <ul style="list-style-type: none"><li>▪ <a href="#">Frequently Asked Questions</a></li><li>▪ <a href="#">Backgrounder</a></li><li>▪ <a href="#">@issue No. 2011-13</a></li></ul>
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For more information on collective bargaining in the K-12 public education sector, please visit our website at [www.bcpsea.bc.ca](http://www.bcpsea.bc.ca).