

Backgrounder: Employers' Proposal E80

Collective Bargaining Between the BC Public School Employers' Association
and the BC Teachers' Federation
September 11, 2014

There has been much discussion and misinformation circulating with respect to BCPSEA proposal E80. "E80" is simply the BCPSEA proposal on learning and working conditions, also commonly referred to as the employer proposal on class size and composition.

It remains a fundamental objective of BCPSEA to ensure the new collective agreement has appropriate, ongoing language with respect to working and learning conditions. We are prepared to negotiate with the union on the merits and details of our proposal, which is completely consistent with the explicit language of the BC Supreme Court decision.

1. What is E80?

[E80](#) is the BCPSEA (i.e., the employers') current bargaining proposal to address class size and class composition in the new collective agreement. While we have tabled these specific language and financial improvements, we remain open and committed to further discussion at the bargaining table of this important issue, including flexibility on our current proposal language and hearing the BCTF's proposals and counter proposals.

2. Did the courts determine that the 2002 language previously removed from the collective agreement had to remain in the new collective agreement?

No. Justice Griffin ruled that the 2002 language was restored into the past agreement, not that it was guaranteed in the new agreement, or restored permanently thereby barring any future change. The courts subsequently granted a stay on the restoration decision (pending appeal), which is scheduled to be heard later this fall.

3. What did the courts say about bargaining class size and class composition language for the new collective agreement?

In her ruling of January 27, 2014, Justice Griffin stated, "[Teachers]...have had certain language returned to their collective agreement retroactively. This does not guarantee that the language is clad in stone, as it can and likely will need to be the subject of ongoing collective bargaining" ([paragraph 679 of the decision](#)).

It is clear that the subjects of class size, class composition, non-enrolling teacher ratios and teacher workload/working conditions should be the subject of collective bargaining on a "go forward" basis. This includes the right of both parties to put forward positions and proposals for consideration in the next collective agreement.

4. Why is E80 appropriate in the current round of bargaining?

It is BCPSEA's position that any class size, class composition, and non-enrolling teacher ratio language in the new collective agreement should not contain arbitrary limits, barriers, or ratios such as those contained in the collective agreement in 2002. We believe strict limits and ratios for teacher staffing cannot reflect the needs or individual circumstances of students, classrooms, schools, or school districts — rather, this instead enshrines a “one size fits all” approach to education, which is not in keeping with the views of the Ministry of Education that every student and every school has unique needs.

In our view, the language that should be included in the collective agreement must:

- consider the best interests of students (not employees)
- not create barriers to the inclusion of students with special needs or create human rights concerns
- respect the authority of locally elected boards of education to determine local policy on such issues, as well as the distribution of resources within their school district
- be fiscally responsible and not hinder the authority of elected representatives to determine public spending priorities and limitations, and
- respect union concerns in regard to teacher workload and working conditions.

For these reasons, BCPSEA has proposed new collective agreement language based on an enhanced version of the Learning Improvement Fund (LIF) as well as greater roles for the union and teachers in helping to determine the distribution of these resources to classrooms.

5. Why does E80 include the statement, “These provisions supersede and replace all previous Articles that addressed class size, composition and staffing levels”?

This type of statement is included on almost all proposals presented at the bargaining table in this round of bargaining and in previous rounds. It is intended to indicate that the proposed new provincial language would replace any existing local language in the current collective agreement (as opposed to being added to the existing local language). This is the standard approach to bargaining a common provincial agreement, and is in no way inappropriate or “devious,” as it has sometimes been described.

6. What has the BCTF proposed regarding class size and class composition during this round of bargaining?

Union proposal [U62](#) includes a number of provisions that build on the restrictive class size limits, class composition restrictions, and required non-enrolling teacher staffing requirements previously found in the collective agreement.

The union is proposing the further removal of board of education and management authority to govern class size, class composition, and staffing levels by replacing it with language guaranteeing outcomes that the union prefers. The BCTF proposal would give the union — through rigid ratios and prescriptive elements — effective control of the staffing and organization of all schools.

7. Why does the BCTF oppose BCPSEA putting forward any counter positions or proposals in bargaining?

The BCTF is seeking to have its position on class size and composition embedded in the new collective agreement without any negotiation. It is not the content of E80 that appears to be the issue — the union’s primary objection appears to be that BCPSEA has tabled a proposal contrary to the BCTF position.

8. Why does BCPSEA believe that the return of fixed limit/fixed ratio class size and composition language in the new collective agreement is not appropriate?

Prior to 2002, boards of education and senior educators strongly opposed highly restrictive collective agreement language, recognizing that it was not in the best interest of students and further, that it removed the autonomy of elected representatives to make appropriate decisions for their school district. Much of the 2002 language was legislated into the collective agreement by the provincial government in 1998 against the express wishes of boards.

Other provincial jurisdictions have not included provisions related to staffing and school organization in the collective agreement to the extent sought by the BCTF.

It should also be noted that much of the 2002 language the union is seeking to enshrine in the collective agreement is out of date and would be very difficult to implement without modernization.

9. Why is BCPSEA’s position on class composition and class size in the best interest of students?

Our proposal allows elected representatives (locally elected school trustees), senior educators, and union members to jointly consult on decisions at the district and school levels to determine resource allocations and organizational structures that best meet the needs of students. There are no imposed barriers to the inclusion of students with special needs in classes, nor are there requirements to deploy valuable resources ineffectively. We remain committed to bringing additional funding to address such concerns, but with control of distribution remaining with local school district representatives in consultation with teachers and their union.

10. Why does the BCTF want fixed ratios and limits in the collective agreement?

Fixed class size and class composition limits, as well as non-enrolling teacher staffing requirements, drive the number of teacher jobs and union membership. This is a way of ensuring that significant portions of school district budgets can only be spent on hiring more teachers.

11. What should happen now?

BCPSEA supports the proposition that the new collective agreement should include language on class size and class composition negotiated at this bargaining table.