

Class Size Violations

Class Size Grievance: 2006-2007 and 2007-2008 School Years

In *Grievance and Arbitration Update* No. 2008-07, dated September 26, 2008, we advised that the employer was unsuccessful in their preliminary objections and on November 24, 2008 the grievances would proceed on their merits in front of arbitrator Dorsey. The bulletin also advised that the following districts are affected by these grievances:

2006-2007 school year

School Districts 5, 8, 20, 28, 33, 36, 39, 53, 61, 62, 63, 67, 68, 70, 79, 82, 87, 91

2007-2008 school year

School Districts 5, 8, 20, 28, 36, 37, 39, 44, 53, 57, 58, 61, 62, 63, 68, 69, 70, 73, 82

In accordance with the Dorsey award, on September 30, 2008, the employer made a request to the union to provide full and complete particulars with respect to the two provincial grievances of general application. In addition, a case management meeting has been scheduled with the parties and the arbitrator on October 14, 2008 to determine how and in what fashion the arbitration will proceed. Following this case management meeting, BCPSEA will be in contact with the involved districts in preparation for the arbitration hearings. These will be extremely tight timelines.

Class Size Grievance: 2008-2009 School Year

On June 30, 2008, over two months prior to the commencement of the 2008-09 school year, the BCTF filed a grievance of general application that covers all classes in every school in the province: "All school boards governed by the collective agreement intend to and/or will violate the requirements of the *School Act* and Class Size Regulations concerning class size and composition for all classes in all school districts."

In addition, the BCTF alleged that "there has been a systemic and consistent approach by BCPSEA to encourage their member boards to breach the provisions of the *School Act* and the Class Size Regulations concerning class size and composition," and that "BCPSEA has failed to ensure that school boards comply with the provisions of the *School Act* and the Class Size Regulations concerning class size and composition."

The BCTF has indicated as follows:

- They will not be grieving at the local level nor having discussions with their local employer to identify alleged disputes or attempt to resolve.

- Instead, the local union will collect information from local teachers on BCTF forms filled out at the time of the consultation and send them to the BCTF for processing.
- The BCTF will then provide BCPSEA with particulars at a later date or during the arbitration pre-hearing discovery process.
- Further, the BCTF takes the position that all classes in the province are in violation until the employer can prove that they are not. If BCPSEA can demonstrate that each class in the province is not in violation, the BCTF will then remove those classes one at a time from the grievance.

BCPSEA has responded as follows:

- Asked the BCTF to confirm our understanding of their position.
- Asked the BCTF to reconsider filing grievances at the local level and providing the local parties an opportunity to discuss and resolve.
- As an alternative to grieving at the local level, at a minimum, have asked the BCTF to consider having their local unions meet with their employers to raise any alleged violations/concerns and provide an opportunity to resolve.
- In a further alternative, provide BCPSEA immediately upon receipt with the particulars received by their local unions. BCPSEA will, in turn, engage in discussions with the affected school districts, which may then request a meeting with the local union to discuss and attempt to resolve.
- Any issues that remain would then proceed to arbitration in a timely fashion so that these matters can be resolved as early as possible.

Please find attached a copy of the BCTF grievance of general application and the two responses from BCPSEA. Please ensure that your district maintains the notes and records with respect to the 2008-2009 class size process. BCPSEA will continue to attempt to receive particulars from the BCTF with respect to this grievance.

Questions

Should you have questions or would like to discuss further, please contact your BCPSEA labour relations liaison.

Attachment