

BCTF/ SD No. 61 (Greater Victoria): “Meet the Teacher Night” Grievance

Issue: Is teacher attendance at Meet the Teacher Night voluntary or mandatory based on collective agreement and/or legislative provisions?

Facts: Every year, the school’s Consultative Committee, which is comprised of the Department Heads, Union Representative, and the Principal, provide advice/recommendations to the administrative officers of the school around events for the upcoming school year. One of the Committee’s functions is to plan the Meet the Teacher night, usually scheduled in early September. Parents are advised of the event in a summer mailer sent to all the students’ households in August. Teachers are also advised of the date of the event before the start of the school year. The employer had never formally advised teachers that their attendance was mandatory as they have never needed to do so.

The grievor, a teacher at Spectrum High School, advised the principal that he would not be attending Meet the Teacher night. He understood his participation was voluntary and, as such, was choosing not to attend. He had provided the course outline, course website, and his contact information to all parents. He also advised parents that he was available for parents wishing to meet with him. Although the grievor did attend the event, the union filed a grievance citing a breach of the following collective agreement provisions: C.2 (Discipline and Dismissal), Article F.4 (Professional Autonomy), Article D.6.2 (Hours of Work), Article D.9 (Staff Meetings) and D.8(Extracurricular Activities).

Collective Agreement Language:

Article D.8 EXTRA CURRICULAR ACTIVITIES

The Board and Association *value* extra-curricular activities as a *positive and* integral part of the school program *and culture*.

D.8.1 Extra-curricular programs and activities include *a wide range of athletic, cultural, service and recreational* activities that are beyond the professional prescribed and locally developed curricula of the school and which are beyond the regularly prescribed hours of instruction.

D.8.2 The Board and the Association agree that teacher participation in extra-curricular activities is voluntary.

D.8.3 The Board shall not direct that extra-curricular activities be performed; nor shall the Association take action to withdraw extra-curricular activities during the term of this Agreement.

Employer Argument: The employer’s argument contained seven components: the principal has the authority under the *School Regulation* to require the attendance of teachers at meetings called by the principal; legislative provisions including Regulations prevail when there is a conflict with the collective agreement; the collective agreement provisions support the employer’s position; implied duties of teachers include attendance at functions such as Meet the Teacher Night; professional autonomy for teachers is limited by the right of management to direct teachers to attend functions such as this event;

the exercise of management rights supports the employer's position; and the extracurricular activities article in the collective agreement has no application to the issue in dispute.

Union Argument: The union argues that Meet the Teacher Night falls within the definition of an extracurricular activity under the collective agreement and that this provision of the collective agreement cannot be frustrated by section 4(1) of the *School Regulation*. A statute must be read in harmony with the collective agreement unless there is an express provision in the statute that overrides the agreement made between the parties. The union argues that the employer's unilateral characterization of any activity as a meeting called by the principal is not sufficient to turn a voluntary extracurricular activity into a mandatory event. The union argues that the employer cannot rely on the section 4(1) of the *School Regulation* as Meet The Teacher Night is not a meeting and, further, does not include a discussion around student progress.

Decision: Grievance dismissed.

With respect to the union's first argument whether Meet The Teacher Night falls within the scope of the extracurricular language of the collective agreement, Arbitrator Brown found that although the parties described Meet the Teacher Night as falling within the culture of the school, he concluded that it is not a "cultural" activity as that term is commonly defined and ruled that Meet the Teacher Night is not an extracurricular activity. He went on to say:

"Furthermore, "extracurricular programs and activities [that] include a wide range of athletic, cultural, service and recreational activities" involve students and possibly teachers, but do not include events that cater to only the parents like Meet the Teacher Night."

On the issue of whether the *School Calendar Regulation*, which is the Regulation from which the employer draws its authority to shorten the school day for one hour and to schedule Meet The Teacher Night in the evening, he noted:

"The Union argues that this may be contrary to the Regulation as the event does not relate to student progress reports. While at first glance that may be true, I conclude that the Union is estopped from relying on that argument. The Employer has relied on this authority for many years, with no opposition from the Union. The School Consultative Committee, which includes Department Heads, participated in scheduling the event, and the Principal authorized early dismissal. By recommending a shortened school day, the parties approached Meet The Teacher Night as though it fit within this Section of the Regulations."

Arbitrator Brown also addressed whether Meet the Teacher Night falls within the duties of a teacher under section 4(1)(k) of the *School Regulation*. He agreed with the employer, ruling this event was captured by this section under the *School Regulation*. He noted:

"I conclude that it does. Certainly it falls within the scope of the definitions cited by the Employer from the Shorter Oxford English Dictionary, the Black's Law Dictionary and the Canadian Oxford Dictionary. "

In summary Arbitrator Brown held that:

"... I conclude above that Meet The Teacher Night does not fall within the definition of extracurricular activities and therefore Section 4(1) of the School Regulation does not frustrate the Collective Agreement."

Significance: Meet the Teacher Night:

1. Is not an extracurricular activity under SD No. 61's collective agreement
2. Is a duty of a teacher under section 4(1)(k) of the *School Regulation*
3. Requires teacher attendance (mandatory not voluntary)

Questions

If you have any questions concerning this decision, please contact your BCPSEA labour relations liaison. If you want a copy of the complete award, please contact **Nancy Hill** at **nancyhi@bcpsea.bc.ca** .