

2019-03

May 2, 2019

By E-mail: Four Pages

Report: BCPSEA Board of Directors Meeting

The BCPSEA Board of Directors met on Monday, April 15, 2019 at the BCPSEA offices at 300 – 2889 East 12th Avenue, Vancouver, BC.

Following is an overview of key aspects of the Board's discussions.

❖ Governance

The Board confirmed representation to two Board committees:

- **Finance and Audit Committee**

Alan Chell, Thompson Okanagan Region

Eve Flynn, Vancouver Island/Coastal Region

Dawn Lang, Kootenay Boundary Region

Margaret Warcup, Northwest Region

Christina Zacharuk, PSEC Secretariat

Hilary Brown, Executive Director, Finance and Strategic Planning (Primary Staff Contact)

- **Governance Committee**

Terry Allen, Metro Region

Keith Godin, Ministry of Education

Michael Marchbank, Chair, Post-Secondary Employers' Association

Sharel Warrington, Northern Interior Region

Shirley Wilson, Fraser Valley Region

Deborah Stewart, Executive Director, Corporate Services and Communications (Primary Staff Contact)

The Committees will meet prior to every regularly scheduled meeting of the Board.

❖ Emergent Labour Relations and Legal Issues

BCPSEA continues to oversee and coordinate arbitrations affecting the sector.

The Employment Practices Liability Program — known as EPLP — has operated for almost four school years with BCPSEA managing all school districts' grievances and employment litigation. EPLP has improved coordination of grievances for the sector as staff at BCPSEA can observe trends in grievances as well as counter approaches taken by the BCTF and the other unions. The approach also ensures the cost-effectiveness of labour relations litigation in the BC public education sector.

The program was originally administered through Ministry's Risk Management Branch using a centralized insurance model already in use for civil defence. Following a review in October 2017, the financial administration of EPLP was transferred to BCPSEA effective July 1, 2018 and is now fully managed and administered in-house.

The Board received and discussed a report on significant arbitrations of note, including:

- **Failure to Fill**

BCPSEA and the British Columbia Teachers' Federation (BCTF) continue to work on resolving the BCTF's provincial grievance alleging that school districts violated the collective agreement by failing to hire sufficient teachers in the 2017-18 school year. This dispute is complex, involving a number of school districts with variances to how it applies at a local level.

Once the relevant decisions are received, BCPSEA and the BCTF will work to apply the decisions to resolve the outstanding disputes under the provincial grievance, on the relevant facts and applicable collective agreement language.

- **TTOC Access to Benefits**

On March 6, Arbitrator Judi Korbin issued her award allowing the BCTF's provincial grievance on TTOC access to benefits. The issue was whether TTOC access to benefits is subject to minimum hours of work thresholds. Arbitrator Korbin agreed with the union's position that "access" means that TTOCs are entitled to participate in the provincial extended health benefit plan as a class, regardless of their hours of work. BCPSEA is working with legal counsel and benefits providers to identify options to mitigate the impact of the decision on school districts.

- **Special Education Designations**

In May, final arguments will be heard in this case that arises from the LoU No. 17 Memorandum of Agreement (MoA). The decision will provide a final and binding determination of the definitions and classifications of special education designations. This process was necessary because in some cases, the definitions of special education designations defined in the restored language no longer align with current Ministry of Education definitions. This mis-alignment makes it difficult to know which designated students should be considered for the purpose of class composition. Pending any negotiated changes at the bargaining table, any changes in collective agreement definitions that may flow from this final decision will become effective on July 1, 2019.

❖ **Collective Bargaining**

- **Provincial Bargaining with the BC Teachers' Federation**

The Board received a verbal update on collective bargaining with the BC Teachers' Federation from CEO Renzo Del Negro; Board of Directors representatives Alan Chell and Terry Allen; and Keith Godin of the Ministry of Education, who is a government member of the BCPSEA Board and is also the Ministry representative on the bargaining team. The Board discussed the communications distributed to inform members on the issues being explored by the bargaining teams at the table.

▪ **Support Staff Bargaining**

Given the achievement of a Provincial Framework Agreement, which was endorsed by the BCPSEA Board and representatives of the sector's support staff unions in September 2018, the Board received an update on local support staff bargaining, which is underway. It should be noted that the Provincial Framework Agreement approach was developed as a way to avoid whipsawing on wage increases and to implement broad policy objectives. The table is voluntary and ratification of the PFA is required at each local table.

Each district is required to have an approved bargaining plan in place prior to the commencement of local bargaining. Completed local bargaining plans are to be sent to BCPSEA to coordinate with the PSEC Secretariat to confirm the plan is in accordance with Mandate 2019. To date, 44 bargaining plans related to 69 support staff collective agreements in the sector have received preliminary approval. A further 11 plans are under review.

Once local bargaining is concluded, local parties need to sign a Memorandum of Agreement (MoA), which includes all locally bargained changes as well as the PFA, should the parties voluntarily choose its inclusion. A copy of the signed MoA, as well as the dates on which the local parties ratified, must be provided to BCPSEA. The BCPSEA Board of Directors will only vote on ratification of a local MoA once both local parties have ratified. Compliance with Mandate 2019 must be confirmed.

❖ **Exempt Staff**

The Board received an update on the school district submission process for increases for eligible district-based executive and exempt staff, including principals and vice principals, under the Public Sector Employers' Council *Accountable Compensation* Policy Direction covering calendar 2018 (January 1 to December 31, 2018). Approximately two-thirds of districts have now completed the calendar 2018 submission process.

The Board also received an update on the submission process for calendar 2019 increases, also under the *Accountable Compensation* Policy Direction, which will continue to be managed by BCPSEA throughout the year as districts complete the process for those employees who may be eligible for increases for the period January 1 to December 31, 2019. The Board emphasized its understanding that the Policy Direction requires performance satisfactory to the employer to be a key criterion when districts are considering increases for exempt staff.

The Board was advised that BCPSEA has now received a response to its motion passed at its January 22 meeting endorsing the Exempt Staff Benefits Review Project and requesting the PSEC Secretariat bring the issue forward to the Minister of Finance for approval. The PSEC Secretariat advised that approval has now been received. There are specific parameters associated with the approval to review the benefits plans for district-based executive and exempt staff, and principals/vice principals, and BCPSEA staff will be communicating with school districts on what is required to move forward. The parameters of the Minister's approval are as follows:

- Amendments are limited to bringing the Extended Health Benefits plans and Dental plan to the level of the plans in place for public school teachers.
- Amendments are at the discretion of the individual board of education and must be accommodated within existing employer budgets.

- It should be noted that where existing exempt staff and principal/vice principal EHB and/or dental plans currently meet or exceed the teachers' plans in the district, there is no opportunity to effect further amendments to the plans at this time. This means that there will be no changes to the plans currently in place for some districts.

❖ **BCPVPA Voluntary Negotiating Agency Initiative**

The Board received an update on activities related to complying with the resolution passed by the members at the January 2019 Annual General Meeting, to explore this initiative further with stakeholder groups and report back to the members to receive further direction. Information will be brought back to the members at AGM 26 in January 2020.

❖ **Make a Future**

The Board was advised that the Make a Future service area continues to expand its reach in the Canadian K-12 education sector, including an ongoing and active presence in Ontario. In addition to Make a Future's active partnerships with post-secondary institutions, staff also continue to attend career fairs on a regular basis, including a significant career fair in Toronto later this month along with representatives from 12 school districts. Many of those districts have already scheduled interviews in advance of the career fair.

Make a Future is also working with its web design company to redesign Make a Future's homepage, employer profile pages, and login pages and are working with applytoeducation to create a new job search page. This work should be completed in the next few weeks.

❖ **Report to Boards of Education**

A written report to boards of education through the BCPSEA *NewsLink Express* will be distributed in the coming weeks.

The next Board meeting is scheduled for June 28, 2019.

❖ **Next Board Meeting**

The next regularly scheduled Board meeting will be held June 28, 2019. The Board will also convene meetings on an as needed basis to consider tentative local school district – local union collective agreements as submitted to BCPSEA for ratification by the Board.