

Distribution of this Bulletin

Please ensure this bulletin is circulated to all administrative staff in both the district office and schools who must rely on the collective agreement in the performance of their duties.

Follow-up: BCTF Pamphlets and Messaging

Further to @issue [No. 2019-04](#) dated September 5, 2019, BCPSEA advised districts of two Foundation Skills Assessment pamphlets produced by the BC Teachers' Federation which they intend to distribute to parents via student or directly to parents on school property. The bulletin discussed the process and protocol agreement between the parties regarding distribution of such materials.

We are now aware that the BC Teachers' Federation (BCTF) has recently published three documents related to education funding and special education funding (attached), which they intend to distribute to parents via students or directly to parents on school property. We are therefore issuing this reminder bulletin regarding the October 2, 2013 protocol agreement between BCPSEA and the BCTF (attached), which remains in effect with respect to the content of the pamphlets and the method of distribution.

❖ BCPSEA Review of BCTF Pamphlets

It is important to understand that the BCTF has broad *Charter of Rights and Freedoms* (Charter) rights including freedom of expression. **BCPSEA's review of the pamphlets is not an endorsement of the content or the BCTF message**; rather, it is confined to assessing whether BCPSEA has any section 1 Charter concerns. The content is solely the view of the union and BCPSEA has no ability to request changes to content of the union's messages.

BCPSEA has advised the BCTF that the employer does not have any section 1 Charter concerns with respect to the content of the attached pamphlets, entitled "Special Education Funding: Our government must change course," (one in post card format, one in brochure format) and "Our kids and their teachers: WORTH INVESTING IN."

❖ Protocol Agreement: Distribution of Union Materials to Parents via Students or Directly to Parents on School Property

The protocol agreement has been in place since October 2013 and the BCTF agreed to extend it indefinitely, with the option of either party serving notice to cancel it at any time after June 30, 2015. At the present time, no such notice has been given.

If your local teacher union intends to distribute any of these three pamphlets, in accordance with clause 3 of the protocol agreement (with a minimum of four hours' notice) the local must first advise the district designate of the schools and dates where/when distribution is intended to occur.

Once the district designate receives such notice from the union, the district designate should advise the principals of the affected schools to ensure that the principals are aware of the approved pamphlets and that the requirements of clause 3 are complied with at the school level. For ease of reference, clause 3 of the protocol agreement is as follows:

- a) The local teacher union designated representative shall notify the district designated representative of the schools and dates on which the distribution of the materials shall occur. This notice shall occur no less than four hours prior to distribution.
- b) Materials that are distributed to parents by teachers via students shall be in sealed envelopes, clearly identifying that they are union produced and distributed. The envelope and materials will also be clearly marked and addressed to the parent/guardian.

If your local union provides you with any additional pamphlets or makes any amendments to the three “approved” pamphlets, please send your BCPSEA labour relations liaison a copy and advise your local that they must go through the protocol agreement process; i.e., thus far, in addition to the two FSA pamphlets that were the subject of *@issue* No. 2019-04, only these three additional pamphlets have been “approved” under the protocol agreement.

Please also ensure that your principals and vice-principals are aware of this protocol agreement and the procedures contained therein.

❖ **Union Political Messages on School Grounds**

There may also be situations where teachers attempt to post or wear union political messages on school grounds.

Although the Court of Appeal ruled that the employer is not entitled to impose an absolute ban on all political messages in schools (see *@issue* [No. 2013-04](#) dated May 31, 2013), each case is unique and must be evaluated on its own specific facts to determine whether the viewing of the materials had caused or could potentially cause harm or bias to students and/or disruption to the education system.

Should your district encounter a situation where teachers are wearing buttons/t-shirts, displaying messages, or engaging students in discussions of a union/political nature, please contact Leanne Bowes at leanneb@bcpsea.bc.ca to assess the specific facts and circumstances.

Questions

Should you require assistance or wish to discuss this issue further, please contact your BCPSEA labour relations liaison.

Attachments:

- October 2, 2013 Protocol Agreement
- BCTF Pamphlets: “Special Education Funding: Our government must change course,” (one in post card format, one in brochure format) and “Our kids and their teachers: WORTH INVESTING IN”