

BRITISH COLUMBIA LABOUR RELATIONS BOARD

**IN THE MATTER OF AN APPLICATION PURSUANT TO
THE *LABOUR RELATIONS CODE*, R.S.B.C. 1996, c.244**

BETWEEN:

BRITISH COLUMBIA PUBLIC SCHOOL EMPLOYERS' ASSOCIATION

(the "Employer" or "BCPSEA")

AND:

BRITISH COLUMBIA TEACHERS' FEDERATION

(the "Union" or "BCTF")

**BEFORE THE LABOUR
RELATIONS BOARD**

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**FRIDAY, THE 20TH DAY OF JUNE,
2014**

RICHARD S. LONGPRE, VICE-CHAIR

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ORDER

WHEREAS the Labour Relations Board (the "Board") received an application from BCPSEA pursuant to Section 72(1) of the *Labour Relations Code* (the "Code");

AND WHEREAS the Ministry of Jobs, Tourism and Skills Training and Minister Responsible for Labour has directed the Board to designate the facilities, productions and services that the Board considers necessary or essential to prevent immediate or serious danger to the health, safety or welfare of the residents of British Columbia or to prevent immediate and serious disruption to the provision of educational programs;

AND WHEREAS the undersigned was established as a Panel of the Board pursuant to Section 117 of the Code to deal with this matter;

AND WHEREAS the Employer and the Union made submissions to the Board and;

NOW THEREFORE, PURSUANT TO SECTION 72 OF THE *LABOUR RELATIONS CODE*, THE LABOUR RELATIONS BOARD DESIGNATES THE FOLLOWING SERVICES PROVIDED BY MEMBERS OF BCTF AS ESSENTIAL IN THE EVENT OF A FULL WITHDRAWAL OF SERVICES:

1. The following services required for the completion of Grade 12 report cards in accordance with Student Report Order M191/94, including:
 - a) invigilation of Grade 10-12 Provincial examinations, and
 - b) compilation and submission of final grades for grade 12 students in a form ready for entry into BCESIS no later than June 20, 2014.
2. All psychometric or other testing, scheduled as of the date of this Order conducted for the purpose of determining whether a student should receive a special needs designation.
3. For students in Ministry category H (Intensive Behaviour/Serious Mental Illness), teachers must provide, to a person or persons designated by the District, all information necessary to confirm or discontinue this designation for the 2014/2015 school year. The District will raise this issue with the Local Union before the Board resolves a dispute under this provision.
4. Effective immediately, Districts will consult with the Local Union regarding the number of teaching staff who will be required to invigilate Grade 10-12 Provincial exams occurring between June 16, 2014 and June 24, 2014, following the deployment of excluded and management personnel to the

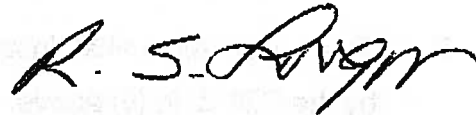
best extent possible. In the event of a dispute, the matter will be referred to the Board for resolution on Monday, June 16, 2014 and will be adjudicated by the Board that day.

5. The Local Union shall schedule its members to work in accordance with the Essential Service Designations.
6. The District shall direct those scheduled employees to perform the duties of their employment that it determines to be necessary or essential to comply with this Order.
7. The Local Union shall instruct its members to perform the work as directed by the District in (6) above.
8. Schedules, directions and instructions, in (5), (6), (7) and (10) shall be governed by the terms and conditions of the collective agreement last in force.
9. The Local Union shall provide unrestricted access and egress for those persons covered by this Order, or any other Essential Services Order and any other person or delivery required for the continued operation of the facilities, production or services designated by this Order. The Local Union will not picket entrances designated by the Local Union for students who attend school to write examinations covered by this Order.
10. The District shall prepare and the Local Union will distribute class lists with the most recent report card percentage for final marks for students in grades 10 and 11 for review by the classroom teacher. The classroom teacher will review the class lists within 48 hours and advise the Local Union of any change to the percentage shown on the class list. The Local Union will provide the lists of any revisions to the district within the same 48 hours.

11. This Order reflects the current determination of the Labour Relations Board. The above designations may be varied by the agreement of the parties or revised by successful application to the Labour Relations Board by the Employer and the Union.

DATED AND EFFECTIVE at Vancouver, British Columbia, this 20th day of June, 2014.

LABOUR RELATIONS BOARD



RICHARD S. LONGPRE
VICE-CHAIR