

Essential Services

UPDATE



2011-02

July 27, 2011

By E-mail: 3 Pages plus attachment

Labour Relations Board Issues Decision on BC Teachers' Federation Phase 1 Job Action

On July 26, 2011 the Labour Relations Board (LRB) announced its decision regarding the designation of essential services in relation to the BC Teachers' Federation (BCTF) successful vote on Phase 1 of their job action plan. The Board's decision (B132/2011 attached) determines which activities may and may not be affected if Phase 1 is implemented in September. Many school districts have inquired about the potential for strike activity and what the Board's decision will mean in the event that the Union initiates job action.

This update provides information about the LRB decision. For ease of reference, we have put this bulletin in the form of Frequently Asked Questions. If you are interested in more information about essential services, how to obtain an essential services order, or how essential services designations occur, please refer to [Essential Service Update 2011-01](#).

Q: What effect does the LRB's decision have on Phase 1 job action?

A: The LRB's decision determines what is an essential service for students and eligible children under the *School Act*. The decision provides a list of activities that teachers will be required and will not be required to perform should the Union begin Phase 1 job action.

Q: Which activities will be affected if the BCTF implements Phase 1 job action?

A: Teachers will participate in a normal manner in the class/program composition and formation from the beginning of the school year until September 10, 2011 for elementary students and until September 17, 2011 for secondary students. This includes communications and meetings with the principal for the purpose of preparing for the upcoming school year. Please be advised that such communication and meetings of teachers with principals is for the **sole** purpose of organizing class/program composition and formation and not for other purposes or general preparations for the upcoming year.

After those dates, teachers will not be required to perform a variety of administrative duties or interact with Administrative Officers.

The LRB decision sets out the list of activities "...BCTF members need not perform during Phase 1 job action":

- Participate in meetings or interviews with parents/guardians and/or district teaching staff outside of instructional time, or during instructional time unless coverage is provided

- Participate in meet the teacher activities outside of instructional time, or during instructional time unless coverage is provided
- Prepare or distribute report cards
- Provide any student assessment data to Administrative Officers or the school office, except Grade 12 marks required for graduation, post-secondary applications and scholarship purposes
- Complete and submit student referral forms outside of instructional time
- Attend staff meetings
- Attend staff committee meetings
- Attend any meeting called by School District management
- Participate in any standing or ad hoc District committees
- Attend school based meetings called by an Administrative Officer, unless the meetings are related to an emergency
- Provide Administrative Officers with any routine printed, written or electronic communications
- Accept any printed, written or electronic communication from an Administrative Officer, unless it relates to an emergency
- Participate in the preparation or the organization of assemblies outside of instructional time, or during instruction time unless coverage is provided
- Participate in any accreditation activity
- Participate in any School District or Ministry in-service
- Participate in any professional development that is not teacher directed
- Participate in any school photo organization.
- Provide coverage for a teacher who is absent, except for a Teacher on Call hired specifically for that purpose (consistent with principles in B421/2011 and B444/2011)
- Administer or supervise FSA or any District or Ministry test (consistent with principle in B418/2011)
- Collect money from students or participate in fund raising
- Order supplies, textbooks, etc., unless needed immediately to effectively maintain ongoing instruction
- Assist the Administrative Officer in administrative tasks like building timetables or computer organization
- Do inventory
- Organize textbooks.
- Answer school office phones
- Supervise detentions before, during or after instructional time
- Prepare overviews or previews for the Administrative Officers, except when associated with a teacher evaluation process
- Distribute School District or administrative letters, newsletters, memos or announcements to students, unless it is health and safety related
- Pack up classrooms to facilitate painting, renovations or maintenance

- Perform department head/position of responsibility duties except during allocated time in the time table.

Q: Which activities will continue as normal?

A: Under Phase 1 BCTF members will continue to prepare and plan lessons, assessment, evaluation and marking, and teacher discipline, evaluation, and investigation meetings. They will also continue to communicate with Administrative Officers regarding student health and safety and be available in the event of an emergency or disaster situation.

Q: Will Phase 1 affect extracurricular activities?

A: Teachers may continue to participate in extracurricular activities at their discretion.

Q: Will there be any picketing?

A: There will be no picketing under Phase 1 job action.

Q: What about the ongoing discussion about attendance?

A: BCPSEA's position is that teachers should transmit attendance records in the normal manner. The BCTF believes that this should be the responsibility of the Employer. Both BCPSEA and the BCTF have filed written submissions, however, the matter remains in dispute. As a result, the LRB will convene an oral hearing to conclude the matter as quickly as possible.

Q: What happens if the BCTF wants to escalate job action past Phase 1?

A: In this event, the BCTF will inform the LRB. The LRB will review and determine essential services for the BCTF bargaining unit. Any strike activity that has not been through the essential service designation process should not take place.

Q: Will BCPSEA be providing more information on the essential services process and potential strike issues?

A: Yes. We are currently updating our *Labour Dispute and Essential Services Manual* and will be organizing information sessions to be held in Vancouver, Victoria, and Kelowna in August. Those information sessions will discuss the essential services process, how to implement any Phase 1 designations, and strike management issues. Additionally, we will be providing *Essential Services Updates* to school districts on a regular basis.

If you have any questions regarding essential services, please contact:

Karen Jewell	604 730 4518	karenj@bcpsea.bc.ca
Renzo Del Negro	604 730 4511	renzod@bcpsea.bc.ca

Attachment: LRB Decision No. B132/2011