

BCTF FSA Pamphlets & Messaging

The BCTF has recently provided BCPSEA with copies of the 2 FSA pamphlets (attached) the BCTF intends to distribute to parents via students or directly to parents on school property. The October 2, 2013 protocol agreement (attached) remains in effect with respect to the content of the pamphlets and the method of distribution.

BCPSEA has advised the BCTF that the employer does not have any section 1 Charter concerns with respect to the content of the 2 pamphlets, titled "Request that your child be excused from the FSA" and "Parents Should Know: FSA Tests Are Not Useful".

❖ *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 in 2014 BCPSEA 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 one or both of these pamphlets, in accordance with clause 3 of the protocol agreement (with a minimum of 4 hours' notice) the local must first advise the district designate of the schools and dates on which 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 2 approved pamphlets, please send your BCPSEA liaison a copy and advise your local that they must go through the protocol agreement process; i.e., thus far only these 2 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 be situations where teachers attempt to post or wear union political messages on school grounds.

Although the Court of Appeal has ruled that the employer is not entitled to impose an absolute ban on all political messages in schools (see @issue 2013-04 at <http://www.bcpsea.bc.ca/publications/bulletins/issue.aspx>), 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.

Unlike the materials and circumstances that were ruled upon by the Court of Appeal, **FSA materials have a very direct link to students who are involved in the completion of FSA**. In this regard, harm was found by Arbitrator Burke in the circumstances of the SD 73 (Kamloops/Thompson) black armband arbitration that involved a teacher's protest of FSA in the school.

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 Jennifer Duprey at jenniferd@bcpsea.bc.ca to assess the specific facts and circumstances. In light of the Court of Appeal ruling, districts should **not** continue to follow our previous advice of an automatic absolute ban on any political messaging by teachers in schools.

Questions

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

Distribution of this Bulletin

Please ensure that 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.