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BY FACSIMILE (604-660-1892)

Reply to: JOHN ROGERS, Q.C.

Telephone direct: 604.602.7981

February 20, 2012

Labour Relations Board of British Columbia  
Oceanic Plaza  
600 - 1066 West Hastings Street  
Vancouver BC V6E 3X1

Attention: Michael Fleming, Associate Chair (Mediation)

Dear Mr. Fleming:

**Re: British Columbia Teachers' Federation ("BCTF") -and- British Columbia Public School Employers' Association ("BCPSEA")  
(Application for a Mediator pursuant to section 74)**

1. This is an application pursuant to section 74 requesting that the Board appoint a mediator to meet with the parties with an aim to resolve part or all of the matters in dispute between BCTF and BCPSEA. As I am certain you are aware, both parties have yet to reach a collective agreement following extensive bargaining.
2. BCTF is aware that the Board is often reluctant to appoint a mediator after the initiation of strike or lockout action, unless the request is submitted by both parties. However, there is no such restriction contained in section 74 and indeed the Board has appointed mediators following the commencement of strike or lockout action.
3. As the Board is also aware, the government has assigned one of its Minister of Labour employees to conduct what it describes as "fact finding". However, that is not an appointment pursuant to section 77 of the *Code*, and the appointee, Trevor Hughes, has expressly acknowledged that he is not able to mediate or even facilitate negotiations. BCTF believes that a process is required which will bring the parties together, rather than merely describe their differences.
4. The government has stated it is contemplating legislating a resolution of the dispute. As the Board is aware, previous legislative action by the government in 2002 and 2005 had significant negative labour relations consequences which continue to negatively affect the relationship between the parties.

VICTORY SQUARE LAW OFFICE LLP  
Labour Relations Board of British Columbia, Att.: Michael Fleming, Associate Chair (Mediation)  
February 20, 2012

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5. It is submitted that even if BCPSEA does not consent to an appointment of a mediator pursuant to this application, the Board has a statutory and labour relations obligation to conduct the mediation. Indeed, pursuant to section 2, the Board is required to exercise its powers and perform its duties in a manner that:

- (a) recognizes the rights and obligations of employees, employers and trade unions under this Code
- (c) encourages the practice and procedures of collective bargaining between employers and trade unions as the freely chosen representatives of employees
- (e) promotes conditions favourable to the orderly, constructive and expeditious settlement of disputes
- (h) encourages the use of mediation as a dispute resolution mechanism.

6. BCTF strongly believes that the appointment of a mediator will meet those objectives.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Yours truly,

VICTORY SQUARE LAW OFFICE LLP

per:



John Rogers, Q.C.

Enclosures

/afp

c(s): clients  
British Columbia Public School Employers' Association, Att.: Jacquie Griffiths (604-730-0787)



Form 74

**APPLICATION FOR A MEDIATOR  
(SECTIONS 55 AND 74)**

PLEASE INDICATE UNDER WHICH SECTION OF THE CODE THIS APPLICATION IS BEING MADE

Section 55

Section 74

**APPLICANT INFORMATION (Trade Union, Employer or Employer Organization making the application)**

Name: British Columbia Teachers' Federation \_\_\_\_\_

Address: #100 - 550 West 6<sup>th</sup> Avenue \_\_\_\_\_ City: Vancouver, B.C. \_\_\_\_\_

Postal Code: V5Z 4P2 \_\_\_\_\_ E-mail: n/a \_\_\_\_\_

Representative to be contacted: Susan Lambert \_\_\_\_\_

Telephone: 604-871-2283 \_\_\_\_\_ Fax: 604-871-2291 \_\_\_\_\_

Cell: 604-340-1931 \_\_\_\_\_ E-mail: slambert@bctf.ca \_\_\_\_\_

If bargaining is being conducted by another party on the applicant's behalf; name: n/a \_\_\_\_\_

Employer Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Cell: \_\_\_\_\_ E-mail: \_\_\_\_\_

**RESPONDENT INFORMATION (Trade Union, Employer or Employer Organization that is the other party in collective bargaining)**

Name: British Columbia Public School Employers' Association \_\_\_\_\_

Address: 400 - 1333 West Broadway \_\_\_\_\_ City: Vancouver, B.C. \_\_\_\_\_

Postal Code: V6H 4C1 \_\_\_\_\_ E-mail: contact.us@bcpsea.bc.ca \_\_\_\_\_

Representative to be contacted: Jacquie Griffiths \_\_\_\_\_

Telephone: 604-730-0739 \_\_\_\_\_ Fax: 604-730-0787 \_\_\_\_\_

Cell: \_\_\_\_\_ E-mail: jacquieg@bcpsea.bc.ca \_\_\_\_\_

If bargaining is being conducted by another party on the respondent's behalf; name: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Cell: \_\_\_\_\_ E-mail: \_\_\_\_\_

**BARGAINING UNIT**

Actual location of business: Province-wide bargaining unit of teachers \_\_\_\_\_

Certification Date: 1994 \_\_\_\_\_

Number of Bargaining Unit Employees: 41,000 \_\_\_\_\_

**COLLECTIVE AGREEMENT**

Is this the first collective agreement?       Yes       No

If no, enter the term of the previous agreement:

Term: From: July 1, 2006 \_\_\_\_\_ To: June 30, 2011 \_\_\_\_\_

**STRIKE/LOCKOUT VOTE**

Has a strike or lockout vote been taken?       Yes       No

If yes, what date was vote taken? June 30, 2011 \_\_\_\_\_

**STRIKE/LOCKOUT NOTICE**

If strike or lockout notice has been given:

Name of party serving notice: British Columbia Teachers' Federation \_\_\_\_\_

Date and time the notice was served: 7:00 a.m., Tuesday, September 6, 2011 \_\_\_\_\_

If a strike or lockout has commenced, on what date? September 6, 2011 \_\_\_\_\_

**DATES OF MEETINGS HELD**

See attached document \_\_\_\_\_

**OUTSTANDING ISSUES**


Salary, benefits, paid leaves, designation of local and provincial matters, seniority, evaluation of teachers \_\_\_\_\_

**ESSENTIAL SERVICES**

Are essential services a factor in this dispute?     Yes     No

**LABOUR RELATIONS BOARD FEES**

- PARTIES TO THE DISPUTE SHALL SHARE EQUALLY, THE MEDIATION FEE OF \$500.00, PLUS G.S.T., PER DAY.
- THE LABOUR RELATIONS BOARD SHALL INVOICE THE PARTIES.

Signature:     Date: Feb 20, 2012  
 Title: Lawyer

PLEASE ENCLOSE ONE COPY OF THE MOST RECENT COLLECTIVE AGREEMENT AND A COPY OF THE CERTIFICATION(S) APPLICABLE TO THIS BARGAINING UNIT.

Completed forms and ALL supporting documents to be sent to:

ASSOCIATE CHAIR (MEDIATION)  
 LABOUR RELATIONS BOARD  
 600 - 1066 WEST HASTINGS STREET  
 VANCOUVER, B.C. V6E 3X1

PHONE (604)660-1300  
 FAX (604)660-1892

Copies must be delivered to affected parties.  
 Has this been done?  
 YES     NO



**BCTF/BCPSEA Negotiating Dates**

Tuesday, March 01, 2011	Monday, October 17, 2011
Thursday, March 31, 2011	Tuesday, October 18, 2011
Tuesday, April 05, 2011	Friday, October 21, 2011
Tuesday, April 12, 2011	Wednesday, October 26, 2011
Wednesday, April 13, 2011	Thursday, October 27, 2011
Thursday, April 28, 2011	Monday, October 31, 2011
Friday, April 29, 2011	Tuesday, November 01, 2011
Monday, May 16, 2011	Wednesday, November 02, 2011
Wednesday, May 18, 2011	Monday, November 07, 2011
Tuesday, May 24, 2011	Monday, November 14, 2011
Wednesday, May 25, 2011	Tuesday, November 22, 2011
Tuesday, May 31, 2011	Thursday, November 24, 2011
Wednesday, June 01, 2011	Monday, November 28, 2011
Thursday, June 02, 2011	Tuesday, November 29, 2011
Tuesday, June 07, 2011	Wednesday, November 30, 2011
Wednesday, June 08, 2011	Thursday, December 01, 2011
Monday, June 13, 2011	Monday, December 5, 2011
Tuesday, June 14, 2011	Wednesday, December 7, 2011
Friday, June 17, 2011	Monday, December 12, 2012
Tuesday, June 21, 2011	Monday, January 9, 2012
Thursday, June 23, 2011	Tuesday, January 10, 2012
Friday, June 24, 2011	Wednesday, January 11, 2012
Monday, June 27, 2011	Thursday, January 12, 2012
Wednesday, June 29, 2011	Friday, January 13, 2012
Tuesday, August 23, 2011	Tuesday, January 17, 2012
Wednesday, August 24, 2011	Wednesday, January 18, 2012
Thursday, August 25, 2011	Thursday, January 19, 2012
Friday, August 26, 2011	Tuesday, January 24, 2012
Tuesday, August 30, 2011	Wednesday, January 25, 2012
Monday, September 05, 2011	Wednesday, February 1, 2012
Wednesday, September 07, 2011	Thursday, February 2, 2012
Thursday, September 08, 2011	Friday, February 3, 2012
Monday, September 12, 2011	Tuesday February 14, 2012
Monday, September 19, 2011	Wednesday, February 15, 2012
Tuesday, September 20, 2011	Friday, February 17, 2012
Wednesday, September 21, 2011	
Thursday, September 22, 2011	
Wednesday, September 28, 2011	
Thursday, September 29, 2011	
Thursday, October 6, 2011	
Friday, October 7, 2011	
Wednesday, October 12, 2011	