

***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.*

## Canadian Teachers' Federation National Day of Action: BCTF Walk-in

Districts may be aware that the Canadian Teachers' Federation (CTF) has designated February 28, 2020 as a national day of action for teachers across Canada.

Many BCTF locals are planning to participate in a "walk-in," which generally involves teachers gathering outside of school grounds prior to the first bell and then walking into the school together. Teachers may be wearing red as part of the "#RedforBCed" political campaign and may have signs or be handing out pamphlets to parents.

In general, teachers do have the right of freedom of expression as long as their actions do not potentially cause harm or bias to students and/or disruption to the education system. A peaceful walk-in, where teachers engage parents with pamphlets, is unlikely to be viewed by the courts as causing harm or bias to students.

Districts should be aware that there is no requirement for local unions to provide copies of the pamphlets if they are to be distributed **outside of** school grounds. The BCPSEA–BCTF protocol for distribution of union materials applies only to distribution of materials **on** school grounds.

If your district has evidence that the campaign has clearly negatively impacted students or if you encounter situations where teachers are engaging students in discussions of a union/political nature, please contact your BCPSEA [labour relations liaison](#).

Districts may also wish to consider direct communication to schools to ensure that teachers are aware of their professional obligations and, in particular, that they:

- must be at work on time, per the requirements of the collective agreement
- must ensure the educational process is not disrupted as a result of the union's campaign
- must not encourage students to wear red to support teachers
- must refrain from any acts or communications that may give the impression that students who are perceived to support the teachers' political campaign will be favoured
- must ensure they do not engage in activity which could undermine the public's confidence in the school system.

## Background

### ❖ Union Political Messages on School Grounds

Although the Court of Appeal determined that insulating students **in general** from political messages is not a pressing and substantial objective to prohibit freedom of expression, it also re-confirmed that teachers' right to freedom of expression in schools is not unlimited (see [@issue No. 2013-04](#) dated May 21, 2013).

This means that while the employer is not entitled to impose an absolute ban on all political messages in schools (such as wearing red shirts), each case is unique and must be evaluated on its own specific facts to determine whether the viewing of political materials or discussion of topics with students had caused or could potentially cause harm or bias to students and/or disruption to the education system.

The court commented that,

“at a minimum... the professionalism of teachers includes their obligation to ensure that any discussion in which they engage in the school setting concerning the education of children must be a reasoned one. Where the issue upon which teachers choose to exercise their rights to free speech is a political one, their rights must be balanced against the rights of their students to an education free from bias.

While exposing children to diverse societal views and opinions is an important part of their educational experience, exposure to only one view of an issue, where there are legitimate competing views could represent a failure to uphold the principles of tolerance and impartiality that the education system must promote and foster.”

### ❖ Distribution of Union/Political Materials to Parents

The procedure regarding distribution of union/political materials to parents on school grounds can be found in [@issue No. 2019-06](#) dated September 5, 2019 and [@issue No. 2019-03](#) dated June 24, 2019.