@iSSUE

BRITISH COLUMBIA PUBLIC SCHOOL EMPLOYERS' ASSOCIATION
SOLUTIONS AT WORK

| **2020-11** | **November 11, 2020** | **By E-mail: Two Pages plus Attachment** |

Distribution of this Bulletin: Please ensure this bulletin is circulated to all administrative staff in both the district office and schools as appropriate.

BCTF Section 88 Application: Labour Relations Board Troubleshooter Process

Background

Following the application filed September 17, 2020 by the BC Teachers' Federation (BCTF) under Section 88 of the *Labour Relations Code*, naming both BCPSEA and the Ministry of Education, late on November 10 the Chair of the Labour Relations Board (the Chair) issued a letter including a number of recommendations.

Purpose of Recommendations

The Chair's letter states:

> "I have been asked to make recommendations on how to best facilitate a process for providing clarity and for resolving issues expeditiously in this challenging and multi-stakeholder context.

> The goal of these recommendations is to support existing collaborative processes, including multi-stakeholder bodies, as they continue to do the important work of guiding schools and school communities through the pandemic."

NEW PROCESS: K-12 Workplace Stakeholders

The Chair recognizes there are existing processes for addressing challenges; e.g., health and safety committees, labour–management committee, grievance–arbitration, WorkSafeBC:

> "**These processes can and should be used to resolve issues. My recommendation, below, is not intended to replace them**."

The recommendations, as set out in the Chair's November 10, 2020 letter (attached), are summarized below:

1. Effective Monday, November 16, 2020 the **LRB will make neutrals available to troubleshoot issues on an expedited basis**, **including evenings or weekends where necessary**.

2. The **process is available on request** by school districts, teacher and support staff union locals, BCPSEA, and the BCTF.

3. On the request of a Party, a troubleshooter will "**assist the Parties to discuss and resolve issues** arising between them **that involve implementation of the Guidelines and related health and safety issues or other pressing COVID-19 related issues that arise.**"

4. The troubleshooter will **use an informal and collaborative approach to fact-find and make non-binding recommendations, which may include directing the Parties to an existing process**.

5. The LRB will track the nature of the disputes and provide interim reports to the Parties. The LRB may make recommendations to address recurring issues or to establish an independent troubleshooter mechanism.

6. The **Parties are each "responsible for reviewing and identifying the issues before being referred to the troubleshooter**."

7. The LRB will review the troubleshooter process with the Parties after three months and make any further recommendations.

[emphasis ours]

Advice for School Districts

Districts are advised to **review the recommendations in the Chair's letter in full** and establish a process to identify and respond to notifications that a troubleshooter has been assigned to an issue on an expedited basis.

We **recommend designating a point-person and communicating who that point-person will be with your locals as well as BCPSEA**.

NEW PROCESS: Ministry of Education Steering Committee

The Chair also set out a number of recommendations for the Ministry of Education Steering Committee (the SC) established to develop operational guidelines to assist school districts in planning for school re-opening in September 2020.

One key recommendation is that "…**prior to implementing changes in the Provincial COVID-19 Health and Safety Guidelines for K-12 Setting** (the "Guidelines"), the SC will be provided with information on the nature of, and reasons for, the changes and **stakeholders will be given the opportunity to provide their input.**"

Questions

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

Attachment:
Letter from the Chair, Labour Relations Board, dated November 10, 2020 re Application under Section 88 of the *Labour Relations Code*