

## In Search of HR Best Practices Not a Fad...An Imperative!

While labour relations advice/resources and collective bargaining have been the largest components of BCPSEA's "core business," the successful rounds of collective bargaining and the terms of the agreements mean that the association has to re-focus its activities on the broader areas of its statutory mandate.

Human resource management is broadly described as *decisions and activities involving individuals or groups of individuals that are designed to influence the effectiveness of employees and the organization*. The reality today is that employers are grappling with employee demographics and a labour market where employees are exercising choices about where they work and how they wish to organize their work and lives. The challenge today for employers is to facilitate employee effectiveness through human resource innovation, excellence and best practices. HR innovation and excellence will give evidence that your organization is the place where people want to work – an employer of choice. But how? Where should we start? Maybe we're okay right now?

Leadership and management in human resources is a shared effort between school districts and their employers' association. The statutory mandate of the BC Public School Employers' Association is established by the *Public Sector Employers Act*:

- (2) *The purposes of an employers' association are to coordinate the following with respect to a sector:*
  - (a) *compensation for employees who are not subject to collective agreements;*
  - (b) *benefit administration;*
  - (c) *human resource practices;*
  - (d) *collective bargaining objectives.*
- (3) *In addition, it is a purpose of an employers' association*
  - (a) *to foster consultation between the association and representatives of employees in that sector, ...*

### An Opportunity to Re-Focus

While labour relations advice/resources and collective bargaining (clause 2(d) of the mandate) have been the largest components of BCPSEA's "core business," the successful rounds of collective bargaining and the terms of the agreement mean that the association has to re-focus its activities on the broader areas of its statutory mandate.

Put another way, the areas of focus and service emphasis must be on human resource practices and the facilitation of best practices in labour relations and the other selected areas of human resource management, including exempt staff

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contracts/compensation, occupational health and safety, pension and benefits.

Success in these endeavors, and in 3(a) of our mandate – to *foster consultation between the association and representatives of employees in that sector* – will allow for the creation of a sound foundation for the renegotiation of both the support staff and teacher agreements in four to five years. The other areas of focus must also include the refinement of the relationship and interrelationship between government as policy makers and the BCPSEA as a co-governed multi-employer association.

BCPSEA is first and foremost a service organization – our primary function is to provide leadership and support that assists school boards in managing their human resource function. How each employer manages employees and makes human resource decisions to fulfill the district's purpose and meet its mandate is a local reality, based on a complex web of priorities within a unique organizational culture. In coordinating human resource practices for the K-12 public education sector, BCPSEA is working with districts and other public sector partners to identify and facilitate best practices in human resources.

Best practices aren't one thing or a single answer or even a series of answers that solves every workplace human resource issue. The search for best practices is about, first, assessment of the human resource function and then development of an improvement plan. Best

practices provoke inquiry, stimulate creativity and provide a focus for making you an employer of choice in a competitive labour market. The identification and analysis of best practices challenges you to re-think the human resource function and establish plans for continuous improvement. As we know, people have choices where they work...and the way an employer manages and is a recognized practitioner of HR best practices can be a differentiating factor for employees making choices in a competitive labour market.

### Testing District Human Resources: Planning for Continued Improvement

Take a test! Examine your current human resource function as a first step. The following questionnaire is a good place to start: *How effective is our human resource function and how results oriented is it?*

There are three steps:

- Select the response that best describes the situation in your organization
- Assign a numeric value to each of your responses to the questions based on the test scale
- Total your score and review. What do these scores tell you?

Tests such as this are designed to initiate discussion and lead you to reflect on how your organization views human resources.

Best practices provoke inquiry, stimulate creativity and provide a focus for making you an employer of choice in a competitive labour market.

## Annual General Meeting January 2007

The 13th Annual General Meeting of the BC Public School Employers' Association will be held January 26-27, 2007, at the Hilton Vancouver Airport Hotel in Richmond. Information will be distributed to districts once logistics are finalized.

Tests such as this are designed to initiate discussion and lead you to reflect on how your organization views human resources.

## Self-Test: How Results-Oriented Is Human Resources in Your District?

### Step One:

Select the response that best describes the situation in your organization and circle the letter preceding the response:

- 1. Performance measurements have been developed and are used to determine the effectiveness of:**
  - A. All human resources (HR) functions
  - B. Approximately half of the HR functions
  - C. At least one HR function
- 2. Major organizational decisions:**
  - A. Are usually made with input from the HR function
  - B. Are usually made without input from the HR function
  - C. Are always made with input from the HR function
- 3. The return on investment in HR is measured primarily by:**
  - A. Intuition and perception by senior executives
  - B. Observations by management and reactions from participants and users
  - C. Improvements in productivity, cost savings, quality, etc.
- 4. The concern for the method of evaluation in the design and implementation of HR programs occurs:**
  - A. Before a program is developed
  - B. After a program is implemented
  - C. After a program is developed but before it's implemented
- 5. New HR programming, without some formal method of measurement and evaluation, is:**
  - A. Never implemented
  - B. Regularly implemented
  - C. Occasionally implemented
- 6. The costs of specific HR programs are:**
  - A. Estimated when the programs are implemented
  - B. Never calculated
  - C. Continuously implemented
- 7. The costs of absenteeism, turnover, and sick leave of the organization:**
  - A. Are routinely calculated and monitored
  - B. Have been occasionally calculated to identify problem areas
  - C. Have not been determined
- 8. Benefit/cost comparisons of HR programs are:**
  - A. Never developed
  - B. Occasionally developed
  - C. Frequently developed
- 9. In an economic downturn, the HR function will:**
  - A. Be retained at the same staffing level, unless the down-turn is lengthy
  - B. Be the first to have its staff reduced
  - C. Go untouched in staff reductions and possibly be beefed up
- 10. The cost of current or proposed employee benefits are:**
  - A. Regularly calculated and compared with national, industry and local data
  - B. Occasionally estimated when there is concern about operating expenses
  - C. Not calculated, except for required quarterly and annual reports

Human Resources Scorecard, Measuring the Return on Investment  
Jack J. Phillips, Ron D. Stone, Patricia Pulliam Phillips. Pages 496-504

- 11. The chief executive officer (CEO) interfaces with the senior HR officer:**
- A. Infrequently; it is a delegated responsibility
  - B. Occasionally, when there is a pressing need
  - C. Frequently, to know what's going on and to provide support
- 12. On the organizational chart, the top HR manager:**
- A. Reports directly to the CEO
  - B. Is more than two levels removed from the CEO
  - C. Is two levels below the CEO
- 13. Line management involvement in implementing HR programs is:**
- A. Limited to a few programs in its area of expertise
  - B. Nil; only HR specialists are involved in implementing programs
  - C. Significant; most of the programs are implemented through line management
- 14. The HR staff involvement in measurement and evaluation consists of:**
- A. No specific responsibilities in measurement and evaluation with no formal training in evaluation methods
  - B. Partial responsibilities for measurement and evaluation, with some formal training in evaluation methods
  - C. Complete responsibilities for measurement and evaluation; even when some are devoted full time to the efforts, all staff members have been trained in evaluation methods
- 15. Human resources development (HRD) efforts consist of:**
- A. A full array of courses designed to meet individuals' needs
  - B. Usually one-shot, seminar-type approaches
  - C. A variety of education and training programs implemented to improve or change the organization
- 16. When an employee participates in an HR program, his or her supervisor usually:**
- A. Asks questions about the program and encourages the use of program materials
  - B. Requires use of the program material and uses positive rewards when the employee meets program objectives
  - C. Makes no reference to the program
- 17. Pay for performance programs (bonuses, incentive plans, etc.):**
- A. Exist for a few key employees
  - B. Are developed for all line employees
  - C. Are developed for most employees, line and staff
- 18. Productivity improvements, cost reductions, or quality of work life programs:**
- A. Have not been seriously considered in the organization
  - B. Are under consideration at the present time
  - C. Have been implemented with good results
- 19. The results of HR programs are communicated:**
- A. Occasionally, to members of management only
  - B. Routinely, to a variety of selected target audiences
  - C. As requested, to those who have a need to know
- 20. With the present HR organization and attitude toward results, the HR function's impact on profit:**
- A. Can be estimated but probably at a significant cost
  - B. Can be estimated (or is being estimated) with little additional cost
  - C. Can never be assessed

## Step Two: Scoring and Interpretation

**Scoring:** Assign a numeric value to each of your responses based on the following schedule: 5 points for the most correct response, 3 points for the next most correct response and 1 point for the least correct response. Total your score and compare it with the analysis that follows.

Points				
1. A - 5 B - 3 C - 1	5. A - 5 B - 1 C - 3	9. A - 3 B - 1 C - 5	13. A - 3 B - 1 C - 5	17. A - 1 B - 3 C - 5
2. A - 3 B - 1 C - 5	6. A - 3 B - 1 C - 5	10. A - 5 B - 3 C - 1	14. A - 1 B - 3 C - 5	18. A - 1 B - 3 C - 5
3. A - 1 B - 3 C - 5	7. A - 5 B - 3 C - 1	11. A - 1 B - 3 C - 5	15. A - 3 B - 1 C - 5	19. A - 3 B - 5 C - 1
4. A - 5 B - 1 C - 3	8. A - 1 B - 3 C - 5	12. A - 5 B - 1 C - 3	16. A - 3 B - 5 C - 1	20. A - 3 B - 5 C - 1

## Step Three: Analysis of Scores

Total score should range from 20 to 100. The higher the score, the greater your organization's emphasis on achieving results with the HR function.

Score Range	Analysis of Range
81 – 100	This organization is truly committed to achieving results with the HR function. Additional concentrated efforts to improve measurement and evaluation for the HR function are not needed. There is little room for improvement. All HR sub-functions and programs appear to be contributing to organizational effectiveness. Management support appears to be excellent. Top management commitment is strong. This HR department is taking the lead in measurement and evaluation by showing the contribution it can make to the organization's success. Chances are, it is a vital part of an effective and successful organization.
61 – 80	This HR department is strong and is contributing to organizational success. The organization is usually better than average in regard to measurement and evaluation. Although the attitude toward achieving results is good, and some of the approaches to evaluation appear to be working, there is still room for improvement. Additional emphasis is needed for this department to continue to be effective.
41 – 60	Improvement is needed in this organization. It ranks below average with other HR departments in measurement and evaluation. The attitude toward results and the approach used in implementing HR programs



are less than desirable. Evaluation methods appear to be ineffective and action is needed to improve management support and later the philosophy of the organization. Over the long term, this department falls far short of making a significant contribution to the organization. This organization shows little or no concern for achieving results from the HR function. The HR department appears to be ineffective and improvement is needed if the department is to survive in its current form and with its current management. Urgent attention is needed to make this department more effective in contributing to the success of the organization.

## Review: What do the scores tell me?

This instrument has been administered to HR managers and specialists attending local, regional, or national HR conferences. The typical respondent has been the individual responsible for the HR function. The instrument was administered anonymously and the respondents were provided ample time at the beginning of the meeting to complete it. Questions and answers were allowed during the administration of the instrument. To date, there have been more than 700 usable responses representing an average score of 61.4 with a standard deviation of 7.7.

The score can reveal much about the status of human resources in an organization and the attitude toward measurement and evaluation. A perfect score of 100 is probably unachievable and represents utopia; however, it is the ultimate goal of many HR executives and a few other key executives. On the other extreme, a score of 20 reveals an ineffective organization, at least in terms of the contribution of the HR function. The organization will probably not exist for long in its current form or with the current staff.

Although the analysis of these scores is simplistic, the message from the exercise should be obvious. Achieving results from the HR function is more than just evaluating a single program or service. It represents a comprehensive philosophy that must be integrated into the routine activities of the HR staff and supported and encouraged by top executives.

Human resource innovation, excellence and the identification and adoption of best practices is not just another fad or set of buzz words. It is an imperative. An organization's human resource function can be a differentiating factor – the difference between a *best employer* and *another place to work*. *Another place to work places* will lose in this competitive labour market. There are just too many choices for people!

Do you want to learn more? If you want to receive further insight and explanation for the Self Test responses, or BCPSEA HR Best Practice initiatives, contact Hugh Finlayson at [hughf@bcpssea.bc.ca](mailto:hughf@bcpssea.bc.ca) for the *Rationale for the Scoring and Explanation of Responses*.



An organization's human resource function can be a differentiating factor – the difference between a *best employer* and *another place to work*.

# Getting to an Agreement

## A Compensation Framework, Transitional Negotiations, and a Provincial Collective Agreement

The historic BCTF-BCPSEA agreement represented the culmination of a highly successful round of public sector collective bargaining.

At approximately 10:45 pm on June 30, 2006, the BC Public School Employers' Association and the BC Teachers' Federation reached the first freely negotiated collective agreement between the parties since the introduction of provincial bargaining in 1994.

The historic BCTF-BCPSEA agreement represented the culmination of a highly successful round of public sector collective bargaining. All 137 agreements which were due to expire by March 31 and June 30, 2006 were concluded under the negotiating framework established by Minister of Finance Carole Taylor. Those agreements cover more than 300,000 employees – roughly 97 per cent of all public sector employees.

### Setting the Stage for the 2006 Round

The previous issue of *NewsLink* (Winter 2006) closed the chapter on the 2005 round of provincial collective bargaining with the BC Teachers' Federation, which resulted in a legislated collective agreement (continuation of the existing agreement for one year, to June 30, 2006), teacher job action, an illegal strike, court proceedings, and recommendations from Industrial Inquiry Commissioner Vince Ready that led to teachers' return to the classroom around this time last year (October 24, 2005).

Given that virtually all of the public sector would be bargaining at the same time, the reality that one employer's or sector's actions would affect others, and with the June 30, 2006 expiry of the BCTF-BCPSEA legislated agreement looming, the Public Sector Employers' Council (PSEC) and the Ministry of Finance adopted a more structured approach to public sector bargaining.

In December 2005, PSEC circulated the 2006 *Negotiating Framework Employer's Guide* to all public sector employers' associations. The Guide established government's compensation framework for the 2006 rounds of bargaining:

- An agreement term of four years or more
- If an agreement is agreed to prior to expiry of the existing agreement, is ratified in a timely manner, and is for at least a four year term, a one-time signing bonus calculated on a full time equivalent employee basis (pro-rated for part time employees), typically ranging from \$3,300 to \$4,000
- General wage increases of 2% per year from July 1, 2006 through July 1, 2009
- Monies set aside to address specific labour market adjustment issues; e.g., recruitment/retention, compression, competitiveness, in recognition of the fact that labour market challenges are faced by some but not all employers



- For collective agreements that extend at least through 2009-2010, a fiscal dividend – a one-time payment contingent upon the amount of the Government’s 2009-2010 fiscal surplus as determined pursuant to the Fiscal Dividend Policy of the Negotiating Framework.

BCPSEA embarked on an inclusive bargaining preparation process. Through a series of regional meetings, conference calls and ongoing consultation, BCPSEA developed a set of negotiations principles, and bargaining proposals consistent with those principles. As required, BCPSEA proceeded to develop compensation framework plans for application to employee groups in the K-12 public education sector, including teachers, unionized support staff, and exempt administrative and management staff.

Arising from his appointment as an Industrial Inquiry Commission by the Minister of Labour the preceding October, Vince Ready remained seized of matters arising from his recommendations that resolved the teachers’ labour dispute in 2005. He was also charged with the task of recommending a collective bargaining structure for public school employer – public school teacher bargaining (subsequent to the Wright Commission of 2003-2004, which was also tasked with this same responsibility).

On April 6, 2006, Ready presented his Interim Report #2 to the Minister of Labour, and shared with the BCTF and BCPSEA, in which he recommended a framework for transitional negotiations between the two organizations. In view of the nature of the changes required to adopt a different bargaining system, and the time it would take to implement those changes, Ready observed:

*“...a more prudent course of action is for the parties to enter into meaningful negotiations with the assistance of a mediator with a view of concluding a Collective Agreement prior to June 30, 2006.”*

Ready’s recommendations included process:

- BCPSEA and BCTF appoint a bargaining committee with a maximum of five representatives each
- To assist parties in bargaining, Irene Holden be appointed as facilitator/mediator
- For the purposes of conveying the government’s position on mandates and policy issues related to labour relations, government appoint a senior representative to act on its behalf

and timelines:

1. The parties shall exchange realistic proposals by April 15, 2006.
2. BCPSEA, in conjunction with the government representative, shall prepare a serious settlement offer by May 15, 2006.
3. If a settlement is not reached by June 1, 2006, the mediator will issue a report to the Minister and the parties outlining the issues resolved and in dispute. If requested, Commissioner Ready or another third party may become involved to provide further assistance in settling matters.
4. The parties have the right to strike or lockout under the provisions of the *Labour Relations Code*.

BCPSEA Chair Ron Christensen and CEO Hugh Finlayson, along with representatives from the BCTF, met with the Minister of Labour on April 10 to discuss the report. Both parties indicated they would be accepting Ready’s recommendations for negotiations.

BCPSEA embarked on an inclusive bargaining preparation process. Through a series of regional meetings, conference calls and ongoing consultation, BCPSEA developed a set of negotiations principles, and bargaining proposals consistent with those principles.

In addition to significant cost items, the BCTF proposal for the term of the agreement was noted – a three year term rather than the four year term set out in the government’s negotiating framework.

## Bargaining Begins

At the first official bargaining session of the 2006 round on April 11, the parties agreed they would each have a seven-member bargaining team:

### BCPSEA

Jacque Griffiths, *spokesperson*  
Ron Christensen, *BCPSEA Chair*  
Mike Hancock, *Legal Counsel*  
Sherida Harris, *Employee Relations Specialist*  
Ron Pound, *Seconded Director, Human Resources*  
Laura Parks, *Research and Policy Analyst (research and support)*  
Paul Straszak, *(Government representative)*

### BCTF

Jim Iker (*BCTF Executive, president, Burns Lake*)  
Brian Kennelly (*president, Quesnel*)  
Irene Lanzinger (*1st vice-president, BCTF Executive*)  
Suzie Mah (*teacher, Vancouver Elementary*)  
Verallynn Munson (*president, Terrace*)  
Brian Porter (*BCTF staff*)  
Jinny Sims, *BCTF President*

The parties also agreed on a protocol, with the exception of the BCPSEA proposal that there be a media blackout.

Proposals were exchanged by the parties on April 12 and presented in detail on April 13. The BCTF presented 17 proposals; many were similar to the 13 proposals presented in the 2005 round. In addition to significant cost items, the BCTF proposal for the term of the agreement was noted – a three year term rather than the four year term set out in the government’s negotiating framework. BCPSEA presented 13 proposals, two of which were largely housekeeping matters.

The parties exchanged initial compensation proposals on April 25. Although details of the proposals were not released by either party at the time, media outlets soon began reporting that “teachers are seeking 24% over three years while the employer is offering 6.5% over four years.” In his regular communication to school board trustees and staff, BCPSEA Chair Ron Christensen cautioned boards that it was important to keep in mind that many of the other proposals in the BCTF package had significant cost implications.

As bargaining proceeded, BCPSEA continued to liaise with school districts through regional conference calls, website updates, and e-mail reports.

## Class Size Legislation Introduced

On April 27, the provincial government introduced legislation establishing “new class size limits, accountability measures and requirements for consulting with parents and teachers to help improve student achievement.”

Under Bill 33, *Education (Learning Enhancement) Statutes Amendment Act, 2006*:

- No class in grades 4-7 will have more than 30 students, except with the consent of the classroom teacher and the approval of the principal and district superintendent. The rationale for exceeding the limit must be made public.
- The district average class size for grades 4-7 must not exceed 28 students.
- No class will have more than three identified special needs students, except with the approval of the principal and superintendent, and prior consultation with the classroom teacher.
- No class in grades 8-12 will have more

than the current district-wide average maximum of 30 students except with the approval of the principal and superintendent, and prior consultation with the classroom teacher. The rationale for exceeding the limit must be made public.

Class size and composition matters had previously (in 2002) been removed from the realm of collective bargaining and into public policy through amendments to the *School Act*. Bill 33 served to further clarify government's intent and expectations. Although the BCTF had been committed to returning class size and composition matters to the bargaining table, they acknowledged that the Bill was a "step in the right direction." (The legislation received Royal Assent May 18.)

### Settlement Offer

On May 15, BCPSEA tabled a comprehensive offer for settlement in accordance with the Ready report. The offer included

- a salary increase of 8% over four years (1.5%, 2%, 2%, 2.5%)
- recruitment/retention allowances for teachers in remote school districts, including allowances for teachers in difficult to fill specialty subjects
- an early settlement incentive of \$129 million if an agreement was reached by June 30
- an increase to the lifetime maximum for extended health benefits coverage to \$100,000
- standardized improvements to elementary preparation time to provide a base of 90 minutes per week.

The proposed increases were in addition to the other compensation increases arising out of the Ready report of Octo-

ber 20, 2005 that took effect prior to the first year of the proposed four year agreement, including:

- the process of harmonizing salary grids throughout the province with funding of \$40 million. This represented an increase of app. 2%.
- increases to the daily base rate for teachers on call (TOCs) and placement of TOCs on the provincial salary grid after three continuous days in any assignment. This provided a greatly varied annual increase, effective April 1, 2006, in some cases of over 100%.
- one time funding of \$40 million for the BCTF LTD trust.

In support of their argument for a greatly enhanced compensation package, the BCTF asserted that there is a teacher shortage. Although BCPSEA research indicated there is not a general teacher shortage, we did acknowledge a historical shortage of teachers in specialty subjects and, from time to time, in certain areas of the province. The BCPSEA proposal on recruitment/retention allowances, as included in the settlement offer, was intended to address those very specific historical shortages.

In presenting the settlement offer, BCPSEA indicated to the BCTF that the parties must engage in realistic, focused discussions if a collective agreement was to be concluded by June 30. The BCTF package of proposals included both a double digit salary increase and double digit cost increases to other areas of the collective agreement, including benefits, professional development funding, and preparation time. We informed the BCTF that public school employers were not in a position to conclude an agreement with cost increases of that magni-

BCPSEA also continued to be concerned with the cost of the BCTF proposals. We costed the proposals the BCTF had on the table at \$3 billion over 3 years. Although the BCTF publicly stated that they disagreed with our costing, they did not provide costing of their own, despite our requests.

tude. However, we stated our belief that the settlement offer was realistic, fair, and consistent with the 55 other public sector settlements concluded to date.

We also reiterated to the BCTF that the settlement offer was not a final offer, but rather, a comprehensive offer designed to promote serious discussions in order to achieve a collective agreement by June 30.

After listening to the presentation by the BCPSEA bargaining team, the BCTF bargaining team said they were “insulted” by the employers’ offer. They stated there was nothing in the offer to address their most important issues: teacher salaries and workload issues including class size and composition as they related to the legislation. Further, they said they believed the employers’ proposal on preparation time as it related to scheduling of prep time during the week was concessionary.

The government representative, Paul Straszak, invited the BCTF to hear from him with respect to areas of policy and mandate where the employer may be prepared to make a move. The BCTF stated they were not interested in engaging in such a discussion. They advised that they would not be prepared to meet on the next scheduled date for bargaining as they needed to conference with their local association presidents and they would call some time after that. They then left the table.

## Bargaining Continues

At the bargaining session on May 31, the BCTF advised they would table a full response to our May 15 settlement offer on June 5.

In addition, the parties signed-off three articles: pay periods, middle schools, and a Letter of Commitment on Employ-

ment Equity – Aboriginal Teachers. The Letter encourages local school boards and local teachers’ unions to make application to the Human Rights Tribunal to obtain approval for a special program to attract and retain Aboriginal teachers. The BCTF and BCPSEA agreed that they will assist districts in the development of the process for applications to the Human Rights Tribunal.

Although bargaining was proceeding, the pace was slow. Considering the expiry of the current agreement was but a month away, of the 51 available calendar days since bargaining commenced on April 11, BCPSEA had accommodated the BCTF request to bargain on only 18 of those days. BCPSEA offered the BCTF a significant number of bargaining dates in May and June, including weekends, which were not accepted.

BCPSEA also continued to be concerned with the cost of the BCTF proposals. We costed the proposals the BCTF had on the table at \$3 billion over 3 years. Although the BCTF publicly stated that they disagreed with our costing, they did not provide costing of their own, despite our requests.

BCPSEA continued to make the case that BC taxpayers could not afford a \$3 billion increase over three years. To put that figure in context, the BCTF proposals accounted for approximately 60%, in the first three years, of the total \$4.7 billion financial envelope for employees in the entire public sector. Public school teachers represent only 13% of public sector employees.

To further complicate the bargaining landscape, the BCTF Representative Assembly held on June 1 sought and obtained a mandate to seek a strike vote.

The BCTF scheduled the strike vote for June 7 and 8. (On June 9, the BCTF announced that of the votes cast, 85.2% of public school teachers were in favour of strike action.)

### **BCTF Presents Counter Offer**

The BCTF's June 5 counter offer was essentially the same as the package of proposals the BCTF already had on the table: a three year term with the same 24% salary increase (with the timing of the wage increases structured slightly differently) and the same double digit increase to benefits and other cost items within the collective agreement.

The BCTF characterized the counter offer as providing a significant savings over their previous package of proposals. In reality, the same ongoing costs appeared in this proposal. The BCTF attempted to delay the implementation of some of their proposals within the three year term of the agreement. For example, instead of 8% increases on July 1 of each contract year, the BCTF proposed two 4% increases with the second increase set to come into effect on January 1 of each year. While obviously this would represent minor savings to school boards in the relevant years, the ongoing cost of the BCTF demands remained the same.

The counter offer did not significantly alter the BCPSEA costing of the BCTF proposals: the counter offer still represented increases of approximately \$3 billion over three years.

### **BCPSEA Presents a Concept**

In an attempt to encourage discussion and move negotiations forward, three members of the BCPSEA bargaining team – Jacquie Griffiths, Mike Hancock,

and Ron Pound – made a without prejudice presentation to the BCTF bargaining team of a concept to address the needs of students identified during the process of school organization.

Called the Teacher Skill Enhancement and Support Initiative, the concept included establishment of committee comprised of four BCTF representatives and four BCPSEA representatives. The Committee would be provided with funding to support skill enhancement and support activities to assist teachers in dealing with students with diverse needs, and meeting the workplace challenges resulting from the changing face of today's classrooms.

BCPSEA decided to make the offer without prejudice because we wanted to test to see if there was common ground on a student-focused approach to addressing student needs and the consequent workload stresses arising out of the diverse needs of students. If there didn't appear to be acceptance of the concept, we would review our options and determine our next course of action. The BCTF bargaining team asked questions but chose not to express agreement or disagreement with the idea.

### **Proposals Withdrawn**

The bargaining teams also agreed to withdraw the following proposals from the table:

#### **BCTF Proposals:**

- D.5 Duration of the Employee's Instructional Day
- D.6 Regular Work Year

#### **BCPSEA Proposals:**

- A.7 Leave for Provincial Contract Negotiations
- A.12 President/Officer Leave

The counter offer did not significantly alter the BCPSEA costing of the BCTF proposals...



A.13 Leave for Local, BCTF, CTF, Education Int'l

A.14 Leave for BC College of Teachers

Further, the BCTF indicated that on June 19, they would present a complete counter proposal to BCPSEA, including all of the items they believed necessary to achieve a deal.

### Over to BCPSEA

In response, BCPEA presented a comprehensive counter offer on June 20.

Our offer included a four year term, a salary increase of 10% over the four year term of the agreement, an annual recruitment allowance of \$1,850 for teachers in rural and remote districts, the early settlement incentive, as well as other

## BCTF June 19 Counter Offer

The BCTF counter offer presented June 19 included a reduced salary demand, from 24% over three years to 19% over three years. In addition, the BCTF continued to have a significant package on the table of proposed increases to benefits and other terms and conditions of employment, such as preparation time and professional development, which represented another 18% increase over three years.

Although the BCTF characterized their counter offer as a significant move, it was not the move BCPSEA had been hoping for. With only 10 days of bargaining to go until the June 30 deadline to achieve a collective agreement so that teachers would receive the one-time early settlement incentive, the cost of the BCTF proposals remained well outside the zone of settlement necessary to achieve a collective agreement.

### BCPSEA Costing of BCTF Proposals

April 2006 opening position	3 year cost	June 19 counter offer	3 year cost
Salary: 24% increase over 3 years	\$1,200,000,000	Salary: 19% increase over 3 years	\$962,000,000
Salary Indemnity Plan allowance: 2% in each year over 3 years (wage-sensitive)	\$153,000,000	No change (wage sensitive)	\$145,000,000
Pension Adjustment: 1.37% each year (wage sensitive)	106,000,000	No change (wage sensitive)	\$100,000,000
Teacher on Call pay and benefits: Pay on scale for every day of work; full benefits - 100% employer-paid - for every TOC; sick leave accrual and access	\$300,000,000	Pay according to provisions of previous collective agreement except as modified; withdrew pay in lieu of vacation	\$241,000,000
Benefits (wage-sensitive)	\$240,000,000	No change (wage sensitive)	\$183,000,000
Preparation time: Increase from average of 90 min to 200 min in elementary; increase from 1 out of 8 blocks to 2 out of 8 blocks for secondary	\$740,000,000	Increase from average of 90 min to 180 min in elementary; increase from 1 out of 8 blocks to 2 out of 8 blocks for secondary	\$285,000,000
Professional development funding	\$57,000,000	Deferred increase to October 2008	\$45,000,000
Total End Lift Cost (total cost over the life of the agreement)	50.1%	Decrease	38%
Total Lift Cost (cumulative cost over the life of the agreement)	\$3 billion more than is currently being spent in the BC public education system	Decrease	\$2 billion more than is currently being spent in the BC public education system



matters to address concerns raised by the BCTF at the bargaining table.

We also asked the BCTF to engage in round the clock bargaining in order to conclude an agreement by June 30, so that teachers would receive the early settlement incentive. The Minister of Finance was clear that the incentive would disappear if an agreement was not concluded by June 30. With that timeline fast approaching, BCPSEA believed the parties needed to quickly move the negotiations into the zone of settlement.

## “Extended” Bargaining... Down to the Wire

The parties recognized that they were now in the crucial stages of bargaining. Negotiations re-convened on Sunday, June 25 at the Coast Plaza Hotel and extended well into the wee hours of the morning.

In order to accelerate bargaining, BCPSEA and the BCTF established two focused bargaining teams. On the BCPSEA side, Jacquie Griffiths and Lee Doney, the special advisor to Premier Gordon Campbell, dealt with compensation-related matters. Hugh Finlayson and Mike Hancock bargained selected consequential matters.

Progress was made as bargaining continued through the week. As was expected, the monetary issues were the more difficult issues to resolve.

Media scrutiny was also an issue. As has become the norm when bargaining with the BCTF, negotiations had been the subject of openly public debate since the first session on April 11 and, as the June 30 deadline approached, the spotlight became even more intense. Now

more than ever, it was integral that greater clarity and focus be brought to the latter stages of bargaining.

## A Negotiated Collective Agreement!

As the hours passed and the pressure intensified, there was still considerable doubt on the employers’ side as to whether a deal would be concluded by the June 30 deadline. There was a general belief that a deal was possible, but was it achievable?

Finally, shortly after 10:00 pm, both sides agreed to a settlement. At approximately 10:45 pm the documents were signed by representatives of BCPSEA and BCTF, followed by the requisite media interviews to announce the historic agreement. Although far from perfect from either party’s perspective, the first negotiated provincial collective agreement represented an important milestone in the relationship between the BCTF and BCPSEA.

### Highlights of the agreement include:

- Term: Five years (July 1, 2006 – June 30, 2011)
- Compensation:
  - Wage increases of 2.5%, 2.5%, 2.5%, 2.5%, 2%
  - One-time early settlement incentive of \$3,700 per FTE
  - One-time Professional Resource Allowance of \$300
  - 1.5% for further harmonization of the top steps of the salary grid on July 2008 (add 3% to grid maximums)
  - In specified remote districts, an annual allowance of \$2,200 for new and returning teachers and 3% to

Finally, shortly after 10:00 pm, both sides agreed to a settlement. At approximately 10:45 pm the documents were signed by representatives of BCPSEA and BCTF...

- grid maximums on July 2008
  - Allowance of 2% for eligible employees to offset SIP premiums
  - Fiscal Dividend (same as Support Staff Framework Agreement)
  - July 2006 payment of \$20 million to Teacher Pension Plan (Inflation Adjustment Account)
  - Article B.9 Pay Periods: Minimum of twice a month pay periods and new 12 month pay option
  - Article B.10 Reimbursement for Mileage and Insurance:
    - July 2006 - 47 cents/kilometre, annual increase of 1 cent/kilometre
    - 5 cents/kilometre for unpaved roads
    - Premium upgrades for use of private vehicles for business travel
  - Article B.\_ Reimbursement of Deductible for Personal Property Loss up to \$600
  - Article B.11 Increase Extended Health Benefits lifetime limit to unlimited in all school districts
  - Article C.2 Seniority: Ability to port up to 10 years' seniority upon obtaining a continuing contract in a new district
  - Article D.8 Preparation Time: Increase elementary preparation time to a base level of 90 minutes per week
  - Article D.11 Middle Schools
    - default to secondary instructional day and prep unless otherwise agreed
    - new process for resolution of differences when implementing middle schools
  - Article D. Alternate School Calendar
    - Process for implementing alternate calendar
    - Expedited arbitration if unable to agree on 4 day week/9 day fortnight terms
  - Article G.1 Portability of Sick Leave: Teachers port up to 60 days to new district
  - Article G.\_ Compassionate Care Leave: Standard provision consistent with the *Employment Standards Act*
  - Letter of Intent Middle Schools: Process to record current practices if not formalized
  - Letter of Commitment Re Employment Equity – Aboriginal Teachers: Recruitment and retention initiative to address the under-representation of Aboriginal teachers
  - Letter of Understanding (LoU): Relaxed Mid-contract Modification process for collective agreement updates meeting the specific criteria
  - LoU Teacher Supply and Demand: Committee funding to address supply in unspecified districts/locations
  - LoU Benefits Review: Committee to review benefit plans, savings go to improvements
  - LoU re Amalgamated Districts: Extend salary protection granted in June 25, 2002 LoU.
- As BCPSEA Chair Ron Christensen stated in his July 4, 2006 Report from the Chair:
- While recognizing this achievement, the challenge of ratification, implementation and the creation of a productive working relationship cannot be underestimated. That work starts immediately and your Board of Directors is committed to building on this success. There are many lessons to be drawn from this round of bargaining and we will be working at the provincial level and assisting you as required at the local level to ensure that we learn and develop from this experience.

This was truly a BCPSEA team effort, supported with a focus group of district staff and supplemented by [school boards'] input over the past few weeks and particularly concentrated over the last week. I am honoured to have had the opportunity to work with all the individuals involved and experience their commitment and perseverance. Whether it was at the bargaining table, in team caucuses, liaising with government or leading the work with the media/public, each member of this small organization met the challenge and remained committed to achieving a negotiated agreement that serves the needs of teachers, school boards and, most importantly, students.

While the BCTF-BCPSEA negotiations have been most evident in the past few days, it is important to recognize that we also concluded a framework agreement with support staff unions over the May long weekend after four intense days of negotiation. Sixty-nine collective agreements were concluded based on the framework agreement through the work of each district and our support staff bargaining team. This four year agreement is equally as important as the teacher agreement and will assist with labour relations stability in the sector. All of those agreements were ratified by the June 30 deadline.

On July 6, representatives from the 60 public school boards convened at the Delta Vancouver Airport Hotel in Richmond and ratified the agreement by 98.7% of the total votes cast.

The BCTF determined to wait until the beginning of the following school year to conduct their ratification vote.

On September 8, 2006, the BCTF announced that their membership had ratified the agreement by a vote of 93.4% with a total of 25,129 teachers casting ballots and 23,468 voting yes.

As with any new agreement, there are implementation issues related to interpretation and application of the new collective agreement language. BCPSEA continues to work with the BCTF and with school boards to support implementation of the agreement.

### So What Does This Mean for Bargaining Structure?

Industrial Inquiry Commissioner Vince Ready, tasked with recommending a new bargaining structure, confirmed during the bargaining process that it is his intent to report out on this matter in December 2006. Undoubtedly, this bargaining experience will have an impact on Mr. Ready's recommendations. ◆—

## Board of Directors Changes

**Welcome!** Larry Paul, Secretary Treasurer in School District No. 23 (Central Okanagan) has joined the BCPSEA Board as the non-voting representative of the BC School District Secretary Treasurers' Association. Larry's appointment is effective immediately. Larry is replacing Greg Frank, of School District No. 41 (Burnaby). We extend our sincere thanks to Greg for his service to the Board.

**So long!** Vice Chair Gordon Swan, Trustee in School District No. 58 (Nicola-Similkameen), has tendered his resignation from the Board effective immediately. Gordon was first elected to the BCPSEA Board in 2002. He served as both a Director and as Vice Chair, and was a member and chair of several Board committees. Gordon always brought a thoughtful, considered voice to the Board table and his contributions will be missed.

# A Perspective on Mercury

School district employees occupy an unusual niche in our work environment in that we are one of only a few occupational groups that can be exposed to mercury.

A cardboard box containing a monometer or barometer was stored in a secondary school basement for several years. At the request of a teacher it was relocated to the classroom in February and left untouched for almost six months. On examination in June, it was discovered the box held uncontained elemental mercury. In September, a WCB officer using a direct reading detection instrument, sampled the classroom for mercury vapour and detected no readings.

Three years later, in 2004, a barometer stored in a closed wooden box in a chemical storage room was also found to have uncontained elemental mercury. That fall, a WCB officer found that ventilation in the school did not provide adequate outside air to some of the classrooms.

From that time forward a series of tests by WCB staff and others were completed in the school for both mercury vapour and air quality. These tests showed some results for mercury vapour but these were associated with known previous mercury spills and not indicative of a dangerous concentration in the air. Air quality tests confirmed that the school was ventilated but continued to show problems with adequate fresh air to all classrooms. This testing resulted in remediation work to remove traces of elemental mercury and maintenance of the air handling equipment. The testing did not indicate that staff and students were exposed to dangerous levels of mercury. Within the last few months, the district's medical health

officer, after reviewing the history, has indicated that the school does not present a risk to health.

However, by this time, five teachers had long reported non-specific adverse health effects. Over time, the teachers consulted with a naturopath who prescribed a course of treatment generally known as chelation therapy. This treatment is not a recognized medical treatment. More traditional diagnostic testing, that was recently completed, has not revealed any physical or neurological evidence linking these health complaints to exposure to mercury.

At this time, the teachers are still attempting to have their health complaints recognized and accepted as being work-related so that their medical costs can be refunded. The district continues to deal with staff concerns on risk to health issues arising from mercury exposure and indoor air. In considering these events, we need to realize that the problems experienced by both the teachers and the districts are very real. There is nothing imaginary in the situation. The teachers are convinced there is problem and the district has no evidence to indicate a problem exists in the school. Solutions in this kind of situation do not come easily.

School district employees occupy an unusual niche in our work environment in that we are one of only a few occupational groups that can be exposed to mercury. Mercury is a common component of

science instruments. Thermometers are probably the most common cause of mercury spills in school labs. These are frequently broken when used in student lab sinks. The mercury falls into the sink trap where it accumulates when other thermometers are broken. Larger sources of mercury are contained in shop and lab built glass monometers and barometers used to demonstrate changes in air pressure. Another source is the “two pound” vial of mercury in many chemistry labs used to illustrate density. Every secondary school is likely to contain some amount of spilled elemental mercury in their science areas.

Mercury is a naturally occurring

element that is found throughout our environment in air, water and soil. Consequently, we cannot avoid exposure to mercury. Humans are a component of the environment and therefore our bodies will contain some amount of mercury.

Mercury is introduced into the environment by a variety of means. Volcanic activity, the mining and burning of coal to power industry and to create electrical power are sources. The fossil fuel we use in cars is a source of mercury compounds. The amount of mercury released into the environment has been increasing since the early 1900s. Through the adoption of more stringent environmental controls in recent years,

Mercury is a naturally occurring element that is found throughout our environment in air, water and soil.

## “A Clean Sweep” for School Districts

The BC School Safety Association was the recipient of a small funding initiative grant from WorkSafe BC in 2005 to develop a guide for custodial staff on how to perform their tasks in a safer and easier manner. Approximately one third of all workplace injuries in school districts are experienced by custodial staff.

The outcome of the funding is “A Clean Sweep: Safe Work Practices for Custodians,” a unique “flip book” concept that condenses a large amount of information into a portable resource format. Authored by Peter Goyert, Senior Ergonomist, WorkSafe BC; and Vanessa Wong, Occupational Health & Safety Senior Research and Policy Analyst, BCPSEA, the flip book includes 24 custodial tasks with tips on how to perform each task in a safe manner. To enhance its visual appeal, the flip book is printed in full colour and was written in consideration that English is the second language of many custodial staff.

The flip books were introduced at this year’s School Plant Officials Association (SPOA) annual convention in Penticton. Complimentary copies (provided out of the grant) have been distributed to each school district, and districts will also have the opportunity to order additional copies. The BC School Safety Association has also developed a training module to introduce the flip books to custodial staff in districts. Delivery of the flip books and training module has commenced and will continue over the course of the school year.

*For more information on the flip book, please contact Vanessa Wong at 604.730.4509 or [vanessaw@bcpsea.bc.ca](mailto:vanessaw@bcpsea.bc.ca).*



Increasingly stringent emissions controls are intended to reduce the presence of mercury in our environment. In our sector, we can favourably influence this goal by removing mercury and mercury-containing equipment from our schools and by ensuring that spilled elemental mercury has been removed from our premises.

the amount of mercury entering the environment through human activity in North America should decrease but it may not decrease worldwide because of more relaxed emissions controls and more primitive technology in other countries.

Mercury exists in several forms: elemental or metallic mercury, inorganic compounds, and organic compounds. Exposure to mercury can happen in several ways.

Inorganic mercury is a component of some fungicides; anti-fouling marine paint is an example. It can be a component of medicines such as antiseptics and disinfectants. Creams to diminish skin freckles can contain significant amounts of mercury compounds. Mercury and mercury compounds are also used in some traditional and religious medications.

Organic mercury compounds are formed when mercury in the environment combines with carbon. Organic mercury compounds accumulate up the food chain. Nearly all exposures to organic mercury compounds occur through eating fish. Long-lived predatory fish such as tuna and swordfish, and even fresh water bass, contain more mercury than other fish. Health authorities routinely recommend both limitations on consumption of fish and the consumption of fish in moderation. Limitations are especially directed to pregnant women and young children.

The most common source of mercury intake among humans is dental amalgam. Dental amalgam contains about 50% mercury. Likely all of us have some amount of dental amalgam containing mercury in our teeth. We can take comfort in the US Center for Disease

Control findings that there is scant evidence that the health of individuals is compromised by the presence of mercury containing dental amalgam.

All of us have a certain amount of mercury in our systems. Mercury has a half life of up to 90 days in our bodies. We constantly expel mercury from our bodies and by eating and breathing we take mercury into our bodies. The relatively low levels of mercury we carry with us aren't a threat to our well-being. However, this isn't a reason to encourage the status quo. Mercury is not a substance that has been shown to have any intrinsic value to our health. On the contrary, the evidence shows that it limits our ability to interact with our environment.

Increasingly stringent emissions controls are intended to reduce the presence of mercury in our environment. In our sector, we can favourably influence this goal by removing mercury and mercury-containing equipment from our schools and by ensuring that spilled elemental mercury has been removed from our premises.

The cost to deal with a mercury spill when health concerns are identified can be significant. The cost to deal with parent, student and staff hysteria over mercury spills is huge. The cost to remove mercury from our schools is relatively small and it only needs to be done once.

*John Bonnet recently retired from BCPSEA as the Provincial Coordinator, Occupational Health and Safety. John is a leader in health, safety and wellness issues not only in the K-12 sector but industry-wide. John's leadership was recognized by WorkSafe BC with the award of a special commendation before his retirement.*

◆ —



# Focus on Exempt Staff Compensation

Exempt staff compensation is a hot topic in our sector, and rightly so. Prior to legislative amendments in 2002, administration of exempt compensation operated within a voluntary compliance model. The October 2002 amendments to the *Public Sector Employers Act* created a statutory framework and significantly changed the landscape for both school boards as employers and for school board employees.

The employers' association continues to work with school districts to address issues as they arise, including liaison with the Public Sector Employers' Council (PSEC). With the recent conclusion of negotiated collective agreements with unionized staff in school districts, BCPSEA has embarked on a series of integrated initiatives to address both outstanding issues as well as the implications of the collective agreements on exempt staff compensation:

- Salary ranges for the positions of Superintendent and Secretary Treasurer
- Labour market adjustments: salary compression
- Exempt Staff Compensation Working Group
- Sectoral total compensation survey.

## Salary Ranges for Superintendents and Secretary Treasurers

Circumstances have changed since the salary range submission process was

confirmed. At the time of publication, BCPSEA was liaising with PSEC to confirm how the negotiations, other sectors' initiatives and the Minister's policy direction affect the determination of the salary ranges. While the resolution of the salary range issue is an irritant to the sector, it is important to ensure that those with the decision making authority are committed to the process with the goal of competitive and sustainable compensation for senior positions in the sector. Notwithstanding the ultimate outcome of the salary range issue, BCPSEA continues to exercise its authority to address emergent compensation issues prior to the finalization of the ranges.

## Labour Market Adjustments: Salary Compression

Arising from the recently concluded collective agreements with unionized staff, BCPSEA is conducting district-by-district analyses of the impact of the agreements on the salary structures for the two exempt employee groups in the public school sector – principals/vice principals and general exempt/management staff.

Where labour market pressures are identified, BCPSEA will make a submission to Treasury Board through PSEC for allocation of labour market adjustment funds under the Public Education Negotiating Framework Compensation Plan Exempt Staff (PENFCP). It should be

With the recent conclusion of negotiated collective agreements with unionized staff in school districts, BCPSEA has embarked on a series of integrated initiatives to address both outstanding issues as well as the implications of the collective agreements on exempt staff compensation...

noted that the labour market adjustment funds are limited and will be allocated where the demonstrated need is greatest on a priority basis. BCPSEA will work with districts throughout this process.

If your district has not already done so, please forward as soon as possible to the attention of Deborah Stewart the district's principal/vice principal and general exempt staff salary grids as at June 30, 2006 and the revised grids to reflect application of the general wage adjustments through July 1, 2009.

We anticipate completion of the analyses and access to the labour market adjustment funds by mid-December.

### **Exempt Staff Compensation Working Group**

We are in the process of establishing an Exempt Staff Compensation Working Group (ESCWG), including representation from district staff, the management partner groups, PSEC, and BCPSEA, to develop a standardized framework for exempt staff compensation review and PSEC presentation. The ESCWG will examine exempt compensation at all levels of the organization, including how to properly identify and effectively deal with salary compression and inversion issues. The framework will be applied as

test cases in participating school districts and, once validated, the framework and associated guidelines will be provided for application in all districts.

We will provide further information as the work of the ESCWG progresses. The timeline for completion of the framework will be no later than June 30, 2007. The ESCWG will then continue to meet on periodic basis to review the framework and recommend adjustments as necessary.

### **Sectoral Total Compensation Survey**

The next triennial sectoral survey of exempt compensation is scheduled to occur in 2007 (snapshot date July 1, 2007). Work on the survey, including a review of the survey instrument and process, will commence early in the new year. The survey analysis report will be released in March 2008 and will serve to provide up to date data to all districts which will assist in applying the compensation framework arising from the work of the ESCWG.

*If you have any questions on these or any other exempt staff compensation or contract matters, please contact Deborah Stewart at 604.730.4506 or [deborahs@bcpsea.bc.ca](mailto:deborahs@bcpsea.bc.ca).*



# Support Staff Collective Bargaining Concluded

In the early hours of Monday, May 22, 2006 (the May long weekend), tentative support staff settlements were achieved in 11 school districts covering 5,000 employees. BCPSEA, the school districts, and the Canadian Union of Public Employees (CUPE); Canadian Association of Construction, Maintenance and Allied Workers (CMAW); and the United Steelworkers concluded:

- a framework agreement to apply to all support staff unions in the group of 11 school districts, and
- individual local agreements.

The Unions covered by the settlements included 8 CUPE locals, 4 CMAW locals, and 1 Steelworkers local.

#### The districts involved were:

- 23 (Central Okanagan)
- 28 (Quesnel)
- 37 (Delta)
- 41 (Burnaby)
- 57 (Prince George)
- 59 (Peace River South)
- 62 (Sooke)
- 63 (Saanich)
- 71 (Comox Valley)
- 78 (Fraser-Cascade)
- 79 (Cowichan Valley)

The agreements achieved were consistent with the 2006 negotiating framework established by the provincial government (outlined in *Getting to an Agreement* on page 8). In formulating the plan for support staff bargaining in the K-12 sector, BCPSEA conducted

regional meetings, focus group meetings and conference calls – individual districts provided their objectives within that sectoral bargaining plan.

As the employers were formulating their plan so, too, were the unions. It appeared the unions, in particular CUPE, were in favour of a provincial approach. K-12 support staff bargaining is different from the majority of bargaining that takes place in the BC public sector as it is decentralized – each local union owns the certification and BCPSEA, as the bargaining agent, has a delegated authority model. Some districts had considered working together to expedite bargaining while others wished to continue with their traditional models.

#### Application for Mediation

Support staff bargaining was in a variety of stages across the province, with 68 agreements set to expire in June 2006 and one on May 31. Selected CUPE, CMAW and USW locals applied to the Labour Relations Board (LRB) for mediation as a means to coordinate some common table bargaining.

Mediation began with a limited number of support staff locals and school districts on Thursday, May 18, 2006. The mediation, at the request of the LRB, was limited to eleven school districts representing thirteen collective agreements. The application was based, in part, on the unions' concern about bargaining gener-

Selected CUPE, CMAW and USW locals applied to the Labour Relations Board (LRB) for mediation as a means to coordinate some common table bargaining... The mediation, at the request of the LRB, was limited to eleven school districts representing thirteen collective agreements.

While these settlements were not binding on other districts and unions, the LoU created a “framework agreement” for the K-12 public education sector.

ally, as well as the approaching June 30 deadline to achieve an agreement in order for unionized support staff to be eligible for the one-time early settlement incentive money (and the May 31 deadline for the one school district).

Under the delegated authority model that exists for support staff bargaining, there was no mechanism by which to establish a provincial table such as the one that had been proposed by CUPE with many school districts. The mediator in this process worked with school districts and their locals to resolve all their outstanding issues. BCPSEA (represented by Jacquie Griffiths, Hugh Finlayson, Joe Strain, Renzo Del Negro, and Stephanie Tassin) worked with school districts, the mediator, and the Public Sector Employers’ Council as required, regarding costing and other policy issues. After a marathon long weekend, agreement was reached between the parties on May 22.

The Memoranda of Agreement consisted of those items agreed to between the districts and the unions, as well as a Letter of Understanding (LoU) between BCPSEA, school boards who were signatories to the LoU, and support staff unions who were signatories to the LoU. While these settlements were not binding on other districts and unions, the LoU created a “framework agreement” for the K-12 public education sector.

### The highlights of the LoU are as follows:

1. Four year term – July 1, 2006 to June 30, 2010
2. General wage increase of 2% each July 1

3. Incentive payment of up to \$3,700 for each full time equivalent employee, including temporary and casual employees.
4. Skills enhancement and retraining fund of \$3 million (one-time fund)
5. Apprenticeship fund of \$3 million (one-time fund)
6. Workforce Adjustment fund of \$4 million (one-time fund) to support issues arising from non-routine and fundamental restructuring
7. Apprenticeship Sponsor funding of \$828,000 on July 1, 2007, 2008 and 2009, cumulative
8. Workforce adjustment fund of \$4 million (one time fund)
9. Labour market fund of \$1.65 million July 1, 2007 and \$828,000 on each of July 1, 2008 and 2009, cumulative; creation of labour market committee and criteria
10. Trades adjustment of \$1.65 million July 1, 2007 and \$828,000 on each of July 1, 2008 and 2009, cumulative
11. Opportunities for liaison with the Minister of Education
12. Education Assistant (EA) Committee to investigate and make recommendations regarding EAs working hours and not being paid
13. Funding of \$7.9 million annually for long term disability for non-Bill 7 support staff.

The above agreement served as the template in all of the remaining agreements and as of June 30, 2006 all support staff agreements were reached and all eligible K-12 support staff employees received their early incentive bonuses.



# Mediation Services Assumed by the Ministry of Labour

In correspondence to unions and employers from the Ministry of Labour and Citizens' Services, the labour relations community was advised that the Ministry would assume Mediation Services (which were under the authority of the Labour Relations Board) effective September 4, 2006.

The Ministry said the changes will not have a negative impact on BC employers or trade unions. Business will continue as usual, as the Ministry will be providing the same range of labour relations mediation services. These include:

- Collective bargaining mediation – to assist employers and unions to resolve differing positions during collective bargaining and settle a collective agreement.
- Joint consultation facilitation.
- Relationship Enhancement Program – to assist employers and unions to develop a productive and positive labour-management relationship.

The Ministry reports that the change will bring BC in line with all other Canadian jurisdictions, which provide mediation services through their Ministry of Labour rather than their labour board. Government will attend to any legislative amendments required in due course.

As well, the ministry's mediators will continue to work with the LRB

and Collective Agreement Arbitration Bureau to assist with the following services:

- First Collective Agreement Mediation – to assist employers and unions with the particular challenges of negotiating a first collective agreement for newly certified bargaining units.
- Essential Services Mediation – to assist employers and unions to reach agreement on essential service designations prior to an LRB designation order.
- Grievance Mediation – to assist employers and unions in resolving grievances during the term of a collective agreement before going to arbitration.

The three mediators previously working for the LRB have joined the Ministry's mediation program. The mediators will remain based in downtown Vancouver in the same building as the LRB and will use the LRB's meeting facilities, but they are also available to provide services throughout British Columbia.

In the K-12 public education sector BCPSEA is the liaison for employers requiring the services of the LRB and will play the same role with the MoL should districts require mediation services.



The Ministry reports that the change will bring BC in line with all other Canadian jurisdictions, which provide mediation services through their Ministry of Labour rather than their labour board.



The response was overwhelming!

Behaviour based interviews allow the interviewer to gather information about what candidates have done in the past to predict how they might be expected to act in the future.

In all cases, the training programs are designed to provide districts with appropriately trained individuals in order to satisfy the requirements of the PCA.

## Behavioural Interviewing Workshop

Our October 18 workshop on Behavioural Interviewing filled up quickly. To accommodate requests we are considering scheduling additional Behavioural Interviewing workshops, designed for human resource practitioners, in the following regions:

- Vancouver Island
- Central
- Okanagan
- Kootenay
- Northern
- Metro

Please contact Silvana Sam at [silvanas@bcpsea.bc.ca](mailto:silvanas@bcpsea.bc.ca) to indicate your interest and your region. If there are enough (minimum 30) interested participants in each region, we will proceed to coordinate future workshops.

So what is Behavioural Interviewing? It was originally developed on the notion that the best predictor of future performance is past performance. Behaviour based interviews allow the interviewer to gather information about

what candidates have done in the past to predict how they might be expected to act in the future.

It's the difference between asking a hypothetical question such as:

*"What would you do if you were placed in a situation where you had to make an unpopular decision?"*

versus asking

*"Tell me about a time when you had to make an unpopular decision."*

That may seem like a subtle difference, but employers have found they can get a better picture of a candidate's work style by causing them to relate to specific past experiences, rather than allowing them to respond with vague generalizations about what they would do in a perfect world. The answers given by candidates can also be tested with a candidate's references.

For more information, contact Ron Pound, *Seconded Director, Human Resources* at 604.730.4519 or [ronp@bcpsea.bc.ca](mailto:ronp@bcpsea.bc.ca); or Silvana Sam at 604.730.4503 or [silvanas@bcpsea.bc.ca](mailto:silvanas@bcpsea.bc.ca) ◆—

## Harassment Training

Once again, BCPSEA is offering a variety of harassment training programs to assist school districts in the administration of Article E.2, Harassment/Sexual Harassment, of the Provincial Collective Agreement between the BC Teachers' Federation and the BC Public School Employers' Association. Last year, we revised and expanded our Awareness and Investigator Training programs to provide more efficient and effective products. Awareness or Train-

the-Trainer training is recommended before enrolling for Initial Investigator Training, and the Initial Investigator Training program is a prerequisite for those who wish to attend the advanced Investigator program.

In all cases, the training programs are designed to provide districts with appropriately trained individuals in order to satisfy the requirements of the PCA.

An overview of each of the training programs, and registration forms, were



## Situations, Strategies and Solutions: Effectively Managing Disputes and the Collective Agreement

BCPSEA is offering this professional development opportunity in Victoria on November 2, 2006. Improve your skills in managing and resolving disputes in the workplace through discussion, interactive problem-solving, and demonstrations by experienced management and union practitioners.

Grievances that lead to arbitration are not only financially draining, but the results of the arbitration can have a significant impact on the morale and operations of the school district. In some situations, the win or loss of an arbitration can completely change the culture and “perceived” rights of either management or union. Consequently, it is in the best interests of both parties to resolve disputes as quickly as possible. If this is not realistic, then you must be prepared

to make your case at arbitration.

Learn how to make the most productive use of the grievance process to gather information, analyze matters at issue, develop settlement options and, if necessary, be in a position to prevail at arbitration.

This day long comprehensive program will review the legal framework, labour relations principles and provide tools and strategies to resolve collective agreement disputes. You will be able to test the tools and your skills through a number of interactive case studies. Participants will be provided with a practitioner’s guide to grievance management.

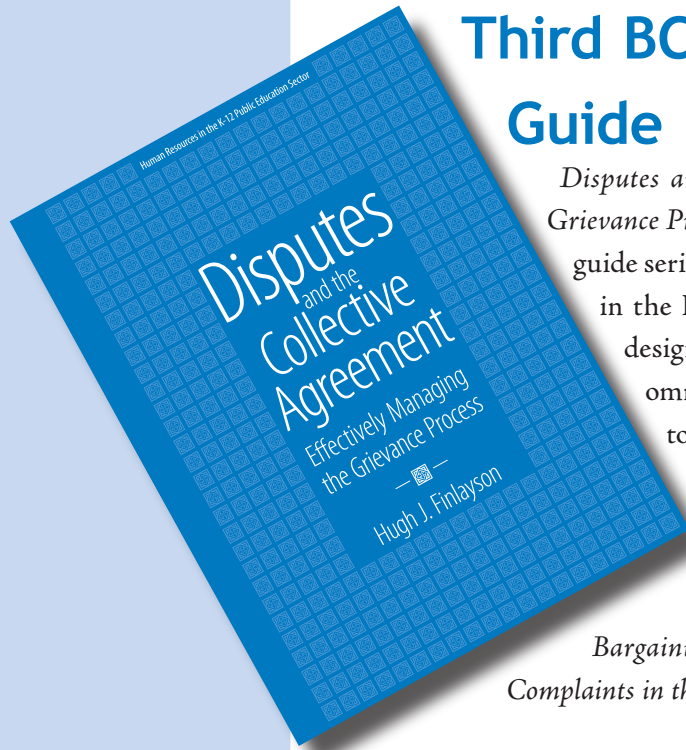
*Further details, including the registration form, can be accessed on the BCPSEA website at [www.bcpsea.bc.ca](http://www.bcpsea.bc.ca) under Events, Pro-D Programs.* ◆—

## Workshops

distributed to school districts in early October. The information can also be accessed on our public website at [www.bcpsea.bc.ca](http://www.bcpsea.bc.ca) under Events, Pro-D Programs.

*For additional information on the content of the sessions, please contact Sherida Harris at 604.730.4505 or [sheridah@bcpsea.bc.ca](mailto:sheridah@bcpsea.bc.ca). For more information on the session logistics, contact Dora Eng at 604.730.4512 or [dorae@bcpsea.bc.ca](mailto:dorae@bcpsea.bc.ca).* ◆—

2006-2007 Scheduled Training Sessions	
Train-the-Trainer - Harassment Awareness Training: 8:30 am - 4:30 pm	
December 4, 2006	BCPSEA Office, 400 - 1333 West Broadway, Vancouver
February 26, 2007	Venue TBA (Regional location available on request)
Investigator Training - Initial Program: 9:00 am - 5:00 pm	
December 5-6, 2006	BCPSEA Office, 400 - 1333 West Broadway, Vancouver
February 27-28, 2007	Venue TBA (Regional location available on request)
Investigator Training - Advanced Level: 9:00 am - 4:30 pm	
December 7-8, 2006	BCPSEA Office, 400 - 1333 West Broadway, Vancouver
March 1-2, 2007	Venue TBA (Regional location available on request)



## Third BCPSEA Self-help Guide Published

*Disputes and the Collective Agreement: Effectively Managing the Grievance Process* is the third publication in the BCPSEA self-help guide series for school districts. Focusing on “Human Resources in the K-12 Public Education Sector,” the self-help series is designed to provide information as well as advice and recommendations on practical, hands-on approaches to day-to-day human resource management activities in school districts. The guide was introduced at a workshop of the same name, offered at the BCPSEA Labour Relations Symposium on October 18-19.

Earlier titles in the series are *A Guide to Support Staff Bargaining Preparation* and *A Guide to Teacher Harassment Complaints in the Workplace*.

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**O**ur mission is to develop and maintain human resource practices that maximize the benefit for students in our public education system through the effective use of resources and fair terms of employment.