

# Report *from the Chair*

BRITISH COLUMBIA PUBLIC SCHOOL EMPLOYERS' ASSOCIATION

No. 2011-06 September 2, 2011

By E-mail: Three Pages

## BCPSEA–BCTF Collective Bargaining

As we head into the first day of school on September 6, we are all looking forward to the energy and enthusiasm that permeates our schools. Students and staff will be eager to share stories of their summer adventures, and plans for an exciting school year will take hold.

This year, school also opens against the backdrop of collective bargaining, which unfortunately will see the start of job action by our teachers.

As you know, the BC Teachers' Federation (BCTF) served 72-hour strike notice on August 31. Teachers are therefore in a legal position to commence Phase 1 of their multi-phase strike plan, in practical terms, on the first day of school.

Given that public education is an essential service under the *Labour Relations Code*, the Labour Relations Board has issued two decisions ([B132/2011](#) and [B143/2011](#)) related to Phase 1 of the BCTF strike plan and the duties that teachers "need not" perform. The LRB Orders have been previously reported in our [Essential Services Bulletins](#).

We have also produced three [web videos](#) and supporting frequently asked questions documents on essential services in Phase 1 to provide information to principals/vice principals, other school district staff, school trustees, and parents.

The BCTF has devoted considerable energy and resources to their media campaign on bargaining. It's important to be clear about what is really going on.

The parties returned to the bargaining table on August 23. The BCTF returned to the table with no change to their bargaining [proposals](#). They continue to have \$2.1 billion worth of compensation improvements on the table.

So let's be clear. The BCTF is commencing strike action based on a proposed 75% increase to teachers' compensation, which includes improvements to various leave provisions, a retirement bonus, and a salary increase — although they have not yet tabled their salary proposal, they have indicated they are looking for parity with Alberta and Ontario.

Many of the BCTF proposals are unheard of at any bargaining table. At any time, proposals of this magnitude would not be possible. They are particularly problematic in the current economic environment. Moreover, it doesn't make sense for the BCTF to be striking with proposals of this nature on the table and without a full salary proposal on the table.

As you may have seen by now, we reported in *Teacher Collective Bargaining Bulletin* [No. 2011-13](#) and in a [news release](#) distributed earlier today that Arbitrator Marguerite Jackson issued a

further helpful decision in the bargaining process dispute that was obstructing bargaining at both the provincial and local tables — specifically, the persistence of the BCTF and its local teachers' associations in presenting provincial matters at local negotiating tables, in contravention of the existing agreement between BCPSEA and the BCTF on the provincial–local split of issues..

In today's decision, Arbitrator Jackson has directed that the BCTF and its locals must remove all provincial matters from local tables. The BCTF must bring to the provincial table, by September 5, a list of any provincial matters at local tables that they consider key issues. And further, the BCTF has to bring any proposals associated with those matters to the table by September 16.

The BCTF has advised us that they will be working through the weekend to provide us with the information required by the arbitrator. The BCTF has also confirmed that their bargaining team intends to meet with us on Monday, September 5, to present the required list. If the parties require any further clarification, we will go back to Arbitrator Jackson.

The BCTF messaging is also “muddying the waters” by linking class size and composition to what is happening at the bargaining table. Class size and composition are NOT being discussed at the bargaining table; they are the subject of a separate table of discussions the BCTF is having directly with representatives of the provincial government, arising from the BC Supreme Court decision on April 13 that found the government had not properly consulted with the BCTF on moving class size and composition matters from the collective agreement into the *School Act*. The government has one year to remedy the Court's finding and that process is underway. [Reports](#) on those discussions can be found on our website.

It's always a challenge to sift through the swirl of media reports that collective bargaining in our sector inevitably attracts. It was interesting to note an [editorial](#) published in the *Victoria Times Colonist* this week that called the current bargaining structure into question and pointed to the recommendations — recommendations that never saw the light of day — put forward by Vince Ready in his 2007 [report](#) arising from his Industrial Inquiry Commission. It's worth noting that before this round of bargaining with the BCTF began, BCPSEA suggested to the BCTF that we adopt Mr. Ready's recommendations in this round and asked if they would be willing to do so. They said no. However, the door should remain open on this option and others, given where we find ourselves.

Of course, we all wish that the parties had been able to conclude a collective agreement without job action. But I can assure you that we are committed to achieving a negotiated agreement with the BCTF. However, it will take focus, realism, and recognition of the current economic and bargaining environment. Agreements have been reached in every other part of the public sector under the government's net zero compensation mandate, including healthcare, universities, colleges, crown, and social services. Two-thirds of public sector employees and their employers have now achieved settlements. BCPSEA and the BCTF should be able to do the same.

There are challenges ahead, but we also know that the excitement of the first days and weeks of school should not be overshadowed by job action. Although the President of the BCTF was quoted in [The Vancouver Sun](#) on August 31 that, “Phase 1 is intended to have a minimum impact on students,” she goes on to say that, “A partial withdrawal of services is designed to convince the employer to address the proposals that teachers have put on the bargaining table.” School districts will do their very best to minimize any disruption to students and parents.

We all have tremendous respect and appreciation for the great work of teachers — and the great work of all staff — in our public school system. We look forward to maintaining the respectful and collegial atmosphere in our schools despite this bargaining dispute.

On behalf of the Board of Directors, we wish all of you a smooth start-up to the school year. We will continue to work hard to bring this round of bargaining to a successful conclusion.

All the best,



*Melanie Joy, Chair  
Board of Directors*