

**2011-14** September 5, 2011

By E-mail: Two Pages plus attachment

## Implementation of Arbitrator Jackson Decisions

As reported in *Teacher Collective Bargaining Bulletin* [No. 2011-13](#), on September 2nd, 2011, Arbitrator Marguerite Jackson issued a decision directing the BC Teachers' Federation (BCTF) to remove provincial matters from local bargaining tables, and included timelines with which the BCTF must comply. Arbitrator Jackson stated:

I issued a Letter Decision in this matter on August 28, 2011 with reasons to follow. Those reasons remain outstanding.

In accordance with paragraph 3 of the Agreement pursuant to which I was appointed I met with the parties on August 31 and September 1.

There are two issues requiring rectification at this time. However, the parties had differing views on how these issues should be rectified and the timeframe that should be established. Both parties made submissions which I have considered.

My conclusions follow in point form.

1. The timeframe established by the arbitrator referred to in paragraph 3 of the Agreement can go beyond September 5.
2. Any provincial matters at local tables that are key issues should be raised at the the provincial table. The term "provincial matters" is not limited to a list of items or titles but includes proposals.
3. Provincial matters should not be at local tables since there is no authority to delegate those matters unilaterally.
4. In order to rectify this issue, when Locals sit down with School Boards after September 5 all provincial matters should be off the table.
5. Further, any provincial matters at local tables that are key issues should be raised at the provincial table according to the following timeframe:
  - a list of items or titles by September 5
  - proposals by September 16
6. I have the jurisdiction to identify cost items if there is a dispute.

In keeping with the Jackson decision, BCPSEA met with the BCTF today to receive the required list of items that were improperly tabled at the local level and that Arbitrator Jackson directed should be removed from local tables and be properly tabled at the provincial table.

The BCTF provided to BCPSEA a document containing over 1,100 items that will be moved from local tables to the provincial table. These items are categorized by school district and by references to titles found in Appendix 1 of LoU No.1.

The BCTF also takes the position that anything not listed in Appendix 1 is, by default, a local item. This includes issues related to class size and composition and non enrolling ratios. BCPSEA continues to take the position that only those matters contained in Appendix 2 are properly tabled at a local table.

The BCTF is required to submit actual proposals on these matters to BCPSEA on September 16, 2011.

Attached please find a copy of the list of items the BCTF presented today to BCPSEA. BCPSEA will work with school districts to verify the list is correct and that all provincial items are in fact removed from local tables and properly presented at the provincial table. We will begin this process immediately and then refine the information following the receipt of the actual language from the BCTF September 16.

Please note that in addition to the above, by September 7 the BCTF is required to table a new proposal with respect to the designation of the split of issues contained in LoU No. 1 (excluding all Appendix 1 items that are designated provincial under the *Public Education Labour Relations Act* (PELRA) section 7(4)).

In the event there is a dispute over what constitutes an item captured under PELRA section 7(4), Arbitrator Jackson will hear argument from the parties September 13 and 14, rendering a decision as soon as possible.

### **Questions**

Please contact your BCPSEA liaison if you have any questions.

Attachment