

Bill 33 Consultation Meetings during Job Action

The BC Teachers' Federation (BCTF) phase 1 job action has no effect on the Bill 33 class size legislation or procedures. This was specifically dealt with in the Labour Relations Board (LRB) order as follows:

9. BCTF members shall participate in the normal manner in activities concerning statutory class size procedure.

As a result, all the normal procedures and rules that have been established and described in our August 2011 manual continue to apply and are unaffected by the current job action.

Are Teachers Required to Attend Bill 33 Consultation Meetings?

No. Arbitrator Dorsey ruled that the purpose of the consultation meetings is to allow the teacher an opportunity to provide Principals with his/her views on the proposed size and organization of the class. There is no requirement for the teacher to attend as scheduled; however, if the teacher chooses not to attend, the teacher has then forfeited their opportunity under the Bill 33 process to provide their views.

Should a teacher choose not to attend, this should be documented and a copy of the invitation should be maintained.

Must Bill 33 Consultation Meeting take Place during Instructional Hours?

No. Arbitrator Dorsey confirmed that there is no requirement under Bill 33 to provide paid release time to a teacher for attending or preparing for the consultation. However, it is within the discretion of districts to provide release time if it is deemed operationally appropriate. Further, in some districts, this issue may be addressed in the collective agreement.

- When should the consultation be scheduled?

The consultation should be scheduled, at a minimum, two school days after the teacher has received the package of information relevant to the size and organization of the class.

- When during the day may principals schedule consultation meetings?

Principals may schedule consultation meetings at any time during the general work day, including at times outside of hours of instruction (i.e., before, in-between and after the hours of scheduled instruction). Principals must, however, ensure that reasonable time is available for a meaningful two-way discussion during each meeting.

Draft E-mail

Should your local union raise some or all of the issues described above, please find below a template e-mail that you may wish to modify to fit your specific situation in your district:

Draft e-mail

You have informed the school district that the teachers will not attend the statutory class size consult meetings unless they are held during the instructional time due to the strike. I do not agree that these meetings must be held during instructional time and bring to your attention the decision of the Labour Relations Board which specifically addresses these meeting as follows:

9. BCTF members shall participate in the normal manner in activities concerning statutory class size procedure.

Further, I would like to bring to your attention an arbitration award by Arbitrator Dorsey dated February 11, 2011. In this decision Arbitrator Dorsey confirmed that there is no requirement under Bill 33 to provide paid release time to a teacher for attending or preparing for the consultation and that these meetings can be scheduled outside of hours of instruction. He further stated that the purpose of the consultation meetings is to allow the teacher an opportunity to provide the principals with his/her views on the proposed size and organization of the class. There is no requirement for the teacher to attend as scheduled; however, if the teacher chooses not to attend, the teacher has then forfeited their opportunity under the Bill 33 process to provide their views.

If the teacher is unable to attend the meeting as scheduled due to a valid reason, he/she should discuss this with their principal.

It is our intention to continue to hold the Bill 33 consultation meetings in the regular manner and in accordance to the jurisprudence rendered.

If you have questions regarding this information, please do not hesitate to contact me.

Consultation versus Grievance Meeting

A few districts have reported that the union has indicated that Bill 33 consultation meetings will also serve as grievance meeting. This is incorrect. This is a meeting under the legislation to provide the teacher with an opportunity to provide their views on the organization of the class. This is not a grievance meeting, nor has a final decision even been made at this time. Should your district encounter this issue, please contact your BCPSEA liaison.

Consultation Meeting – List of Questions

We have been informed that the BCTF has prepared a list of questions for the teacher to ask the principal during the consultation meeting. It appears that these questions are geared towards having the principal justify the proposed organization of the class. This is not the purpose of the consultation. The purpose of the consultation is to have a meaningful dialogue and receive the views of the teacher on the proposed organization of the class.

The Principal is not obliged to provide a rationale to the teacher or union representative regarding their rationale for the class size and/or composition. Principals should enter the consultation meeting with an 'open mind' and give serious consideration to the teacher's point of view.

BCTF Policy Grievance and Local Grievances Concerning Bills 27/28

Further to the provincial policy grievance that was filed in June, 2011, we understand that local teacher associations have or may be filing the same or similar grievance at the local level. These grievances allege that the former class size and composition language that was removed from the collective agreement through Bills 27/28 have now been restored into the collective agreement through the court decision. As a result, the union is taking the position that in addition to the class size legislation, districts are also bound by and must now organize classes in accordance to their previous class size and composition language.

The position of the employer is that this language has not been returned to the collective agreement. The issue of the affect and implementation of the court decision is currently being dealt with between the BCTF and Government.

Should your district receive a grievance of this nature, please contact Karen Jewell who is coordinating this file at karenj@bcpsea.bc.ca

This grievance/issue is completely separate from the Bill 33 processes and legislation and should not be discussed during the Bill 33 consultations.

Questions

Should you have any questions regarding the class size and composition legislation, please contact Brian Chutter at brianc@bcpsea.bc.ca.

Should you have any questions regarding the Bill 27/28 grievance, please contact Karen Jewell at karenj@bcpsea.bc.ca