

Essential Services

UPDATE



2011-03

August 9, 2011

By E-mail: 4 Page plus attachment

Attendance and Supervision: Update from Labour Relations Board Decision on BC Teachers' Federation Phase 1 Job Action

On July 26, 2011 the Labour Relations Board (LRB) released its decision regarding the designation of essential services in relation to the BC Teachers' Federation (BCTF) planned Phase 1 job action. For more information about the decision please refer to [Essential Service Update No 2011-02](#).

At that time, the LRB's [decision](#) determined which activities may and may not be affected if Phase 1 is implemented in September. However, the issue regarding the transmission of attendance remained in dispute. The LRB has now decided that issue (B 143/2011 attached).

In addition, we have received several questions about the supervision of students as a designated essential service. This update provides information about the LRB's decision regarding attendance as well as a detailed overview of student supervision during Phase 1.

For ease of reference, we have put this bulletin in the form of Frequently Asked Question.

Attendance

Q: Will teachers collect attendance during Phase 1 job action?

A: Yes. The collection of attendance was never in dispute and teachers will continue to record attendance as usual during Phase 1. The disagreement was about the transmission of attendance.

Q: Will teachers transmit attendance?

A: Yes. The LRB's decision found that monitoring and transmitting student attendance records is a safety issue and should be maintained. Therefore, both the collection and transmission of attendance records will continue as usual during Phase 1.

Supervision

In its 2011 decision, the LRB referred to its previous decisions from 2001, [BCLRB B417/2001](#) and [BCLRB No. B431/2001](#), for additional direction for obtaining local agreements on supervision. The decisions discuss the amount of supervision to be performed by school district office staff, the qualifications of management and excluded staff, reduction of supervision requirements, the assignment of administrative officers in secondary schools to recess supervision in elementary schools, the deployment of school district staff to remote or rural

areas and the replacement of an Administrative Officer or District management and excluded staff.

In addition, please note that the LRB refers to Principals and Vice-Principals in its 2001 decision as Administrative Officers (AO).

Q: What has the LRB ordered with respect to supervision of students?

A: As mentioned in [Essential Service Update No 2011-02](#), the LRB ordered that where teachers normally provide before/after school, recess and noon hour supervision, they will continue to provide before/after school supervision related only to bus drop-off and pick-up and recess and noon hour supervision, subject to the employer utilizing management and excluded staff to the best extent possible to replace teachers for these activities.

Q: Will the LRB order schedules for student supervision for individual schools or districts?

A: The LRB has ordered that the utilization of management and excluded staff for supervision activities should be discussed at the local level. Either the BCTF or BCPSEA can refer the matter to the LRB for mediation/adjudication if the matter cannot be resolved at the local level.

Q: How do we determine if and when a management or excluded staff should be providing supervision activities?

A: In the 2011 decision, the LRB expressly provided that principles from two decisions in the 2001 dispute applied. These decisions provide guidance to the parties for their local discussions on supervision.

In the 2001 decision, the LRB provided what it referred to as an “interim formula” for Districts and Local Unions to utilize. The steps in the “interim formula” provide a starting point for analyzing how supervision will be provided by teachers and management or excluded staff. The steps are as follows:

- ascertain the normal schedule for teachers providing before/after school related only to bus drop-off and pick-up, recess and noon hour supervision;
- assign supervision duties to management and excluded personnel at the local school level and school district management staff; and
- the balance of supervision will be provided by the teachers.

Q: What happens where members of other unions (e.g. CUPE) normally provide supervision to students?

A: Supervision provided by members of other unions should continue in the normal fashion.

Q: Are there any other guidelines or principles for determining when and how student supervision should occur?

A: Yes, please see the following answers for further details or refer to LRB’s decisions.

Q: How much supervision should be performed by school district staff?

A: School district management and excluded personnel should be utilized to the best extent possible and should work extended hours to perform the essential components of their regular job and some bargaining unit work. However, there is no specific amount of time or number of supervision times that they should be assigned.

Q: What qualifications are necessary to provide student supervision?

A: Management and excluded personnel must be qualified to perform supervision before being assigned to that duty. In the 2001 decision, the LRB concluded that, while there may be circumstances that create an exception, what is required for supervision is an “adult presence” on the site and that all management and excluded personnel could provide that adult presence and safe supervision.

Q: Should Principals and Vice-Principals in secondary school be assigned to supervise recess in elementary schools?

A: Secondary School AO’s need to be in their home based school before/after school, at noon hour and during class change for safety reasons and to communicate with teachers. However, the use of secondary school AO’s to supervise recess at elementary schools is only an option to be considered in limited circumstances such as where:

- the secondary school has more than one AO;
- the AO is not in a teaching block; and
- the AO can travel to the elementary school, supervise the recess and return to the home base school within a class block.

Q: What are their guidelines for the deployment of school district staff to remote or rural areas?

A: Since school district staff must continue to perform the essential components of their own job during any job action it is unreasonable to assume that they can perform before school, recess and after school supervision. However, the LRB has directed that the following option should be considered:

- district management or excluded personnel travelling 45 minutes one way to a school;
- district management or excluded personnel performing before school and recess supervision; and
- district management or excluded personnel working at the school before school and recess performing their normal duties.

Q: Are management or excluded personnel required to travel to remote or rural areas in bad weather conditions?

A: If weather conditions create unsafe travel then district staff are not required to travel and alternative arrangements at the school site would have to be implemented under the emergency provision of the essential services order.

Q: What happens if an AO or district management or excluded staff who is assigned supervision duties is unavailable due to illness or other circumstances?

A: If they are away for illness or other unforeseen circumstances then a teacher must “backfill” for the supervision duties. Activities that can be re-arranged and are not urgent should not be organized during any job action.

If you have any questions regarding essential services, please contact:

Karen Jewell	604 730 4518	karenj@bcpsea.bc.ca
Renzo Del Negro	604 730 4511	renzod@bcpsea.bc.ca

Attachment: LRB Decision No. B143/2011