

In Dispute – In the Zone of Agreement? BCTF and BCPSEA Bargaining 2011

The collective agreement between the BC Teachers' Federation (BCTF) representing the province's public school teachers, and the BC Public School Employers' Association representing the province's 60 public Boards of Education, is set to expire on June 30.

Public sector bargaining in BC takes place in a multi-dimensional context. There are compensation mandates governing the public sector, areas of policy priority, and the general state of politics in the province including the electoral cycle.

Regardless of the context, challenges, and motivations, the parties have a duty to bargain in good faith: to meet, recognize the bargaining authority of the other bargaining agent, and engage in rational discussions with a view to concluding a collective agreement.

This round of bargaining is complicated by the BCTF's push for bargaining on a local by local basis – the unilateral tabling of matters designated as provincial at local school district tables, their initial rejection of the public sector compensation mandate as established by the provincial government, and the need to reconcile the April 2011 decision of the BC Supreme Court with the *School Act* and class size/composition provisions.

Bargaining to Date

Collective bargaining with the BCTF commenced March 1 with introductions and agreement on a bargaining protocol. The initial issue of which matters should be bargained locally and which matters should be bargained provincially remains unresolved.

On March 31, the BCTF presented their proposal on the re-designation of the split of issues, moving everything except for what they see as the "PELRA 4" issues (salary, benefits, hours of work, paid leaves) to local bargaining tables.

BCPSEA presented a counter proposal to the BCTF on the split of issues. With the rejection of the proposal, it was decided to move from this protocol matter to bargaining, with the parties exchanging themes and objectives packages on May 24. The exchange of specific proposals followed:

- May 31 – BCPSEA presents proposals on the Grievance Procedure; Harassment; and Committee Membership. BCTF presents proposals on Bereavement Leave; Sick Leave; Compassionate Care Leave; and Superior Provisions.
- June 1 – BCPSEA presents proposals on Leave for Provincial Contract Negotiations; President/Officer Leave; Leave for Local, BCTF, CTF, and BC College of Teachers; Sick

Leave; and Pregnancy/Parental Leave. BCTF presents proposals on Compassionate Care Leave (refined); Discretionary Leave; Pregnancy, Parental, and SEB Plans; Leave for Professional Activities; Leave for Third Party Care; and Leave for Union Business.

- June 2 – BCTF presents its Benefits proposal.
- June 7 – BCTF presents proposals on Alternate School Calendar; Regular Work Year for Employees; Release Time for Meetings' and Preparation Time.
- June 8 – BCPSEA presents proposals on Alternate School Calendar; Preparation Time; and baseline data for proposal costing. BCTF presents proposal on Duration of the Instructional Day.
- June 21 – BCPSEA presents proposals on Professional Growth and Posting and Filling. The BCTF tables their proposal for the improvement of wages.

The BCTF is characterizing many of the BCPSEA proposals as “concessions and massive contract stripping.” It is reminiscent of their view from past rounds of bargaining where concessions were defined as an agreement that resulted in the BCTF, a local or any member of the BCTF losing any provision, term or benefit that existed.

Opening proposals are a place to start. Through discussions the true matters at issue are clarified - some proposals are amended, others dropped, some agreed to - until the back and forth of negotiation produce an agreement. We presented these proposals looking to engage the BCTF in meaningful dialogue and discussion as to how to effectively address issues raised by school districts. These proposals are not stripping provisions or rights out of the collective agreement - as is being characterised by the BCTF. They are principled positions taken in bargaining recognizing the changing nature of the education system while ensuring a balance between the rights and responsibilities for the union and the employer.

As of the date of this bulletin, the BCTF has put forward a number of proposals with cost implications. We have completed a preliminary costing of many of them ([E.25 Preliminary Costings](#)). These preliminary costings are done to support BCPSEA in its understanding of the BCTF proposals and their implications. We have provided the BCTF with our baseline costing information as well as the costing of each proposal and invited them to engage in a dialogue about them. The BCTF has indicated that they do not agree with our costing but have yet to provide any response or alternate costing. We will continue to pursue this with the BCTF.

Here are the key proposals tabled by the BCTF and the approximate costs associated with each one. *Please note – some of the proposals below are linked to the entire proposal. For access to all proposals please go to our website: www.bcpsea.bc.ca under Teacher Collective Bargaining.*

BCTF Proposals	Current Language	Estimated Cost
<p><u>Proposal U23 – Salary</u></p> <p>There are 3 components to the salary proposal:</p> <ul style="list-style-type: none"> (1) Salary Parity - The cumulative effect of the proposal would ensure BC teachers at least equal to the highest paid teachers in Canada (2) Grid Reduction - Reduction of the salary grid to 6 steps (3) Cost of Living - and retain relative purchasing power through cost of living adjustments for the life of the agreement <p><i>Example (for illustrative purposes only):</i></p> <p><i>Vancouver Teacher (Category 5) moves to comparable salary in Calgary</i></p> <p><i>Min.: \$48,083 moves to \$58,387 (21% increase)</i></p> <p><i>Max: \$74,353 moves to \$90,944 (22% increase)</i></p> <p><i>Plus cost of living adjustments and other increases to maintain relative position..</i></p>	<p>In 2006, BC teacher salaries ranked 3rd in Canada and in 2011 now rank 4th.</p> <p>Most grids currently have 11 steps.</p> <p>Prov. Average Category 5 Minimum: \$47,461 Maximum:\$75,083</p> <p>Prov. Average Category 6 Minimum: \$51,895 Maximum: \$82,228</p> <p>For a complete review of this issue please see our Backgrounder: Teacher Compensation 2011</p>	<p>Approx. \$500,000,000</p>
<p><u>Proposal U19 – D.4 Preparation Time</u></p> <p>Secondary and Middle school prep. time at 25% of assignment per week (approximately 387 minutes per week)</p> <p>Elementary prep. time at 357 minutes per week</p> <p>Two days of additional prep. time per teacher for each report cards</p> <p>Each teacher (K-12) would receive one hour off per individual student interim report per required reporting period (e.g. 20 hours of paid release time to prepare 20 individual student interim / 'In Progress' reports).</p> <p>One hour of additional prep. time for the purpose of completing each report and learning plan.</p>	<p>Secondary prep time is one block in eight, or 12.5%</p> <p>Elementary prep time is 90 minutes per week for the vast majority of districts</p> <p>No additional prep time for preparing report cards</p> <p>Preparation time is for lesson planning, correcting papers, collecting materials, group planning, and other duties related to teaching. It occurs when classes are normally in session.</p>	<p>\$417,000,000</p>
<p>Proposal U7 - Bereavement Leave</p> <p>Up to 10 days of paid leave granted for the death of a friend or any relative</p> <p>Up to 2 additional days of paid leave for travel</p> <p>Additional days of leave may be requested and</p>	<p>Most collective agreements provide for 5 days paid leave for immediate family which is defined.</p>	<p>\$80,000,000</p>

will not be unreasonably denied Days to be scheduled at the employee's discretion and need not be taken consecutively or within a specific timeline		
<u>Proposal U14 - Sick Leave</u> Application of sick leave provisions to TOCs (for both accumulation and use as TOCs) Sick days earned at a rate of 2.0 days per month or portions thereof	TOCs cannot earn sick leave credits Sick days earned at a rate of 1.5 days per month or portions thereof Part-time pro-rated	\$81,000,000
<u>Proposal U8 - Compassionate Care Leave</u> Up to 26 weeks of fully paid leave per year for direct or indirect compassionate care to any person The leave is with full pay even when the employee has no entitlement to EI	3 to 5 days of paid leave on average Most clauses specify limits to emergencies and serious illness of a family member Not available to TOCs.	\$49,000,000 (assuming each teacher takes one leave in their career)
<u>Proposal U9 - Discretionary Paid Leave</u> All teachers would be entitled to up to 8 days per year of paid discretionary leave Scheduling to be fully at the discretion of the employee All costs, including cost of the replacement TOC, to be covered by the employer	Most agreements provide for one day with pay or up to 5 days without pay.	\$ 122,000,000
Proposal U13 - Pregnancy (Maternity), Parental, and SEB Plans 17 weeks of pregnancy leave (as per Employment Standards) followed by 35 consecutive weeks of parental leave including birth father or adopting parent Local Parenthood Leave provisions would be in addition to this new provincial provision creating a potential for a teacher to be away on leave for up to 5 consecutive years per child.	Top-up differs across districts, most pay 95% for first 2 weeks of maternity leave No existing paid parental leave Must fall into EI provisions.	\$41,000,000 (Costing parental leave only, assuming 1,000 teachers utilize it)
Proposal U11 - Leave for Professional Activities Each teacher would be entitled to 5 days per year of paid leave for chosen professional activities Choice and scheduling to be at the teacher's discretion.	No current language.	\$80,000,000
Proposal U10 - Leave for Third Party Care Up to 5 days of paid leave to meet responsibilities for care, health or education of a	No current language; current clauses on serious illness and	\$80,000,000

<p>child or any other person</p> <p>This leave provision would be in addition to all other leave provisions including Compassionate Care</p>	<p>compassionate care leave are accounted for in the compassionate care leave proposal.</p>	
<p>Proposal U12 - Leave for Union Business</p> <p>Unlimited leave to teachers for union business (number of people and number of days of leave)</p> <p>Union to reimburse employer for actual wage costs of replacement in most situations</p> <p>Employer to pay the costs of all union leaves for local collective bargaining</p> <p>Union representatives attending any meeting (school or district) on management matters would do so without loss of pay (if during work hours) or with compensatory release time (if before or after work hours) with all costs borne by the employer. This would apply to meetings with school administrators, directors, etc.</p>	<p>Most agreements provide release time for up to 6 members</p> <p>Advance notice is required.</p> <p>Some districts cover the cost of TOC replacements.</p>	<p>TBD</p>
<p>Proposal U16 - B.16 Benefits</p> <p>Benefits (some changes include):</p> <p>100% of premiums paid by the employer for MSP/EHB/Dental</p> <p>Applies to all employees (Continuing full and part time, Temporary Teachers, ToC's) - No threshold</p> <p>Vision care \$600</p> <p>\$1,000 max per paramedical per year with a significantly expanded list of paramedicals and alternative treatments</p> <p>Pay drug card</p> <p>Group life 4X salary</p> <p>Any superior provisions apply</p>	<p>75%-100% of premiums paid by the employer for MSP/EHB/Dental</p> <p>Most districts have a FTE threshold or pro-rate benefits for part time teachers</p> <p>Not available to TOCs</p> <p>Vision care \$200 (most common)</p> <p>Paramedical \$100-\$250</p> <p>Group life 50%-80%</p>	<p>TBD</p>
<p>Proposal U17 - D._ Release Time for Meetings</p> <p>Compensatory pay or time off for teachers attending any management initiated meeting outside of instructional hours</p> <p>Example include meetings for IEPs, school based team meetings, P-T interviews, staff meetings, grade group meetings, department meetings, collaboration meetings, Health and Safety reviews, and student safety plan meetings.</p> <p>Compensation to be based on a hourly rate of 1/709th of a teacher's yearly salary.</p>	<p>Release time with pay shall be provided by the employer to any employee who is a representative on a specific employer-created committee in order to attend meetings that occur during normal instructional hours. Teacher on call costs shall be borne by the employer.</p>	<p>N/A</p>

Collective Bargaining Information

We have posted on the BCPSEA website the proposals, costing of the proposals and other information and resources related to this round of collective bargaining.

Teacher Collective Bargaining Information: <http://bit.ly/jf10B4>

BCTF and BCPSEA Proposals: <http://bit.ly/iuRJT4>

Net Zero Mandate

This round of bargaining is governed by the Public Sector Employers' Council (PSEC) compensation mandate that applies to all public sector bargaining in 2010-2011. It is a net zero mandate requiring:

1. A two-year term
2. No net increases in total compensation costs
3. Compensation trade-offs — savings found through (mutually-agreed) changes in collective agreements may be used to fund compensation increase.

To date there have been 31 collective agreements, covering more than two-thirds of BC's unionized public sector employees, achieved under the net zero compensation mandate, including:

- Agreements covering 99 percent of healthcare workers
- Agreements covering most employees of the BC public service
- Agreements with more than 90 percent of university faculty
- Agreements in many Crown Corporations, including BC Hydro.

Next Steps

Over the next two weeks, the BCTF and BCPSEA have several dates scheduled for bargaining and will look to schedule dates in the summer. The parties will continue to work towards successfully negotiating a collective agreement.

There are other matters that have implications for this current round of negotiations. They include:

- Bills 27/28 and Supreme Court decision – the provincial government is meeting with the BCTF to address the implications of decision on class size and composition provisions. The parties have until April 2012 to address the repercussions of the decision. Our last bulletin followed their [June 3, 2011](#) meeting. We will provide updates as events unfold.
- BCTF Job Action and Essential Services – The BCTF has indicated it will be taking a strike vote later this week and it intends on engaging in job action in September. The provincial parties have commenced the process for the designation of essential services. Over the course of the next week, we will be providing information/resources to assist districts with the essential service process. This information will be found on our website under Teachers – Collective Bargaining