

Labour Relations Board Confirms School Districts' Authority re Field Trips

In a decision issued November 1, the Labour Relations Board (LRB) has confirmed that administrators and school districts continue to have the authority to approve or deny field trips (see BCLRB [No. B193/2011](#) attached). The approval of field trips by administrators and school districts should continue to be made on the basis of the legitimate considerations in the various school districts, school policies regarding field trips, as well as considerations that ensure managers and excluded staff are being used to the best extent possible.

The Nature of the Application to the LRB

The BC Teachers' Federation (BCTF) applied to the LRB seeking a declaration that a breach of paragraph 13(h) of the current Essential Services Order had occurred by virtue of management and excluded staff in the school districts refusing to perform "administrative duties" related to field trips (e.g., paperwork and fee collection) that BCTF members previously performed but are no longer doing as part of Phase 1 of the BCTF strike activity.

The BCTF also sought an order directing school district management and excluded staff to perform those "administrative duties" in order that field trips could occur. The BCTF argued that paragraph 13(h) of the Essential Services Order made all field trips essential and that management and excluded staff must perform all the administrative duties necessary for them to occur. In the BCTF's view, "...field trips are being cancelled not as a result of a lack of time by management and excluded staff, but rather as a result of the Employer's response to the BCTF job action."

BCPSEA opposed the application on the basis that all school districts have policies governing field trips and all field trips require the approval of an administrator or the school district. Where field trips had been cancelled, BCPSEA noted that it involved circumstances where administrators had concerns about the allocation of resources in a school, particularly where administrators were responsible for before school, noon hour, and after school supervision.

The LRB Decision

In dismissing the BCTF application and declining to make the declarations and orders that BCTF was seeking, the LRB recognized that administrators and school districts had the authority to approve field trips and exercised that authority, including the authority to deny field trips, prior to the BCTF Phase 1 strike activity and that those decisions were based on established considerations reflected in the various school district and school policies relating to field trips. The LRB found that paragraph 13(h) of the current Essential Services Order did not

remove that authority by making it a requirement that all field trips must now be approved by the Employer regardless of those or other legitimate considerations.

The LRB also confirmed that under section 72 of the *Labour Relations Code*, managers and excluded staff are to be used to the best extent possible, including performing the essential features of their jobs — as well as work that teachers have withdrawn during Phase 1 — to the best extent possible. Therefore, in the LRB's view, it is reasonable to expect "that the approval of field trips by administrators and school districts should continue to be made on the basis of the legitimate consideration in the various school district and school policies, as well as considerations emanating from the context of ensuring managers and excluded staff are being used to the best extent possible as is intended in the essential services, controlled strike context."

In the decision's closing remarks, the LRB notes that while the parties have the right to attempt to achieve their respective collective bargaining objectives in this obviously difficult dispute, both sides should, and the LRB believes will, take all reasonable steps to ensure student educational outcomes are not unduly prejudiced by the labour dispute and that students' educational interests remain a focus for both sides

Questions

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