

Essential Services

UPDATE



2011-12

November 29, 2011

By E-mail: One page plus attachment

Labour Relations Board Issues Decision on BCPSEA Application

In a decision (B214/2011 attached) issued late today, November 29, the Labour Relations Board (LRB) has declined to find in favour of the employers' application seeking a variance to the Essential Services Order to:

- require teachers to prepare and distribute report cards, and
- require the BCTF, upon notice to BCPSEA, to reimburse each school district monthly in an amount equal to 15% of the total gross salaries and benefits costs paid to or on behalf of BCTF members by the school district for that month.

On the issue of report cards, the LRB states:

Given there is no complaint that BCTF members are failing to comply with the terms of the Order, and there are no changed circumstance [sic] or consequences flowing from the Order that could not have been foreseen and anticipated when the Order was made, I am not persuaded it is necessary or appropriate to vary the term of the Order regarding report cards, at this time, in order to prevent the immediate and serious disruption of the provision of educational programs. (page 9)

On the issue of the request for reimbursement by the union, the LRB states:

In a controlled strike, the Board tries to preserve the ability of parties to apply economic pressure to the extent possible while still protecting the public interest through the designation of essential services. However, it is not the role of the Board in an essential services dispute, to attempt to balance the respective bargaining power of the parties beyond the designation of essential services and ensuring that essential services are provided or that a Board order is being given effect. That is particularly the case where, as here, the "balance" sought is in the context of a limited job action which only peripherally impacts the provision of essential services.

I note the parties do have other options by which to ensure maximum economic pressure is brought to bear in this dispute. For example, while unattractive, the parties have the right to expand the strike or to lockout which would trigger the next phase in the labour dispute and more fully engage the essential services designation process. (page 12)

Questions

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

Karen Jewell

604 730 4518

karenj@bcpsea.bc.ca