

# Essential Services

## UPDATE



2011-13

December 2, 2011

By E-mail: One page plus attachment

### **Labour Relations Board Issues Interim Decision on Oral Component of the Français langue première 12 and Français langue seconde immersion 12 and Local Marking of Provincial Exams**

The BCTF has been directing teachers not to conduct the oral component of the provincial French language examinations that are or will be scheduled for students to take between December 5 and January 13.

The BCTF has also directed teachers not to mark the “essay” components of provincial exams that are marked locally (English 10, English 10 First Peoples, Français Langue Première 10, Civics 11, Éducation civique 11, Social Studies 11, Sciences humaines 11, BC First Nations Studies 12, and Études des Premières Nations de la C.-B. 12 (“the identified Provincial exams”).

It is the BCTF’s position that both these activities can and should be performed by excluded and management personnel. BCPSEA’s position is that neither of these refusals is permitted under the terms of the current Essential Services Order. The Labour Relations Board (LRB) conducted an expedited hearing on Wednesday, November 30, 2011 due to the imminent dates for the scheduled oral examinations. Given the requirement for an expeditious decision, the LRB determined that it would not provide a definitive interpretation of the Essential Services Order but that it would fashion a “practical labour relations outcome” on an interim basis.

In a decision (B221/2011 attached) issued today, December 2, 2011, the LRB has issued a ruling that provides, on an interim basis, that:

- BCTF members will continue their activities with respect to the Oral Component of the Français langue première 12 and Français langue seconde immersion 12 in the usual manner at the times currently scheduled or to be scheduled; and
- BCTF members will continue to mark the identified Provincial exams as they have in the past, subject to administrators being utilized to the best extent possible. The parties should discuss how to implement this direction at the local level and ensure that marking is done in a timely manner to ensure a student’s progress is not impeded.

Further information and a question and answer document regarding this decision will be forthcoming. A hearing on the interpretation of the Essential Services Order will occur at a later date if necessary.

#### **Questions**

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

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