

Essential Services

UPDATE



2011-09 October 26, 2011

E-mail: One page plus attachment

Employer Response to BCTF Strike

An essential services order reflects the current determination of the Labour Relations Board (LRB). Those decisions may be varied by agreement of the parties or by successful application to the LRB by either party if the circumstances warrant. Since the commencement of school, the conditions regarding student performance and progress have been building as the information parents have received has been inconsistent district by district, school by school, teacher by teacher. The result of this inconsistency necessitates, in our view, an amendment to the Essential Services Order as permitted under the *Labour Relations Code*.

BCPSEA has today filed an application with the Labour Relations Board (LRB) to request that the LRB vary 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.

BCPSEA's position is that the preparation and distribution of complete report cards is now essential to prevent immediate and serious disruption to the provision of educational programs and/or immediate and serious danger to the welfare of students. Parents, students, teachers, and administrators all need to know if a student is progressing satisfactorily before it becomes too late to address concerns. Given the manner in which the BCTF has carried out its Phase 1 strike activity and the lack of any predictable or systematic evaluation information being provided to parents, students, administrators, and the school system, it is essential in our view that complete report cards be prepared and issued.

An essential services strike is a "controlled strike." The *Labour Relations Code* does not preclude strikes in essential services but, rather, empowers the LRB to regulate or control the dispute in a way that will protect the public interest while, at the same time, replicating to the extent possible the economic pressure that would otherwise be experienced by the parties if there was an unrestricted right to strike.

In early October BCPSEA met with its Representative Council to hear about the effects of the BCTF strike in school districts. Trustees expressed their concern about the BCTF strike, its negative effect on students, parents, and administrative staff, and its potential to carry on indefinitely in its current form.

As it currently stands, the Essential Services Order allows the BCTF to carry out its Phase 1 strike action without imposing any financial consequences on the Union or its members. This results in an imbalance in the controlled strike environment, as recognized by the LRB in [BCLRB No. B161/2011](#).

BCPSEA is hopeful that the successful adjudication of this issue will provide the incentive necessary for the parties to engage in realistic negotiations to conclude a collective agreement.

The LRB application is attached for your information. If you have any questions regarding essential services, please contact:

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