

## **Labour Relations Board Dismisses BCTF Application Alleging School District Violations of April 20 Order on Report Cards and Submission of Marks**

In the late afternoon of April 25, the BC Teachers' Federation (BCTF) filed an application with the Labour Relations Board (LRB) alleging that 19 school districts "have issued directions to teachers regarding marks and student progress reports (Student Reports) that are not in compliance with paragraph 5 of the April 20 LRB Order." The BCTF stated that the specific school districts had issued directions that "exceed the terms" of the April 20 Order and further, that the directions issued by the 19 school districts "unduly impact teachers' workloads contrary to the clear intent of the April 20 Order."

BCPSEA filed a response to the BCTF application last evening, and the BCTF filed a reply submission this morning.

In a decision issued this afternoon by Michael Fleming, Associate Chair, Adjudication, the LRB has dismissed the BCTF application, finding as follows:

I am not persuaded there is any evidence of bad faith or a complete refusal to give effect to the terms of the April 20 Order. Rather, there appears to be differences regarding how Student Reports are to be provided in the context of the April 20 Order.

...It is apparent that the bulk of the School Districts and BCTF locals throughout the province have found ways to give effect to the April 20 Order.

...The practical implications of the differences between the parties regarding marks and Student Reports is not known at this time. For example, it is not known if any discipline may arise as a result of the differences. In any event, even if that were to be the case, there is a remedy available through the collective agreement. As well, other issues arising from the difference may give rise to a grievance under the collective agreement, as is evidenced by the BCTF reply submission which notes teachers are filing grievances in response to at least some directions.

...The issuing of a remedy under the circumstances arising in this case is a discretionary exercise. There are limits to both the Board's resources and patience. Bearing in mind all the circumstances, I am not persuaded it would be useful or appropriate to entertain and/or grant the orders sought by either party.

In summary, the LRB has dismissed the BCTF application and declined to make any further clarifications or orders regarding report cards and/or submission of marks at this time, although the LRB has reaffirmed the “work now grieve later” concept. It is important to note that there was no evidentiary hearing or findings but the BCTF claims that teachers are complying with the earlier LRB order and that report cards are being produced.

Please inform us immediately if your district is experiencing any refusals by teachers to prepare report cards, enter marks, or complete any other reports required by the district; e.g., IEP or resource teacher reports.

### **Questions**

Please contact your BCPSEA [labour relations liaison](#) if you require further information.

Attachment: LRB Decision April 26, 2012