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By E-mail: Three Pages

## BCPSEA Application to the Labour Relations Board: BCTF Illegal Strike Activity

On May 9, BCPSEA filed an [application with the Labour Relations Board](#) for a declaration that the BCTF and its members have declared or authorized or are engaging in an illegal strike, contrary to the *Labour Relations Code* and the *Education Improvement Act*.

It is important to be clear what the BCPSEA application is really about.

**The focus of the application is NOT to compel teachers to perform voluntary activities, which is what we all generally view as extracurricular activities.**

Some of the activities that the BCTF has directed its members to withdraw are normally performed by teachers at their individual discretion or option — activities we commonly understand as extracurricular or voluntary activities such as coaching sports teams.

The focus of our application is on activities being withdrawn which are in no way voluntary and are duties and activities regularly and ordinarily performed by teachers as part of their normal work day, whether or not they occur outside of instructional hours. Most teachers' duties are expressly required by their employer boards, the collective agreement, and/or relevant legislation, regardless of when they are performed.

The BCTF Executive has adopted a definition that captures these duties as “extracurricular/voluntary” simply because they are typically performed outside of instructional hours; in other words, they are duties performed “outside the bells.”

These include activities such as student tutorials, parent–teacher conferences, school-based team meetings, meetings with principals, class organization meetings and planning meetings for the next school year, etc. (for more information see our [application starting at page 3](#) available on our website).

The BCTF and its local teachers' unions have distributed a variety of communications to their members listing the range of duties that teachers will not perform based on the definition they have adopted. Of note are the following statements contained in the union documents:

- “...any activity that involves teachers working with students outside of instructional hours is an “extracurricular/voluntary” activity.”
- “This means that teachers working with students outside of instructional hours should stop.”
- This includes “helping students before/after school or at lunch.”

Teachers were involved in a lawful partial strike from September to mid-March, which culminated in a three-day full withdrawal of duties. Prior to that strike action, teachers performed a wide range of duties and activities as part of their work for boards of education, duties that were typically performed both during and outside of instructional time. With the enactment of legislation in March, the strike should have ended.

BCPSEA is asking the LRB to order the BCTF to cease and desist from its direction to teachers to withdraw duties that are part of a teacher's normal work. Some of those duties occur outside of instructional time. Those duties were done prior to the strike and they ought to be done now. To do otherwise as part of a concerted action and direction by the union is an illegal strike.

It is really unfortunate that students and parents continue to be negatively affected by this labour dispute, which appears to be more about politics than labour relations. This has been a very difficult school year and students and parents deserve to have the year end on a positive note, with students receiving the full range of educational services to which they are entitled.

## The Way Forward

### ▪ **Representative Council**

The Board of Directors was pleased to welcome trustees and district staff to our Representative Council on Wednesday, April 25, at the Hyatt Regency Hotel in Vancouver.

Given all that has transpired over the course of this school year, it was timely for boards to come together to review where we are, why we are where we are, and ensure we are in alignment on the way forward.

Good and frank discussion was had on a range of issues related to collective bargaining and the mediation process with the BC Teachers' Federation. The Board was gratified with the support expressed by Trustee Representatives for the Board of Directors and the bargaining team.

As we had communicated prior to the Representative Council, we altered our usual processes with respect to submission of motions and debate in order to ensure boards had full opportunity to raise any issues of concern. The members debated one motion received from School District No. 39 (Vancouver):

BE IT RESOLVED that in order to support the success of mediation, that BCPSEA, with respect to mediation, set aside issues and proposals relating to teacher qualifications/suitability, control of professional development and evaluation of teachers.

*Defeated*

### ▪ **Mediation**

The mediation with Dr. Jago under the *Education Improvement Act* is proceeding. Both BCPSEA and the BC Teachers' Federation have dates scheduled to meet with Dr. Jago through May and June. It's important to remember that the mediation process continues to represent an opportunity for the parties to agree upon and conclude a collective agreement.

While we know that the BCTF is continuing with its efforts to have Dr. Jago removed as the mediator, we hope that there is also a recognition that the mediation — whether one agrees with the process or not, or whether one agrees with the choice of mediator or not — presents an opportunity for authentic discussion and comprehensive conversation about both parties' priorities and proposals.

BCPSEA and the BCTF were unsuccessful at the bargaining table through 78 sessions, and the activities related to that lack of success have resulted in much stress and strain on students, parents, and everyone involved in the K-12 public education system. The success of the mediation depends on the commitment of the parties to make it work — an agreement reached voluntarily by the parties is always the best resolution.

## Stay in Touch

Please don't hesitate to contact any member of your [Board](#) or [staff](#) for information or discussion as we move forward.



*Melanie Joy, Chair*