

Essential Services

UPDATE



2014-01

April 17, 2014

By E-mail: Two Pages and Attachment

URGENT

Essential Services Designation Issued

Today the Labour Relations Board (LRB) issued an Essential Services Designation Order (ESDO). BCTF has not yet served 72-hour strike notice. **School districts will, however, want to prepare to organize staff to cover student supervision in accordance with the ESDO (attached) in the event notice is served to commence strike action next week.**

Background

Further to [@issue No. 2014-02](#), distributed on Wednesday April 16, 2014, BCPSEA and the BCTF met with Mark Brown and were able to agree on the components of an Essential Services Designation Order (ESDO) that provides for student safety concerns and maintains all of the employer rights to respond to BCTF strike activity.

The maintenance of the employer's right to respond to BCTF strike activity and put corresponding pressure on BCTF to settle the collective bargaining dispute is critical to avoid a lengthy strike as was experienced in 2011-2012. That agreement has now been issued by the LRB as an LRB Order. Unlike previous disputes, the ESDO now contains the services that teachers must continue to perform in the event of a strike, in this case starting with the first stage of the BCTF strike, which is withdrawal of certain duties.

Student Supervision

The only service that is required for student safety at this time involves student supervision, and the LRB Order includes the same provision to which BCPSEA had previously asked BCTF to agree. The ESDO provides as follows:

With respect to any before/after school, recess or noon hour supervision normally provided by teachers, before/after school supervision related only to bus drop off and pick up, and recess and noon hour supervision will continue to be provided by teachers subject to the Employer utilizing management and excluded staff to the best extent possible to replace teachers for these activities. The utilization of management and excluded personnel will be discussed locally. If the matter cannot be resolved at the local level, either party may refer the matter to the Board for mediation/adjudication. The principles set out in BCLRB No. B417/2001, B431/2001 and B194/2011 shall apply to this decision.

The Section 68 replacement worker prohibitions of the *Labour Relations Code* do not apply and student supervision can now be provided by all excluded staff and managers regardless of their date of hire or where they ordinarily work.

This provision allows school districts to organize their supervision rosters in the same manner that they have done in previous disputes. Please see *Essential Services Update No. 2011-03* for some commonly asked questions around supervision scheduling during a strike.

Emergency and Disaster Situations

The Order provides that teachers will be available in the event of any emergency or disaster situation and will perform the work in question with disputes about whether or not an emergency existed to be addressed later.

Notice of Increases in Strike Activity

The Order provides that BCTF will provide two working days notice in the event it is planning to escalate its strike activity to one day per week withdrawal of all services, and three working days notice if it is planning to escalate its strike activity beyond the one day per week. Notice in these situations will be provided directly to BCPSEA, and we will immediately inform school districts.

Disputes and Amendments

The Order also provides for the parties to refer disputes to the LRB and/or to apply for a variance of the Order should that prove necessary.

Next Steps

BCPSEA will be providing further information regarding the progress of the dispute and employer responses to the strike in the near future.

Please also note the conference calls scheduled for this afternoon further to the e-mail notice that was distributed to districts this morning. Please contact Mike Roberts (604 730 4515; miker@bcpsea.bc.ca) if you have any questions regarding the dispute and employer responses.

Questions

BCPSEA will continue to provide updates and clarify information as events progress. If you have any questions regarding essential services or strike activity, please contact:

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