

Labour Relations Board Order Issued For All Support Staff Unions

Background

On Friday, June 6, 2014, BCPSEA filed an application with the Labour Relations Board (LRB) to vary the current Essential Services Order to include the designation of additional essential services required to enable secondary students to complete their school year and receive final grades for courses in which they are enrolled. The BCTF has provided notice that there will be a one-day rotating strike in all school districts on Monday, June 16 and that there will be a full withdrawal strike starting on Tuesday, June 17.

On Thursday morning, June 12, the LRB issued an Essential Services Order for BCTF members. The LRB has now issued an Essential Services Order for support staff union members during the full withdrawal strike. The Order is applicable to all the support staff unions in the K-12 sector; it contains an addendum which provides for recess and noon hour supervision and support and supervision of special needs students on June 13 and June 16 as in the previous Order that was only applicable to the CUPE locals. The Order was delayed, in part, because an earlier order had been released that required correction.

Order for Support Staff Union Members

The Order issued the evening of June 12 provides that during the full withdrawal strike, the support staff unions' members are essential for:

1. Lunch and recess supervision when they regularly perform such duties during the lunch and recess break;
2. Supervision and support of special needs students that they regularly provide, including support from normally assigned education assistants to enable special needs students to write Grade 10-12 Provincial Exams.
3. Services to provide transportation of students to and from schools to enable them to write Grade 10-12 exams (e.g. bussing);
4. Services required to ensure that payrolls can be processed in a timely manner; and
5. Services to prevent or remedy damage or malfunction of equipment, including information systems that pose an immediate and serious danger to health, safety and welfare or could result in a serious and immediate disruption to the provision of education programs.

School districts should immediately consult with their support staff union(s) regarding the number of employees required for the activities identified in this Order during the full withdrawal strike days (e.g., recess/noon hour supervisors, education assistants for supervision and support of special needs students, including for Provincial Exam assistance, transportation employees and payroll employees); the location of the work for these employees; and the days/hours of work needed.

Districts should also have discussions with their local union about employees who may be needed to prevent damage or malfunction to equipment including information systems, and organize on-call arrangements if necessary. In the event of disputes regarding the schedules, the matter will be resolved by the LRB within 24 hours.

The Order is also subject to the Employer utilizing the services of all its management and excluded personnel who are qualified to the best extent possible. As with other essential services orders, the Employer is not permitted to hire replacement employees, engage additional volunteers, or assign any bargaining unit work to volunteers. The utilization of all management and excluded personnel to the best extent possible must be considered prior to the use of bargaining unit employees.

As well, as with other essential services orders, this Order also provides that the Support Unions will provide unrestricted access and egress for persons covered by this Order and any other person or delivery required for the services designated in the Order. Additionally, support staff will be available in the event of any emergency or disaster.

Addendum to the June 12 Order

The LRB has now designated the following services provided by members of all support services unions' members as essential for June 13 and 16, 2014 in the event that pickets disrupt the workplace:

1. All services required for lunch hour and recess supervision of students, being all non-teacher employees who regularly perform such supervisory duties during the lunch hour break.
2. All services by non-teacher employees regularly required to provide supervision and support to special needs students at any time pickets are placed at any school, and when those members of CUPE are regularly required to be working."

All support staff who are regularly scheduled to provide these services must continue to do so on June 13 and 16, 2014. This is subject to the Employer utilizing the services to the best extent possible of its principals, vice principals, and other excluded staff located in a school who are qualified.

Questions

If you have any questions regarding essential services or strike activity, please contact your BCPSEA liaison.