

***Distribution of this Bulletin***

*Please ensure this bulletin is circulated to all administrative staff in both the district office and schools who must rely on the collective agreement in the performance of their duties.*

## Distribution of Union/Political Materials to Parents

As the school year comes to a close, we have received a number of questions from districts regarding teachers' attempts to distribute union or political materials to parents on school property.

The October 2, 2013 protocol agreement (attached) remains in effect with respect to the content of such materials and the method of distribution.

The purpose of the protocol agreement is to establish a process for the employer to determine whether there are any concerns with the content of the materials that would prevent the teacher from distributing — or would require amendment prior to distributing — in accordance with applicable case law.

Subject to *Charter* rights, past practice, and the collective agreement, school districts have the management right to control what is being sent home to parents by teachers through students.

In order to assess whether a limit of these expressions is justified under Section 1 of the *Charter* in the distribution of teacher communications on an educational issue, the employer will need to first review the content of the communication(s) in advance of distribution.

## Recommended Action

We recommend that school districts continue to follow the protocol agreement and consult with BCPSEA with respect to communications teachers wish to send home to parents.

We also recommend that union locals and teachers be reminded of the protocol agreement and any board policy regarding the need for authorization or review by administration before communications are sent home to parents.

### ❖ **Protocol Agreement: Distribution of Union Materials to Parents via Students or Directly to Parents on School Property**

The protocol agreement has been in place since October 2013 and the BCTF agreed to extend it indefinitely, with the option of either party serving notice to cancel it at any time after June 30, 2015. At the present time, no such notice has been given.

The protocol agreement covers union materials that relate to a union and/or political issue. This includes union and/or political materials authored/prepared by the BCTF and/or its locals, including pamphlets or template letters for individual teachers to use and/or amend.

If your local teacher union intends to distribute union or political materials, it must follow the review process outlined in clause 2 of the protocol agreement and provide notification in accordance with clause 3 of the protocol agreement.

Please also ensure that your principals and vice-principals are aware of this protocol agreement and the procedures.

### ❖ **Union Political Messages on School Grounds**

There may also be situations where teachers attempt to post or wear union political messages on school grounds.

Although the Court of Appeal ruled that the employer is not entitled to impose an absolute ban on all political messages in schools (see *@issue* [No. 2013-04](#) dated May 31, 2013), each case is unique and must be evaluated on its own specific facts to determine whether the viewing of the materials had caused or could potentially cause harm or bias to students and/or disruption to the education system.

## Questions

Should you require assistance or wish to discuss this issue further, please contact your BCPSEA labour relations liaison.

### ***Distribution of this Bulletin***

*Please ensure that this bulletin is circulated to all administrative staff in both the district office and schools who must rely on the collective agreement in the performance of their duties.*

Attachment:

- October 2, 2013 Protocol Agreement