

**BRITISH COLUMBIA  
LABOUR RELATIONS BOARD**

December 7, 2011

**"VIA FAX"**

To Interested Parties

Dear Sirs/Mesdames:

Re: **British Columbia Public School Employers' Association (on behalf of all Boards, as defined in the School Act) -and- British Columbia Teachers' Federation -and- Various Trade Unions**  
(Section 72(1) REPORT - Case No. 62037/11)  
(Section 72(2) ORDER - Case No. 62039/11)  
(Section 72(2) - Case No. 62911/11 (Provincial Exams))

On December 6, 2011, the Union applied seeking an order directing that the schedule for French 12 oral exams be put into effect as it existed prior to December 2, 2011 with respect to W.L. Seaton Secondary School in Vernon, B.C.

The Union also seeks a direction that the Employer provide the Union with the schedule of the French 12 oral exams as it existed prior to December 2, 2011, including the names of any individuals assigned to conduct them. The Union seeks an order that any changes to the schedule be first discussed with the Union.

The Union seeks a direction that any assignment of teachers to conduct the French 12 oral exams be subject to the best utilization of management personnel.

The Union also seeks a direction that, for any French 12 oral examinations not yet scheduled, any assignment of teachers to conduct them be subject to the best possible utilization of excluded personnel. The Union seeks to have the Employer directed to provide the Union with a list of excluded personnel competent to conduct the French 12 oral exam.

Finally, the Union seeks a direction that where the Employer intends to assign a teacher to conduct a French 12 oral exam, the Employer inform the Union of why excluded personnel cannot be used.

An expedited hearing was conducted on December 7, 2011 at which the parties appeared and provided brief oral submissions regarding the issues raised in the Union's application. Given that an immediate answer is required, after considering the parties submissions, I am providing my conclusion without reasons. To that end, I am not persuaded it would be appropriate to grant the orders sought by the Union in its application. I am also not satisfied a basis has been established to cause me to conclude it would be appropriate to revisit the interim decision in BCLRB No. B221/2011 at this juncture. Accordingly, the Union's application is dismissed.

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If either party requires reasons for this conclusion, a written request should be made to me within 5 days of the date of this letter.

Yours truly,

LABOUR RELATIONS BOARD



Michael Fleming  
Associate Chair, Adjudication

MF/sn

Interested Parties:

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cc: British Columbia Public School Employers'  
Association  
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