

BRITISH COLUMBIA  
LABOUR RELATIONS BOARD

**BY FAX**

January 26, 2012

**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  
(Section 72(1) - REPORT - Case No. 62037/11)  
(Section 72(2) - ORDER - Case No. 62039/11)  
(Section 72(2) - Case No. 63069/12 - Marking of Provincial Exams)

By letter dated January 26, 2012, the BCTF raises several concerns regarding the implementation of my decision in BCLRB No. B21/2012 ("B21/2012") issued yesterday in relation to the marking of the English 10 and Social Studies 11 provincial exams, in several school districts.

More particularly, the BCTF says that in one school district, while the Employer has identified administrators it has determined meet the criteria set out in B21/2012, the Employer is not providing information regarding the qualifications of the other administrators.

The BCTF alleges that in several other school districts, the Employer has taken the position that administrators will only mark a limited number of exams.

Finally, the BCTF alleges that in one school district the Employer has taken the position that one administrator will replace one teacher and is therefore not adequately complying with the direction in B21/2012.

The BCTF seeks an order that I provide certain directions to deal with these concerns.

I convened a case management conference call to deal with BCTF's concerns and to give the parties an opportunity to provide their respective submissions regarding the concerns now raised by BCTF.

It is apparent to me that, while the parties have been able to give effect to the directions in B21/2012 at the local level in many school districts, the issues summarized above have arisen in at least four school districts.

The marking of the exams has already begun. In all the circumstances, it is not possible, or appropriate for me to attempt to provide any kind of adjudicated answer to the concerns. It is also not appropriate for the parties to engage in any kind of protracted discussions at the local level regarding how to give effect to the directions in B21/2012.

As noted in B21/2012, the Board's expectation is that during Phase 1, the parties will ensure that student educational interests remain an important focus and that in advancing their respective positions, they will also ensure student education outcomes are not unduly prejudiced: para. 31.

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B21/2012 clearly directed that the marking of the exams should proceed as scheduled. It also noted the importance of the parties working out any issues regarding implementation themselves at the local level.

The direction to mark the exams as scheduled must be given full effect. To that end, to the extent to which any further clarity may be required, pursuant to B21/2012, BCTF members are directed to mark the English 10 and Social Studies 11 provincial exams as they have in the past.

I reiterate that administrators are to be used to the best extent possible in the marking of the exams.

As noted in B21/2012:

During Phase 1, excluded staff are to perform their own work which is essential, as well as bargaining unit work which the Essential Services Order contemplates BCTF members can withdraw from, to the best extent possible...(para. 23)

I would expect the marking to be given the priority it deserves bearing in mind that administrators will have a number of other duties to attend to during this labour dispute in the context of a controlled strike.

I expect the parties to take all reasonable steps to ensure the marking is undertaken as currently scheduled. I also expect the parties to make every reasonable effort to be flexible and to, in good faith, attempt to find quick solutions to any differences they may have regarding giving full effect to B21/2012, at the local level.

Any concerns regarding the overall functioning of this aspect of the Essential Services Order can be raised and dealt with at the appropriate time.

Yours truly,

LABOUR RELATIONS BOARD



Michael Fleming  
Associate Chair, Adjudication

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