



"Together We Learn"

**School District No. 23
(Central Okanagan)**

BOARD OF EDUCATION SPECIAL BOARD MEETING HIGHLIGHTS

Date: Wednesday, February 29, 2012

We have received a request for the Board of Education Board Meeting Highlights for February 29, 2012. This was an extraordinary meeting that was called because of the current labour dispute between BCPSEA and the BCTF.

Information Items:

Update of Contract Negotiations with BCTF

The Director of Human Resources – Labour Relations reviewed the material contained in the attached handout, Summary of Major Events – 2011 Collective Bargaining between the British Columbia Public School Employers' Association (BCPSEA) and the British Columbia Teachers' Federation (BCTF).

Additionally, the Board Chair read into the record an email of February 27, 2012 from Alice Rees with regard to the Central Okanagan Teachers' Association (COTA) request for support from the Board for the establishment of mediation to help resolve the dispute.

Public Question/Comment Period

Comments were made by both members of the COTA Executive as well as a variety of teachers from throughout the District in response to the current labour dispute and proposed legislation.

Summary of Major Events

2011 Collective Bargaining between BCPSEA and BCTF

1. In November 2009, the Provincial Government released details on the “net zero” mandate for public sector bargaining. The mandate applies to all collective agreements that expire in 2010 or 2011. The key provision of the mandate is there can be no net increases in compensation for a 2 year term. Compensation tradeoffs are permitted under the mandate.
2. The Collective Agreement between BCPSEA and the BCTF expired on June 30, 2011.
3. Bargaining between the parties commenced in March 2011. As of February 22, 2012, the parties have met 78 times. Agreement has been reached on 9 non-monetary items.
4. Strike notice was served by the BCTF on August 31, 2011. “Phase 1” of the strike began on the first day of school on September 6, 2011.
5. Educational programs to students and eligible children under the *School Act* have been designated as essential services. Strikes under essential services are referred to as “controlled strikes” and are governed by orders issued by the Labour Relations Board (LRB). The current strike is governed by a “Phase 1” order issued by the LRB in July 2011.
6. If either party wishes to escalate the dispute, they would have to apply to the LRB for an amendment to the Phase 1 order.

Appointment of a Fact Finder

7. On February 9, 2012, The Minister of Labour appointed a “fact finder” (Trevor Hughes, Assistant Deputy Minister, Industrial Relations) to inquire into the status of collective bargaining between BCPSEA and the BCTF and present an assessment of the likelihood of a voluntary settlement between the parties.
8. Mr. Hughes delivered his report on February 23, 2012. His conclusion was that is “very unlikely” that BCPSEA and BCTF will be able to reach a voluntary settlement.

Application for Mediation

9. On February 20, 2012, the BCTF applied to the Labour Relations Board for the appointment of a mediator to help the parties to resolve all the matters in dispute.
10. The LRB asked BCPSEA for their views on the BCTF application. BCPSEA replied on February 24 that it would be prepared to work with the LRB if it believed the appointment of a mediator could assist the parties.

BCTF Request for an Amendment to the Phase 1 Essential Services Order

11. On February 23, the BCTF asked the LRB for permission to escalate strike activity beyond what is contemplated in the Phase 1 order.
12. BCPSEA provided a written submission to the LRB on February 27. A hearing into the matter was convened by the LRB on February 27 where the BCTF and BCPSEA both made submissions.
 - BCTF asked for an interim order allowing teachers to withdraw services for 4 days per week for 2 weeks. They also asked for hearing dates for a final order regarding a full strike.
 - BCPSEA asked that withdrawal of services be limited to 1 day out of 10 days and teachers be required to resume administrative duties they have not been required to perform since September 2011.
13. On February 28, the LRB issued an interim order regarding strike activity beyond Phase 1 which provides for:
 - a) An "initial expanded job action" would allow BCTF members to:
 - Withdraw from all duties for a maximum of 3 consecutive instructional days
 - Notice of not less than 2 school days must be provided
 - BCTF members will not picket, block access or egress or otherwise restrict access to schools by support staff or other employers who may use the premises
 - b) A "continuing job action" that would allow BCTF members to:
 - Withdraw from all duties for a maximum of 1 out of 5 instructional days each calendar week
 - Notice of not less than 2 school days must be provided
 - BCTF members will not picket, block access or egress or otherwise restrict access to schools by support staff or other employers who may use the premises
 - c) The provisions of the Phase 1 order would continue on other instructional days

Bill 22 – The Education Improvement Act

14. On February 22, the Government introduced Bill 22 to the Provincial Legislature. The Bill contains the following provisions:
 - a) Teachers' Strike Action
 - Provides a "cooling off" period until August 31, 2012
 - Provides for mediation to assist the parties in reaching a negotiated agreement

Bill 22 – The Education Improvement Act (con't)

- Suspends all strike and lockout activities
- If a mediated settlement is not achieved, the mediator will issue non-binding recommendations by June 30, 2012
- Agreements reached cannot impose any net additional costs on employers
- The existing collective agreement remains in effect during the mediation and cooling off period
- Financial consequences for illegal strikes or lockouts during mediation.

b) Learning Improvement Fund

- Provision of funds to be allocated to classrooms with the highest need in the province
- \$30 million in 2012-13, \$60 million in 2013-14, and \$75 million in 2014-15 and each year thereafter.

c) Collective Bargaining on Class Size and Related Matters

- Restores class size and related matters to the scope of collective bargaining, effective in the next round of bargaining expected in 2013
- Does not restore collective agreement provisions in place prior to 2002

d) Class Size Limits and Compensation

- Eliminates use of District averages and requires additional compensation for teachers with classes in excess of 30 students in grades 4-12
- Some classes will be exempt from the cap where large groups are desirable
- Maintains strict class limits for Kindergarten (22) and grades 1-3 (24)

e) Consultation on Class Organization

- Changes in the consultation process when there were 3 or more students with special needs assigned to a class.

For comments, please contact:

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