

# Job Action – Essential Services Planning 2011

DPAC Meeting  
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# Essential Services Planning 2011

- ▶ What is a strike?
- ▶ What are essential services?
- ▶ What is Phase 1?
- ▶ When can it occur?
- ▶ 2011 Essential Services Phase 1 Order
- ▶ Beyond Phase 1?

# What is a Strike?

- ▶ A “strike” is defined in the Labour Relations Code to include the following element
  - Cessation of work, refusal to work, or a slowdown in work
  - Employees acting in concert
  - Designed to or does restrict or limit production or services

# What Can a Strike Look Like?

- ▶ A strike can take many forms, including
  - Employees continuing to work without pickets but refusing to do certain duties or work overtime
  - Withdrawal of some, but not all, employees at any given site without erecting a picket line
  - Erecting a picket line and engaging in a full withdrawal of services at some or all schools

# The Current Teacher Job Action

- ▶ The is legal job action by the British Columbia Teachers' Federation (BCTF)
- ▶ The BCTF is represented locally by the Burnaby Teachers' Association (BTA)
- ▶ This job action is governed by the British Columbia Labour Relations Board (LRB) and the Labour Relations Act
- ▶ School districts and the Government of British Columbia are represented in the negotiations by the British Columbia Public School Employers' Association (BCPSEA)

# What are Essential Services?

- ▶ Essential services are those services related to the health, safety or welfare of British Columbia residents or to the provision of primary or secondary education programs

# Essential Service 2011

- ▶ Following the approach taken in previous disputes in education in 2001 and 2005, the 2011 LRB decision sets out both a list of activities that BCTF members must continue during “Phase 1” job action and those that BCTF members need not perform during that phase

# What is the BCTF Planning for Phase 1?

- ▶ Phase 1 of the BCTF strike activity plan involves the withdrawal of certain duties and non-participation in voluntary extracurricular activities
- ▶ Phase 1 does not involve picketing activity

# Attendance Records

- ▶ The transmission of attendance records was in dispute between BCPSEA and BCTF and was considered by the LRB in 2011
- ▶ The LRB determined that the records are to be transmitted in the normal or usual manner during any job action

# Class / Program Start-up

- ▶ BCTF members must participate in the normal manner in the class / program composition and formation at the beginning of the school year
  - Until September 10 for elementary students
  - Until September 17 for secondary students
- ▶ This may include communication and meetings of teachers with the principal for the sole purpose of class / program composition and formation

# Statutory Class Size Procedures (Section 76)

- ▶ BCTF members shall participate in the normal manner in activities concerning statutory class size procedures

# IEPs and Special Needs

- ▶ BCTF members will continue to hold IEP meetings in the usual manner; however, administrators will only attend IEP meetings if they provide direct service to the student under discussion
- ▶ BCTF members will continue to communicate with administrators regarding students with special needs as necessary and in the best interests of students
- ▶ Principal has a direct role re: resources and services

# School-Based Team

- ▶ School-based team meetings will occur in the usual manner
- ▶ Principals may at their discretion attend school-based team meetings to make decisions regarding custody, safety plans, police issues, confidential information and changes to student's programs or resource support

# Supervision

- ▶ Teachers will continue to provide before/after school supervision related only to bus drop-off and pick-up and recess and noon supervision
- ▶ Subject to “the employer utilizing management and excluded staff to the best extent possible” to replace teachers
- ▶ A schedule of management/exempt coverage for recess duty has been prepared, shared with the BTA and is in use assuring appropriate student supervision and maximizing student safety during recess

# Head Teachers, Department Heads and Resource Teachers

- ▶ Head teachers, department heads, district resource teachers must continue their normal duties but will meet with administration only during their administrative release time.

# Covering Teacher Absences

- ▶ BTA members need not provide coverage for a teacher who is absent (except for TOCs hired for that purpose)
- ▶ Subject to “the employer utilizing management and excluded staff to the best extent possible” to replace teachers

# Withdrawal of Voluntary Extracurricular Activities

- ▶ Employers may continue extracurricular activities for teachers who are withdrawing voluntary services with volunteers or others to replace the striking teachers without contravening Section 68 of the Labour Relations Code
- ▶ This includes voluntary field experiences and has implications for the filling out of forms, fundraising, fee collection etc. (i.e. a volunteer coach can fill out BC School eligibility forms and competition field trips forms, plus collect fees)
- ▶ The principal is still responsible to determine if the event meets all safety and planning requirements

# Teachers need not do:

- ▶ Participate in meetings or interviews with parents/guardians and/or district teaching staff outside of instructional time or during instructional time unless coverage is provided
- ▶ Participate in meet-the-teacher activities outside of instructional time or during instructional time unless coverage is provided
- ▶ Prepare or distribute report cards
- ▶ Provide any student assessment data to administrative officers or the school office, except Grade 12 marks required for graduation, post-secondary applications and scholarship purposes
- ▶ Complete and submit student referral forms outside of instructional time

# Teachers need not do:

- ▶ Attend staff meetings
- ▶ Attend staff committee meetings
- ▶ Attend any meeting called by school district management
- ▶ Participate in any standing or ad hoc district committees
- ▶ Attend school based meetings called by an administrative officer, unless the meetings are related to an emergency
- ▶ Provide administrative officers with any routine printed written or electronic communications

# Teachers need not do:

- ▶ Accept any printed, written or electronic communication from an administrative officer, unless it relates to an emergency
- ▶ Participate in the preparation or organization of assemblies outside of instructional time, or during instruction time unless coverage is provided
- ▶ Participate in any accreditation activity
- ▶ Participate in any school district or ministry in-service
- ▶ Participate in any professional development that is not teacher directed
- ▶ Participate in any school photo organization

# Teachers need not do:

- ▶ Provide coverage for a teacher who is absent, except for a teacher on call hired specifically for that purpose
- ▶ Administer or supervise FSA or any district or ministry test
- ▶ Collect money from students or participate in fund raising
- ▶ Order supplies, textbooks, etc. unless needed immediately to effectively maintain ongoing instruction
- ▶ Assist the administrative officer in administrative tasks like building timetables or computer organization
- ▶ Do inventory

# Teachers need not do:

- ▶ Organize textbooks
- ▶ Answer school office phones
- ▶ Supervise detentions before, during or after instructional time
- ▶ Prepare overviews or previews for the administrative officer, except when associated with a teacher evaluation process
- ▶ District school or administrative letters, newsletters, memos or announcements to students, unless it is health and safety related
- ▶ Pack up classrooms to facilitate painting, renovations or maintenance
- ▶ Perform department head/position of responsibility duties except during allocated time in the timetable

# Service Teachers will do:

- ▶ Provide marks for grade 12 students required for post secondary entrance and scholarship application
- ▶ Field experiences that are a part of the curriculum (for marks) will proceed as usual
- ▶ Field experiences that are optional may proceed and will include teacher supervision during breaks while on the field experience

# Emergency or Disaster

- ▶ The LRB has ordered that teachers will be available in the event of any emergency or disaster situation
- ▶ “Work now, grieve later” principle applies
- ▶ Emergency practice drills will occur in the usual manner

# No Picketing

- ▶ The LRB has ordered that there will be no picketing during Phase 1
- ▶ Work done by CUPE should not be affected by Phase 1 and they should continue with their normal duties

# Beyond Phase 1?

- ▶ Should BCTF contemplate any strike activity beyond Phase 1 they must notify the LRB and the LRB must issue a further order
- ▶ No strike activity beyond what is contemplated in Phase 1 can take place until a new LRB order is made

# Questions?