

**IN THE MATTER OF A STATUS REPORT ON COLLECTIVE BARGAINING**

BETWEEN:

**BC PUBLIC SCHOOL EMPLOYERS' ASSOCIATION**

(the "Employer" or "BCPSEA")

AND:

**BC TEACHERS' FEDERATION**

(the "Union" or "BCTF")

SUBMITTED TO:

**The Honourable Michael de Jong  
Minister of Labour & Citizens' Services for  
The Province of British Columbia;  
Mr. Ron Christensen, Chair of BCPSEA;  
Ms. Jinny Sims, President of BCTF**

SUBMITTED BY:

**Facilitator/Mediator Irene Holden**

DATE:

**June 2, 2006**

## **INTRODUCTION**

In October 2005 in the midst of a collective bargaining dispute between the BC Public School Employers' Association (the "Employer" or "BCPSEA") and the BC Teachers' Federation (the "Union" or "BCTF") Vincent L. Ready was appointed as an Industrial Inquiry Commission. Commissioner Ready issued recommendations on October 20, 2005 which, if accepted by the parties, would enable the BCTF members to return to work. Those recommendations were accepted by the parties and the teachers returned to work.

As part of his terms of reference Commissioner Ready was to examine the state of labour relations and collective bargaining between the parties. With the imminent expiry of the parties' collective agreement on June 30, 2006 and needing more time with his review, Commissioner Ready issued an Interim Report for Transitional Negotiations on April 6, 2006 (sometimes referred to as the "Ready Report" in this document). In that report Commissioner Ready recommended that the parties enter into "meaningful negotiations with the assistance of a mediator with a view of concluding a Collective Agreement prior to June 30." He also offered the parties the following guidelines as to how the negotiations should be conducted:

- The BCPSEA and the BCTF shall each appoint bargaining committees of a maximum of five representatives each. The Government shall appoint at least one senior representative to act on its behalf to convey Government's position on mandates and on policy issues relative to collective bargaining.
- Appoint Ms. Irene Holden as a facilitator/mediator to assist the parties with negotiations.

- The BCPSEA and the BCTF shall develop and exchange realistic bargaining proposals prior to April 15, 2006, and shall immediately commence collective bargaining.
- The BCPSEA, in conjunction with the Government representative referred to above, shall prepare a serious settlement offer no later than May 15, 2006.
- In the event that a settlement is not reached prior to June 1, 2006, the mediator will issue a report to the Minister and the parties identifying the issues resolved and in dispute.

This last guideline is the genesis of this report.

### **NEGOTIATIONS TO DATE**

In keeping with the April 2006 Ready Report the parties began to bargain on April 11, 2006 with the parties reaching a protocol agreement on the 1<sup>st</sup> day. There was an exchange of proposals with explanations on April 12 & 13. The Union tabled 20 proposals and the Employer tabled 11. It should be noted that these numbers are not exact since some of the proposals encompassed multiple issues.

The parties met on their own on April 24 – 26, 2006 and I held conference calls with them each day to discuss progress. On April 26<sup>th</sup> each side tabled their wage demand and salary offer respectively. As opening positions the BCTF tabled 24% over 3 years and BCPSEA tabled 6.5% over 4 years. The parties met at the bargaining table May 2 through May 5<sup>th</sup>. Some progress was made on the minor items that week and there was fairly good dialogue on the issues.

On May 9, 2006 the parties signed off their first proposal. Dialogue and exchange of language continued on May 10<sup>th</sup> but it was limited with the impending May 15<sup>th</sup> Ready Report guideline on which date the Employer was to table a “serious settlement offer”. At 1:30 pm on May 15<sup>th</sup> the Employer tabled a proposal which constituted 8% over four years, plus a number of other monetary and non monetary items. The Union was very disappointed with the Employer’s settlement offer.

I met separately with the parties on May 18, 2006. The BCTF informed me and the Employer that the Union intended to take a strike vote on June 7<sup>th</sup> and 8<sup>th</sup>.

The parties returned to the bargaining table on May 24, 2006 and continued to deal with the non-contentious issues. They in fact signed off on a proposal regarding Middle Schools.

Bargaining continued on May 25, 2006 but the discussions at the bargaining table were becoming more and more unproductive as the parties began to run out of things to discuss – without tackling the more contentious issues. The parties agreed to cancel negotiations on May 26<sup>th</sup> but agreed to meet on May 30 and 31.

On May 30 and 31, 2006 the parties began to have the necessary discussions around the more contentious issues: compensation, workload issues, working conditions, retention and recruitment, to name a few. Throughout these difficult discussions, however, the parties agreed to a third proposal on May 30<sup>th</sup>: Employment Equity – Aboriginal Teachers. On May 31 the BCTF agreed to table a complete package in response to the Employer’s May 15<sup>th</sup> package. The tabling of that package will take place on Monday, June 5, 2006.

In sum, the parties have met in bargaining for some portion of 20 days. There were many other days on which they met separately in caucus, with or without me. In that timeframe three proposals were signed off and the parties reached agreement in principle on one other item. The parties are close to agreement on a couple of other proposals and they have exchanged language on a number of others. Progress may be deemed slow but it is still progress in my view for parties who have not bargained a collective agreement for over a decade.

## **THE ISSUES**

Pursuant to the requirement in the April 6, 2006 Interim Report on Transitional Negotiations, the following constitutes those issues which the parties have resolved to date, and those which remain outstanding. The titles of the issues are taken, in the main, from the parties' originally tabled proposals and may not reflect the content of the issues, nor the current positions of the parties given their exchange of language over the last 20 days of bargaining. Wherever possible, I have also grouped proposals so that the list does not become repetitious. So for example, where the Union and the Employer tabled proposals on the same issue, these proposals are listed under one item.

### **Resolved Issues**

1. Pay Periods and Optional 12 Month Pay Plan (Union proposal)
2. Middle Schools (Employer proposal)
3. Employment Equity – Aboriginal Educators (Union & Employer proposals)
4. Agreement in principle has also been reached on Compassionate Care Leave, subject to the final compensation package (Employer proposal)

**Outstanding Issues**

1. Salary Proposals (both Employer and Union proposals)
2. Term (Union & Employer proposals)
3. Teacher on Call Pay and Benefits (Union & Employer proposals)
4. Benefits – Administrative & Entitlement Increases (Union proposals)
5. Teacher on Call Employment (Union proposal)
6. Seniority (Union proposal)
7. Workload and Working Conditions (Class Size and Composition, District Staffing Ratios, Integration of Special Needs Students, Support for ESL Students (Union proposals)
8. Regular Work Year (Union proposal)
9. Prep Time (Union proposal)
10. Alternate School Calendars (Union proposal)
11. Duration of Instructional Day (Union proposal)
12. Professional Development Funding (Union proposal)
13. Professional Autonomy (Union proposal)
14. Portability of Sick Leave (Union proposal)
15. Local Negotiations (Union proposal)
16. Inflation Adjustment Account (Union proposal)
17. Preamble (Employer proposal)
18. Leaves: for Provincial Negotiations, President/Officer Leave, Leave for Local, BCTF, CTF & International; Leave for BC College of Teachers (Employer proposals)
19. Professional Growth, Mentorship and Evaluation (Employer proposals)
20. Housekeeping Committee (Employer proposal)

**FUTURE NEGOTIATIONS**

The parties have set aside a considerable amount of time in June for collective bargaining. It is my view that both sides are committed to reaching a settlement and are working towards such a result. Progress to date has been limited in terms of the numbers of proposals signed off by the parties, but productive given these parties' bargaining history.

I expect the pace of negotiations to quicken as the end of June and the end of the school year draw closer. The time is fast approaching when the parties will have to make the difficult decisions and the necessary compromises to achieve a collective bargaining settlement.

I will continue to provide assistance to the parties in a facilitative and/or mediative role as required – unless the Minister and/or the parties themselves deem otherwise under the guidelines established in the Interim Report for Transitional Negotiations.

All of which is respectfully submitted this 2<sup>nd</sup> day of June, 2006 in the City of Vancouver, British Columbia.

*"Irene Holden"*

Irene Holden  
Facilitator/Mediator