

IN THE MATTER OF A DISPUTE

BETWEEN:

PROVINCE OF BRITISH COLUMBIA

AND:

B.C. PUBLIC SCHOOL EMPLOYERS' ASSOCIATION

AND:

B.C. TEACHERS' FEDERATION

RECOMMENDATIONS OF THE FACILITATOR
PRESENTED TO THE PARTIES BY
VINCENT L. READY
ON
OCTOBER 20, 2005

On October 10, 2005 I was appointed as an Industrial Inquiry Commission (“IIC”) to facilitate the next round of collective bargaining between the BC Teachers’ Federation (“BCTF”) and the BC Public School Employers’ Association (“BCPSEA”). On October 17, my mandate was expanded to include facilitating a return to work, in order to proceed with the other terms of reference of the IIC.

I met with the parties and with Government throughout this week. By late Wednesday, it was clear to me that the discussions were at an impasse. On Thursday morning (today), I advised the BCPSEA and the BCTF (“the parties”), and the Government that – because of the impact this dispute is having on students and the public – I would be making recommendations for resolution.

The recommendations address key issues in the public school system, and provide the basis for an expeditious return to work by teachers. I urge the BCTF, BCPSEA and Government to adopt them. I believe the recommendations provide a fair basis for resolution of the present dispute, especially in the context of the additional opportunities for the BCTF to address these and other issues in the next few months – including collective bargaining for a new agreement to take effect July 1, 2006.

My recommendations are conditional on prompt votes by the parties and an expeditious return to work by the teachers. On that basis, I recommend the following:

HARMONIZED SALARY GRIDS

I recommend that Government commit to fund \$40 million towards harmonization of salary grids throughout the province. The parties will meet within 60 days of the return to work, in order to determine the application of the money for the purposes of this recommendation. In the event that any matters remain outstanding as of March 31, 2006, including the effective date, either party may refer the difference to the IIC for a binding resolution. The effective date will be after the end of the current fiscal year and before the expiry of the present collective agreement.

BENEFITS

The BCTF is the only major public sector union whose members pay the entire cost of Long Term Disability ("LTD") coverage. It is a bargaining goal of the BCTF to seek payment by the Employer of the LTD premiums. The Union will have an opportunity to pursue this goal in the upcoming negotiations, and I am not prepared to recommend an ongoing change to the collective agreement at this time. However, in recognition of the unique situation with respect to the payment of LTD premiums, I recommend that Government provide one time funding of \$40 million towards the BCTF LTD trust.

I further recommend that the parties conduct a study of benefits (i.e., all non-salary monetary provisions) applicable in each school district, with a view to harmonizing the benefit provisions in the upcoming negotiations. The IIC will assist the parties, and the study will be concluded by February 28, 2006.

RECRUITMENT AND RETENTION OF TEACHERS ON CALL (“TOCS”)

There is an acknowledged labour market issue with respect to TOCs. In recognition of this, I recommend that Government commit to fund \$5.2 million towards the placement of TOCs on a uniform daily base rate of \$190, and for the placement of TOCs on the provincial salary grid after three continuous days on any assignment. In addition, I recommend that TOCs accumulate seniority while being paid on the provincial salary grid. The parties will meet within 20 days of the return to work, in order to determine any issues with respect to the implementation of this recommendation. In the event that any matters remain outstanding as of December 31, 2005, either party may refer the difference to the IIC for a binding resolution. The effective date of the implementation of this recommendation is April 1, 2006.

THE LEARNING ROUNDTABLE

The BCTF has expressed skepticism about the potential usefulness of the Learning Roundtable. However, in my view, the concept of a broad stakeholder group can be effective to identify and rectify problems that have been critical to

this dispute. In my opinion, the effectiveness of the Learning Roundtable can be enhanced by increasing the representation of teachers, in order to better recognize the central role of teachers in the education system. I therefore recommend that Government increase the number of BCTF nominees at the Learning Roundtable.

With respect to specific BCTF concerns, I note that the Learning Roundtable does not have a mandate to deal with collective agreement issues. I also note that participation by the BCTF in the Learning Roundtable would not reduce the Federation's opportunities (including those set out below) to have direct consultation with Government.

CLASS SIZE AND COMPOSITION

Class size is presently based on numbers set out in the *School Act*, which apparently provides an appropriate district *average* for class sizes but results in a number of classes in grades four to twelve that are simply too large for effective teaching. Moreover, there are classes where the number and/or nature of special needs students require additional resources and training. These problems have been acknowledged by both parties and by Government. To address these problems, I recommend that Government increase its commitment for learning conditions in this fiscal year from \$150 million to \$170 million, that the additional money be entirely targeted to issues of class

size and special needs students, and that Government consider incorporating the additional money as an increase to the ongoing base.

Government has indicated its concern to have an effective mechanism for enforcement of the class size limitations set out in the *School Act*. I recommend that the *Act* be amended to include such a mechanism. As Commissioner, I will discuss this issue with the parties, and recommend an appropriate mechanism for Government's consideration.

I also recommend that Government consult with the BCTF with respect to potential amendments to the *School Act* with respect to class size limits for grades four to twelve.

CONSULTATION WITH TEACHERS

The present dispute has highlighted a huge gap in avenues of communication between the BCTF and Government. I therefore recommend that Government and the BCTF establish an ongoing process for regular communication concerning teaching issues.

INDUSTRIAL INQUIRY COMMISSION TERMS OF REFERENCE

The Minister of Labour and Citizens' Services will amend the terms of reference of the IIC to confirm any additional jurisdiction needed to give effect to the present recommendations.

All of which is respectfully submitted this 20th day of October, 2005.

Vincent L. Ready

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