



Bargaining Bulletin

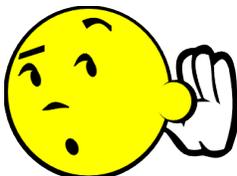
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Phase 1 Update – Langley

Langley teachers have been well served by their elected Staff Reps who have been kept very busy answering questions and disseminating information and interpretations from the local, updates from the BCTF, and answering questions from their administrators. I think we are approaching a comfortable degree of common understanding on Phase 1. Members have been very conscientious about requesting clarification prior to proceeding on everything from how to handle band equipment rentals to demonstration days at RC Garnett. It has been a very busy time for all of us, and still the questions have all been respectfully presented and the answers, although not always what the member wants to hear, have been well received and implemented. Langley teachers understand why we are in Phase 1 of job action, and that certainly helps.



I have been asked on several occasions why our provincial bargaining team has not signed off on one single piece of language after 50 sessions with BCPSEA. The simple answer is – you would not have wanted them to sign on your behalf. BCSPEA, the government’s bargaining agent, has not put five cents worth of improvements on the table, for salary or benefits, nor have they proposed any changes to our Collective Agreement that any teacher would see as progressive.

What have they offered? Among other things BCPSEA has put on the table have been the virtual elimination of seniority for employment decisions, the gutting of post-and-fill procedures for vacant positions, the weakening of layoff and transfer rights, and the removal of fair evaluation practices and a resistance to providing sick days for TTOCs as they are not recognized as ‘real employees’, they are just there to ‘fill in’ for someone else!. They also continue to insist there is no funding available because of the “net-zero” mandate. How clever they were to make sure the Premier and Cabinet ministers had their raises before that ‘mandate’ was applied!!

BC teacher salaries are well behind other provinces

Teachers in BC have fallen behind teacher colleagues in other provinces.

A chart published in the Globe and Mail shows Calgary teacher salaries \$20,000 higher than those in Vancouver. Toronto secondary teachers make \$15,000 more than Victoria teachers.

These gaps exist despite Metro Vancouver, with half the province’s teachers, having the highest cost of living in Canada. Here are the comparisons in the chart:

Salary Comparison: Canadian teacher salary rankings as of 2011

Maximum for Category 5 teachers, which is the ranking for most BC teachers.

Northwest Territories Teachers’ Association	\$111,929
Yellowknife Catholic	\$106,800
Yellowknife School District No. 1	\$103,365
Nunavut	\$101,334
Edmonton School District 7	\$95,354
Yukon	\$95,153
Calgary School District 19	\$95,073
Toronto Secondary	\$89,614
Eastern Unit of the Ontario English Catholic TA	\$88,933
Ottawa-Carleton Secondary	\$88,816
Elementary Teachers of Toronto	\$87,882
Ottawa-Carleton Elementary	\$86,717
Brandon	\$78,341
Saskatchewan (2010)	\$76,593
Winnipeg (2010)	\$76,424
New Brunswick	\$75,241
Prince George (at June 30, 2011)	\$74,353
Vancouver (at June 30, 2011)	\$74,353
Victoria (at June 30, 2011)	\$74,353
Quebec	\$71,946
PEI	\$68,117
Nova Scotia (2010)	\$67,186
Newfoundland and Labrador	\$67,001

What are we doing locally in Langley?

Since we have returned in September I have asked twice for bargaining dates to resume talks with the Board. I have been told that there is ‘some confusion’ regarding Arbitrator Jackson’s decision and that it is not clear what we can bargain locally. I disagree, we have ALWAYS been able to negotiate the items

in the Letter of Understanding 2. There are items from LOU 2 that were opened and left incomplete after our last round of negotiations on June 23rd. We can and should be back at the bargaining table in Langley. The Board is prepared to set dates and continue bargaining with both CUPE locals, but not with the LTA, the District's largest employee group – this impasse must come to an end so that the teachers of Langley feel supported by the Langley School Board in their quest for a fair, equitable and freely negotiated contract. We have now been eighty-three (83) days without a contract – and counting!

Where are we now with Provincial & Local Bargaining??

On September 17th Arbitrator Jackson issued a decision regarding the split of issues, with more clarification on what is a local bargaining item and what should remain at the **provincial** bargaining table.

In the fall of 2009, a bargaining plan was adopted at the BCTF Representative Assembly. As a result of this new plan, the BCTF met with the ministers of labour and education in 2010, regarding a return to local bargaining through a new split of issues. The BCTF also approached BCPSEA (*BC Public School Employer's Association*) to renegotiate the split of issues before we opened bargaining in March of 2011. This was done so that there would be clear rules for locals regarding what could be negotiated at local tables during this round of bargaining. BCPSEA, however, refused to meet with us (the BCTF) to renegotiate the split and initially took the position that the split could not be renegotiated.

Subsequently, in talks regarding the split of issues, BCPSEA took issue with the BCTF view of which provisions were cost provisions (provincial matters) as specified by PELRA (Public Education Labour Relations Act) and which were not.

In her earlier August 28th decision, Arbitrator Jackson **clarified and supported** the BCTF's position that LOU (Letter of Understanding) No. 1 could be renegotiated and that it could be taken to impasse was **correct**.

Now, in her September 17th decision, Jackson has determined that many items listed in the previous LOU No. 1, Appendix 1 (provincial matters) are not cost items as defined by PELRA and **may be bargained at local tables**.

The next step, with Arbitrator Jackson's clarification and guidance, is for the provincial parties to get on with renegotiating the split!!

In the meanwhile, locals **can and should** get on with local negotiations of Appendix 2 items.

Bills 27 and 28 – Where are we now??

The BCTF Full-Time Table Officers met with government and BCPSEA representatives, for the fifth (50th!!) time on September 9th to hear government's **promised proposal** for addressing

the repercussions of the Bills 27 & 28 court decision.

Instead of a proposal, however, the government presented a discussion framework for a "Class Organization Fund" to deal with pressing class-size and composition issues.

By promoting the fund, government is acknowledging that more funding is needed for public education, and in particular to address class size/composition and services for special needs, ESL and Aboriginal students. But the proposed administration of the fund sets up competitions between boards, schools and students for a slice of the pie. And, of course, government alone will determine from year-to-year how much basic funding boards will receive and how much COF funding will be available.

The discussion framework also **does not address** the repercussions of the court decision, which was to have been the single purpose of these talks with government.



The BCTF has been clear in these meetings that we expect the government to address the repercussions by repealing the unconstitutional legislation, returning our illegally stripped collective agreement class-size/composition and staffing ratio provisions, and restoring our constitutional bargaining rights for working conditions.

The discussion framework was described by government spokesperson Paul Straszak as an alternative (their alternative, not ours!!) to the return of class-size/composition and ratios. It is clear the government does not intend to address the repercussions of the court decision at this time and will not be introducing legislation that restores any of our bargaining rights or collective agreement provisions.

However, we have a court date with **Justice Griffin on October 11** to seek a clarification of the meaning and implications of her decision.

Government has stated in previous meetings that they believe the court ruled that there was nothing unconstitutional in their 2002 legislation except that the process leading up to the legislation didn't involve consultation with the BCTF. They believe that these meetings with the BCTF will constitute consultation, allowing them to legitimize the 2002 legislation.

The BCTF believes that the court ruled that **the legislation itself was unconstitutional** and the government did not have the legal ability to strip our collective agreements or curtail our bargaining rights.

The discussions will continue, and with Arbitrator Jackson's ruling on the split, we could see Class Size and Composition back on the Local Bargaining Table.

