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## President's Newsletter

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### LRB Ruling on Report Cards / 15% Fine

Many of you will have already received an email message from Susan Lambert about the November 29<sup>th</sup> ruling by the Labour Relation Board... but there is nothing wrong with hearing good news twice!

The LRB has dismissed an application by BCPSEA to compel teachers to do report cards and to fine the BCTF 15% of teachers' salaries and benefits. The LRB noted that the provision that teachers need not prepare or distribute report cards had been a feature of the 2001 and 2005 essential services orders, and was agreed to by the parties in July 2011. As a result, the Board found that there was no reason to vary the Order. Further, the Board specifically found that BCTF members are providing a range of feedback to students and parents.

On the issue of the 15% fine, the LRB agreed that teachers are not performing certain non-essential duties, but found no evidence that teachers are working only 85% of their scheduled time while receiving 100% pay. Rather, the Board found that teachers "are working their regular hours teaching but not performing non-essential duties, as permitted by the Order." The LRB further ruled that it was "not the role of Board... to attempt to balance the respective bargaining power of the parties."

### Calling All Retired Teachers

You all know by now that the BC College of Teachers is defunct, and has been replaced by the (Ministry controlled) BC Teachers' Council. One of the unexpected changes announced by this new Council is that there will **no longer** be separate certificate categories for teachers to choose from. This means that the 14,000 teachers who have maintained their certificates with "retired" or "non-practicing" memberships *must upgrade to full memberships* (and pay the full \$120 fee) **by January 6<sup>th</sup>, 2012**. Any teacher who loses his or her teaching certificate because they did not pay the practicing fee on time would have to reapply and meet all of the current requirements for certification.

The Council is attempting to contact all 14,000 affected members, but with such a short timeline, **the BCTF is asking teachers to contact their retired colleagues to make sure they know about this important change**. They are also asking teachers to contact Minister George Abbott (Minister.Educ@gov.bc.ca) to express their concern about this change in practice (you might want to include your thoughts on the net-zero bargaining mandate and the government's recent departure from the Bill 27 and 28 table while you are at it).

## The School Act and You

The *School Act* is a piece of legislation with which teachers should have at least a passing familiarity; after all, it forms much of the legal foundation of our working lives. In fact, there are elements of the *School Act*, which empower us all with certain rights and responsibilities, that I suspect teachers are not aware of. Consider the following (emphasis mine):

- 91 (5): If a **teacher**, principal, vice principal or director of instruction **suspects a student** is suffering from a communicable disease **or other physical, mental or emotional condition that would endanger the health or welfare of the other students, the teacher**, the principal, vice principal or the director of instruction
- (a) **must report the matter to the school medical officer, to the school principal and to the superintendent of schools for the district**, and
  - (b) **may exclude the student from school** until a certificate is obtained for the student from the school medical officer or a private medical practitioner permitting the student to return to the school.

You have to admit that is pretty powerful language, and it is the **law**.

It is not my intention to alert you all to this language so that you will all start calling Dr. Richard Stanwick (Saanich's school medical officer) and excluding students from your class. Teachers are reasonable people, and I know we all understand the big picture when it comes to the need to provide an educational program to all students (which is also enshrined in the *School Act*). My intention is to simply alert teachers to this language so that everyone is aware of their rights and responsibilities, particularly when it comes working with a student that you suspect is potentially dangerous to yourself or others. If things get desperate, you do have options.

## Top-Up for Birth Fathers

Many of you will know that the *Employment Standards Act* allows birth fathers to access up to 37 weeks of Parental Leave, and that the *Employment Insurance Act* allows birth fathers to receive EI benefits for 35 weeks of this time (these 35 weeks can be taken by the mother, the father, or be shared).

A new wrinkle is that, as a result of a recent grievance settlement here in Saanich, birth fathers **now also have access to Supplemental Employment Benefits ("top-up") while on this type of leave**, meaning they will receive 95% of their salary for the first two weeks of the leave, and be topped up (beyond what they get from EI) to 85% of their salary for an additional 10 weeks. All new and prospective Dads need to be aware that this option is now available.

## Category 5+ and Category 6 (again)

In my September newsletter, I reminded you all to email the Secretary-Treasurer (and Paul Standing) if you thought you might qualify for a salary category change (based on completion of new coursework over the summer). Article B.28.1 allows for this to happen again in the New Year (although the Secretary-Treasurer is now **Monica Schulte**). So, if you have been working on courses this year and you now believe you qualify for a change in certification, **you have until January 15<sup>th</sup> to write Monica and Paul**. Any such increase will be effective January 1<sup>st</sup> (and you will have until April 30<sup>th</sup> to provide the evidence of the completed coursework). Don't miss out on your New Year's raise!

## Securing Your Income

Avid readers of *Teacher* magazine will have come across an article in the October issue (see link below) entitled “Income Security.” This article was written by BCTF pensions guru Rob Taylor (who also has an excellent article on pensions in the current Nov/Dec issue of *Teacher*) as a warning for teachers who choose to voluntarily reduce their assignments. While it is true that some teachers are in a financial situation that allows them to job share, many teachers do so without fully understanding the long-term implications of this decision. Worse yet, many teachers choose to work part-time as a way of staying healthy, knowing that the stresses of the job are too much for them to work full-time.

It is important for teachers to realize that working part-time not only reduces your current salary, it also has the potential to reduce your pension (by reducing your pensionable service and/or highest average salary). Worse yet, if you were to become ill while working part-time, your short and long-term disability (SIP/LTD) payments will be based on your *pre-disability income*, meaning your choice to work part-time now might influence your income for years to come (were you to become seriously ill).

The take home message here is that teachers should very carefully consider the long-term risks of working part-time. It is also important for teachers to understand that if they are considering working part-time for medical reasons, then a partial medical leave should be pursued. Teachers on medical leave have access to their full salary while using any accrued sick time, and get full pension credit for any time on sick leave and/or Salary Indemnity. What’s more, should they become disabled long-term, their disability income will be based on their full salary (not a part-time salary that the teacher was earning in an attempt to stay healthy).

I will also note that this same *Teacher* article once again encourages teachers who have reached “factor 88” to consider opting out of paying the long-term portion of their SIP benefit... **a good reminder for teachers nearing retirement.**

If you want to read this article, it can be found at:

<http://www.bctf.ca/uploadedFiles/Public/Publications/TeacherNewsmag/archive/2011-2012/2011-10/index.pdf>

## Pension Buy-Back

Speaking of pensions, I mentioned very briefly in my last newsletter some of the rules around buying back pensionable service. This prompted a few calls to the office and lots of questions from teachers, so I thought this topic deserved another mention.

Fewer and fewer teachers are accruing the full 35 years pensionable service needed to receive a full pension, so maximizing your pensionable service credit is critically important. Almost **any time** teachers spend working less than full-time (voluntary leaves of absence, maternity or parental leaves, periods of lay-off, time on a recall list, periods of “underemployment” as a result of the NOIL process) can be purchased back with the Teachers’ Pension Plan – sometimes with the teacher only having to pay the employee’s share of the contribution, and sometimes with the teacher having to pay both the employee and employer’s share. In almost every case, the buy-back is worth the expense. Often there are time-limited windows available to make these purchases, so any teacher who thinks they might be eligible to buy back service should contact the TPP immediately (250-953-3022).

## **BCTF Resources**

These days, as we face changes to our regulatory body (now the BC Teachers' Council), bargain with an intransigent employer/government, and challenge the legality of legislation in court (the recent "gag law" court decision marks our **third** victory in the various court battles between the BCTF and the Liberals) it is easy to see the role BCTF plays in teachers' lives. However, the BCTF does much more for us, as evidenced by the list below. Visit the [BCTF website](#) if you want to learn more about any of these services or programs, and don't forget to sign up for *MyBCTF* (there are a few iPads left!).

**Provincial Specialist Associations** (PSAs) – the BCTF is home to 33 PSAs. These are groups of teachers organized by specialty/interest that put on conferences, publish newsletters, and maintain email lists for teacher collaboration and communication.

**Internal Mediation Service** (IMS) - IMS is a team of volunteer BCTF members, trained and experienced as mediators, who work with teachers and others to help resolve workplace conflicts.

**Health and Wellness Program** – formally known as the Rehab Program, this service assigns professional health and wellness consultants to teachers who are off work or struggling to maintain their assignment.

**Salary Indemnity Plan** – this plan covers teachers who have exhausted their sick leave and are not able to return to work. The short-term component of the plan is available for 120 days, and pays 50% of salary (deduction and tax free). After that, teachers will convert to the Long Term Disability plan, which is managed by Great West Life. Teachers who are disabled from the occupation of teaching can receive LTD for up to one year. Thereafter, teachers must be disabled from **any** occupation that would pay them 60% of their pre-disability teacher income to remain in the plan.

**Assistance Society** - the BCTF Assistance Society provides emergency financial aid to those who are, or have been, active members of the BCTF and to their spouses. Assistance is given in the form of loans or non-repayable grants.

**BCTF Advantage** – this member affinity program offers special deals and discounts for BCTF members at a variety of businesses.

**Teaching Resources** – the BCTF offers a variety of teaching resources, including social justice resources, peace and global education resources, an extensive video library, and much more.

Well folks, it has been a while since we have needed a Christmas Break as much as we all do now. I know I will be asking Santa to bring a workable solution to teachers' class size and composition concerns, and a freely negotiated Collective Agreement that includes some much needed improvements for teachers (an end to global financial woes certainly wouldn't hurt either). There is little doubt, however, that the New Year will bring some new challenges, and perhaps even an escalation to our job action. So rest up, enjoy some time with family and friends, and come back ready to continue to do the good work teachers do every day. Whatever is required of us to be successful in this struggle, I take comfort in the fact that we will do it together.

Happy Holidays!

*Sean*