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## President's Newsletter

May, 2011

### Saanich Board Takes a Historic Stand

On Wednesday, April 27<sup>th</sup>, the Saanich Board of Education made history by refusing to submit a balanced budget to the Ministry of Education. The “restoration budget” being submitted is, in fact, unbalanced to the tune of \$2.828 million, and defies provincial legislation requiring boards to match expenditures to revenues each year. Technically the Saanich Board has until June 30<sup>th</sup> to submit a balanced budget, with failure to do so putting our trustees in jeopardy of being replaced by the Ministry. So, what is the reason for this bold and courageous stance?

In my opinion, several factors are at work here. Certainly the current unsettled political climate makes this a perfect time for some good, old-fashioned civil disobedience. One would hope that the “families first” Liberals can ill afford the bad press that would come from firing a School Board who are so obviously standing up for kids.

Ultimately, however, I think our trustees were simply not willing to serve as the hatchet men and women for the Liberal government any longer. After cutting in excess of \$8.6 million since 2006, the Board was not willing to oversee a further erosion of programs and services. Instead of cutting the \$328,000 required to balance the books for next year, the Board voted to protect these programs and services, and added another \$2.5 million to restore some of the “gaps” identified by the Budget Technical Working Groups (these gaps include class size reductions, restoration of student services supports, centralized TOC call-out, literacy and numeracy support, etc.).

It is unclear at this point what the government will do. It is also unclear how this decision will affect staffing for next year. Should the district plan for the worst (staff to the levels called for in the balanced budget) and hope the government hands over the extra money at some later date, or plan for the best (staff to the levels called for in the restoration budget) and be faced with massive layoffs in the fall should the government refuse to pony up?

At this point, it is critical that the government hear from teachers (and hopefully parents and support staff workers) with messages of support for our Board's courageous stand. It is time for the Ministry to recognize the funding crisis in education. I encourage each and every one of you to write your MLA, the opposition education critic (Robin Austin), the Minister of Education (George Abbott) and the Premier, with a call for the government to do the right thing. Email addresses can be found at:

<http://www.leg.bc.ca/mla/3-1-1.htm>

The Premier can be contacted at: [premier@gov.bc.ca](mailto:premier@gov.bc.ca)

# Supreme Court Ruling

On April 13, 2011, Madam Justice Griffin of the BC Supreme Court issued a landmark decision. Justice Griffin had been tasked with examining the constitutionality of Bills 27 and 28 – the 2002 legislation that stripped our contracts of hundreds of key provisions (including all of our class size and composition language), and made it illegal for teachers to ever bargain items such as class size and composition in the future.

In a strongly worded 103-page decision, Justice Griffin ruled in favour of the BCTF, and determined that Bills 27 and 28 were unconstitutional and invalid. In her ruling, Justice Griffin gave the government 12 months to “address the repercussions of this issue.”

So, where to from here? There are lots of unanswered (or, at least, answered differently depending on who you ask) questions at this point, so I’ll try to summarize what we know so far:

## **Will the government appeal this decision?**

Initial indications from Premier Clark were that the government would accept the ruling, but Minister Abbott now says the government has not yet made a decision on an appeal... yet another thing you might want to mention in your emails to the Minister and/or Premier.

## **Does this mean we can bargain class size and composition again?**

Barring an appeal, class size and composition are back on the bargaining table. However, with the government having 12 months to address the ruling, it is unclear how this might affect this current round of negotiations.

## **Does this ruling mean we get all of our stripped language back?**

This is the \$64,000 question. Certainly the BCTF is serving notice that nothing less than the reinstatement of this language will satisfy teachers as the government tries to “make things right.” Justice Griffin has recognized the BCTF’s right to remedy, and has informed the parties that they can go back to her if they cannot agree on a solution.

Many of you will have forgotten what our old language looked like (in fact, many of you have joined us since 2002 and have never seen it!), but I estimate that the Board would have to hire an additional 20-30 teachers if this language was back in our Collective Agreement. The BCTF is asking Boards to make their staffing plans for next year based on this language, as it is not practical to wait until April 2012 to adjust our classes.

I suspect you are not going to read the 103-page ruling, so here are some of my favourite bits:

*“The evidence that the government relied on in the hearing before me, to support its assertion that class size limits were causing hardships to students and parents, was anecdotal hearsay. It was so vague and unsubstantiated that it was impossible for BCTF to challenge it meaningfully. It would be unfair to give it any weight for the truth of its contents.”*

*“Contrary to the position of the government, the labour situation between teachers and their employers in 2001 cannot be attributed to unreasonable demands or inflexibility on the part of BCTF with respect to class size and composition or other related issues later addressed in the legislation.”*

*“By passing this legislation without so much as consulting with BCTF, the government did not preserve the essential underpinning of collective bargaining, namely, good faith negotiation and consultation.”*

*“The legislation undoubtedly was seen by teachers as evidence that the government did not respect them or consider them to be valued contributors to the education system, having excluded them from any freedom to associate to influence their working conditions. This was a seriously deleterious effect of the legislation, one adversely disproportionate to any salutary effects revealed by the evidence.”*

Feels good, don’t it?

## New BCTF Members' Portal

The BCTF has recently launched *MyBCTF*, a secure members' portal that can be accessed through the main BCTF website ([www.bctf.ca](http://www.bctf.ca)). Any BCTF member can login using their Member ID number and a password of their choosing. Once logged in, members will have access to:

- 🍎 timely bargaining updates
- 🍎 BCTF Advantage program information
- 🍎 collective agreements
- 🍎 interactive tools, including discussion groups/forums
- 🍎 easy registration for conferences and meetings
- 🍎 updating of personal information
- 🍎 targeted information based on teacher interests or teaching assignments

To sign up, click on the "BCTF Members Only" flag and create an account (if you don't know your Member ID, you can sign up using your SD63 Employee Number, which can be found on your pay stub... once you have created an account, you will need to write down your BCTF Member ID number and password for future reference).

## BC College of Teachers

Many of you will have noticed that the \$90 annual fee that we pay to the BC College of Teachers (taken off of our April cheques) has been increased to \$120. College counselors approved this fee increase at a recent meeting, noting that the \$90 fee had not changed in six years.

Many of you will know that the future of the BCCT is very much up in the air at the moment. The recent Avison report, entitled *A College Divided*, made some startling allegations about the functionality of the College, and the Ministry of Education has promised that changes to the structure and/or function of the College are coming. BCTF members who were in attendance at the most recent BCCT meeting challenged the wisdom of a fee increase when the future of the organization is so uncertain, but the counselors agreed to the 33% increase nonetheless.

## Bargaining Update

We are now two months into our current bargaining round, and I am pleased to report that negotiations have been going well here in Saanich. The local parties have met several times, and have exchanged proposals on a variety of issues, three of which clearly fall on the local side of local/provincial split of issues (Personnel Files, Long Term Personal Leave, Parenthood Leave). There is every indication that we will be able to reach agreement on changes to these articles. Additionally, the STA has tabled language on a variety of items that currently reside on the provincial side of the "split". Although the Board (under direction from BCPSEA) will not engage in negotiations on these issues, we are hoping that the ongoing provincial negotiations will expand the list of topics that we can discuss at local tables.

The provincial parties have also met several times, with the redefinition of the split of issues (provincial vs. local items) remaining the focus of negotiations.

This is a reminder that the STA website (<http://saanichteachers.com/>) will be featuring local and provincial bargaining updates periodically for this round of bargaining. Check frequently for news.

## E.15.1 and Staff Committees

Early May is a good time of year to highlight Article E.15.1 (see below), and point out its importance as we enter the spring staffing process. It is critical that teachers embrace their roles as key participants in school planning, and that they are aware that this article compels administrators to engage school staffs in consultations about timetabling/staffing for next year. These consultations should be happening now.

You will note that E.15.1 mentions the role of Staff Committees in this process. I am happy to report that two of our schools have organized new Staff Committees this year, and I would like to encourage you all to make sure your school has a functional, organized Staff Committee ready to hit the ground running next year. Many articles of our Collective Agreement specifically mention the important roles Staff Committees should be playing in our schools, and I have included some of these articles below.

### Article E.15: Positions and Assignments

E.15.1 **The administrative officer in consultation with the Staff Committee or staff shall meet prior to May 15 as part of the school planning process for the upcoming school year for the purpose of discussing the timetable and staff assignments available for the next school year and, if necessary, any new or existing teaching positions that require filling in the school.**

### Article A.31: Education Assistants

A.31.6 The Administrative Officer of the school will consult with the School Staff Committee and other appropriate staff when **assigning non-dedicated and dedicated education assistant time.**

### Article D.22: Staff Meetings

D.22.2. At the start of each school year, the Principal shall consult with the school staff or the school staff committee to **jointly determine procedures and guidelines for monthly and emergent school staff meetings.** These procedures and guidelines shall address matters such as: agenda setting, circulation of agendas, frequency of meetings, place, duration, notice and procedures for absences from the meeting. Once determined, these matters will be outlined and copies distributed to each staff member by October 1 of each year.

D.22.3. Regular school staff meetings which are additional to the monthly staff meetings shall be scheduled only with the agreement of the staff through the process described in clause D.22.2.

### Article A.24: School Staff Committee

A.24.1 Teachers assigned to each staff may form a Staff Committee.

A.24.2 The size and membership of the Staff Committee shall be determined by the staff. In smaller schools the staff may decide to act as a committee of the whole.

A.24.3 The committee will have **access to public information concerning its school budget and monthly expenditure statements and information on which school level decisions may be based.**

A.24.4 **The committee may make recommendations to the staff and the principal on any area of concern.** The staff committee shall provide the principal with an opportunity to meet with the staff committee prior to the staff committee finalizing a recommendation for the school administration.

A.24.5 If the principal declines to implement a recommendation, **reasons shall be given to the whole staff.** The committee may forward a copy of the recommendation to the Superintendent when the recommendation pertains to a matter not covered by this Agreement. The Superintendent, or designate from the Administrative Executive, upon receiving the recommendation, will **investigate the matter and respond in writing** to the staff committee.