

## **BCCPAC Position Paper on BC Teacher Bargaining Structure**

Dec 2, 2012

The question of how to improve the success rate of Teacher contract negotiations has been around for a long time. Many solutions have been tried, with the most recent being the creation of BCPSEA and the current bargaining model, but the pattern remains the same: regular and often bitter labour strife comes with almost every contract negotiation. The time has come to reassess the current contract bargaining structure and change the tone of bargaining in BC.

BCCPAC and parents across BC are deeply concerned about this ongoing failure of process for the following reasons:

1. The damage it does to the reputation of public education in this province. BC has a highly respected education system internationally, but you would not know it given what is said as the parties manoeuvre for bargaining advantage and public support. Many parents with means have simply given up and left the public system for independent schools as a result.
2. The continual placement of our children in the middle of contract disputes. Claims that “They are doing this for the students” are undercut by the actions of the parties and the contents of many of the settlements or imposed contracts that result.
3. The work stoppages create chaos in families’ lives despite education's *Essential Service* status. They also force some parents to take time off work or spend extra on daycare, often affecting those families who can least afford it.
4. Work stoppages in the public education system have a negative effect on the economy of BC when many parents are unable to find childcare and stay home from work as a result.
5. The effect of work stoppages or even partial withdrawal of services on the educational experience of students is substantial despite claims from both sides to the contrary.
6. Many of the resulting contracts have not actually settled the dispute, even after bargaining is complete. Instead the dispute festers for the duration of the contract term.

Of interest in this discussion is the following BCCPAC resolution supported by the parents of BC at our 2010 AGM:

### **2010.14 Advocating for Equal Rights for Students**

**That** BCCPAC advocates for the equal rights of students when other stakeholders in the public education system are exercising their own rights.

At the bargaining table the BCTF represents the rights and interests of its members. BCPSEA represents the rights and interests of the employer. While both sides make claims that their primary focus is student welfare, the actual proposals presented have little to do with students and are focused on pay, benefits and working conditions.

To address some of these issues, we put forward the following suggestions:

1. Implementation of all the recommendations made by Vince Ready in his 2007 report found here: [http://www.bcpsea.bc.ca/documents/research\\_articles/00-HF-Ready%20Final%20Report%20Feb%202007.pdf](http://www.bcpsea.bc.ca/documents/research_articles/00-HF-Ready%20Final%20Report%20Feb%202007.pdf)
2. Implementation of the remaining recommendations of the Wright Report (2004) found here: [http://www.bcpsea.bc.ca/documents/research\\_articles/00-HF-Final%20Report%20Commission%20to%20Review%20Teacher%20Collective%20Bargaining.pdf](http://www.bcpsea.bc.ca/documents/research_articles/00-HF-Final%20Report%20Commission%20to%20Review%20Teacher%20Collective%20Bargaining.pdf).
3. The ability to strike, lock out or withdraw services only when the goal is to achieve a collective agreement. Labour action for any other reason should be prohibited by law.
4. Requirements for bargaining teams to have a full appreciation of the constraints the other side must operate under and a full and certified understanding of the purpose, method, and goals of the collective bargaining system.
5. Inclusion of parents in the bargaining system to represent the rights of the students.
6. Inclusion of the parents in any negotiations that involve “Non-work” items. Parents should be able to volunteer to replace teachers for any activity that is not teacher work.
7. In the event of confrontational bargaining, restrictions on teacher activities need to be implemented consistently across the province. These actions need to be clearly defined so parents can easily tell if an activity is affected due to labour action.
8. Dynamic bargaining such that the contract contains trigger clauses that allow for certain areas of the contract to be re-opened after the occurrence of specific non-culpable events. This would allow the main contract to last for a much longer time period.
9. An Arbitrator to establish the cost of each presented proposal and to establish any other factual information in the event that both sides cannot agree. This is in addition to the recommendation by Vince Ready that the cost of each proposal be valued jointly.
10. The ability for either side to apply to the Arbitrator for a judgement as to the accuracy of any press releases or statements made by the other side, and, in the event that inaccuracies in released material are found, prominent corrections be posted by the erring parties using the same methods as were used to spread the original erroneous report. This shall include omissions of critical information if the omission of that information makes the release misleading.
11. Investigation of the de-politicization of education in the province of BC as practised in Finland. The political games played around public education in BC are at least partially responsible for the sad state of affairs. What the Finns did is described starting on page 52 here. [http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099079967208/Education\\_in\\_Finland\\_May06.pdf](http://siteresources.worldbank.org/EDUCATION/Resources/278200-1099079877269/547664-1099079967208/Education_in_Finland_May06.pdf)
12. A mechanism which imposes the costs of any labour action by either party on the parties involved in the dispute. Currently students and parents are most affected by labour disputes, not the bargaining parties. In fact, at times it seems there is little incentive for either bargaining party to reach an agreement. This needs to change

We hope you find these suggestions thought provoking and useful.

Sincerely,

BCCPAC Board of Directors