

Class Size Update

Talks between BCPSEA and the BC Teachers' Federation (BCTF) on streamlining and improving the Class Size and Composition Grievance resolution process for the 2006-07 and 2007-08 school years concluded on March 31 without success.

On January 20, 2010, BCPSEA and the BCTF had reached a protocol agreement on a process for resolving issues for the 1541 classes remaining in dispute. The original agreed-upon process has proceeded since January with very limited success.

The foundation of the initial January agreement was based on earlier decisions by Arbitrator Dorsey including:

- Findings for 81 sample classes out of 1622 in dispute from 157 schools in 18 districts.
- Determination that only two of the 81 classes (2.5%) were inappropriate for student learning, after consideration of 21 classes with combined totals over 33 and as high as 42.
- Clarification of consultation procedures to be followed by school districts resulting in 19 of the 81 classes determined to be in violation.
- The awarding of only \$2,880 in teacher time off for violations other than the principal not holding all classes were appropriate for student learning as of September 30. The BCTF had requested an estimated \$193,621 in total redress, including monetary compensation for the union which was not awarded.
- Clarification that not all violations result in the awarding of redress.
- A determination that the decisions found in his award of August 2009 should serve as guidelines in an overall dispute resolution process between the BCTF and the BCPSEA.

At the inception of talks on the grievance resolution process, BCPSEA proposed the creation of standardized forms and procedures to facilitate a timely and efficient resolution process for school districts and their union local. This included the ability for districts and locals to "sign-off" local decisions on violations, appropriate redress and the withdrawal of classes from dispute, all as per the guidelines provided through arbitrator Dorsey's original decisions. Although at least

one district was quickly able to satisfactorily complete the local process, the BCTF subsequently decided that a common systematic approach to the resolution process was not appropriate.

Over the past two weeks, BCPSEA has been meeting with the BCTF in an effort to create a supplemental agreement on common forms and protocol language that would help to resolve the current “log jam” of issues at the provincial level. Unfortunately, the two parties were not able to reach agreement on two fundamental underlying issues.

BCPSEA continues to maintain that the use of a standard set of forms for recording the results of local discussions would facilitate the process — it would be more timely and cost effective, and would lead to less confusion and duplication of effort across the province. BCPSEA believes there needs to be specificity in the instructions provided to both districts and the union locals in order to provide clarity and consistency in a binding decision-making process so the parties can focus on the merits of each case.

Without this supplemental agreement, the 18 affected school districts will again continue with efforts to complete the initial step in the review process without a joint approach toward resolution between themselves and their union local. This is unfortunate and will almost certainly further delay the review process.

The prospect of many hundreds of classes in dispute moving forward to a four-party process directly involving the provincial organizations, or perhaps again even on to full arbitration, is both unfortunate and unnecessary. BCPSEA anticipates completion of the initial local review process in each district this spring, but anticipates the four-party process and any subsequent further arbitration hearings extending into the next school year. Concern has certainly been expressed by many school districts as to the time and costs involved in trying to find a workable but realistic conclusion to this dispute.

As both the 2006-07 and 2007-08 policy grievances were filed by the BCTF at the provincial level (rather than by individual union locals), final resolution of these disputes will ultimately be between the BCPSEA and the BCTF. The original Grievance Resolution Process agreement between the BCTF and BCPSEA may be found at <http://www.bcpsea.bc.ca/access/publications/aissue/2010/ai2010-04-GRprocess.pdf>.

Past *@issue* and backgrounder publications on this topic may also be found at <http://www.bcpsea.bc.ca/access/publications/aissue/aissue.html> and <http://www.bcpsea.bc.ca/access/media/backgrounder/backgrounder09-aug24-AwardBill33.pdf>.

Questions

Please contact your BCPSEA labour relations liaison if you require clarification of any of these matters.