

Arbitration Award: Bill 33 — Class Size and Composition, 2006-07 and 2007-08 School Years

Following 54 days of arbitration, the BC Public School Employers' Association (BCPSEA) and the BC Teachers' Federation (BCTF) have today received Arbitrator Dorsey's 354 page award concerning class size and composition grievances for the 2006-2007 and 2007-2008 school years.

Background

Since the passage of Bill 28, the *Public Education Flexibility and Choice Act* in 2002 and Bill 33, the *Education (Learning Enhancement) Statutes Amendment Act* in 2006, the BCTF has launched a series of grievances concerning class size and school organization matters.

With the codification of school organization matters in public policy and outside the scope of collective bargaining, the arbitral landscape has shifted concerning what can be the subject of arbitration and how disputes grounded in statutes can be litigated. The nature of these disputes is punctuated by what has emerged as a philosophical divide between those who believe that class size and related matters must be the subject of collective bargaining and those who believe they should be the subject of public policy outside of the scope of bargaining.

Further background is available on the BCPSEA website at:

<http://www.bcpsea.bc.ca/access/media/backgrounder/backgrounder09-Jan20classsize.pdf>

and

<http://www.bcpsea.bc.ca/access/publications/aissue/aissue.html>

The Award

Of the 167 school identified in the grievances, the parties agreed to arbitrate seven representative schools in school districts 5 (Southeast Kootenay), 36 (Surrey), 39 (Vancouver), 58 (Nicola-Similkameen), 63 (Saanich), 69 (Qualicum) and 82 (Coast Mountains).

A copy of the award can be accessed on the BCPSEA website at:

<http://www.bcpsea.bc.ca/access/publications/aissue/2009/DorseyAward09.pdf>

Next Steps

Although this award is only binding on the seven representative schools, we are reviewing the award to determine whether it will:

- assist the parties in resolving some or all of the remaining districts (17), schools (160) and classes (1,600) covered by the 2006-07 and 2007-08 class size grievances. Should this not be the case, Arbitrator Dorsey will maintain jurisdiction for determination of these classes.
- assist the parties in resolving some or all of the districts, schools and classes covered by the 2008-09 class size grievance. The BCTF grievance presently covers all districts, schools, and classes in the province that have classes over 30 (grades 8-12) or three IEPs (grades K-12).
- provide guidance for the upcoming 2009-10 school year.

In the next few days we will be providing districts with a detailed summary of the award followed by regional conference calls scheduled for Wednesday, August 26, 2009. Further information on the conference calls will be provided under separate cover.

Questions

In the interim, should you wish to discuss this issue further, please contact your BCPSEA labour relations liaison.