

2012-03 February 28, 2012

By E-mail: Two pages plus attachment

Government Introduces Legislation

This matter would normally be the subject of a BCPSEA Legislative Update; we have referenced in this format due to its relationship with teacher collective bargaining.

This afternoon the government introduced [Bill 22 — 2012, Education Improvement Act](#), in the legislature. Once enacted, the legislation will:

- Suspend the BC Teachers' Federation (BCTF) strike action and set a "cooling off" period
- Appoint a mediator to facilitate bargaining
- Implement a new \$165 million Learning Improvement Fund to resolve the issues arising from the April 2011 BC Supreme Court decision that found certain aspects of Bill 28, *Public Education Flexibility and Choice Act* unconstitutional. The Court gave the government a period of one year to address the repercussions of the decision.

Resolution to Bill 28

- Learning Improvement Fund: The \$165M fund will be dispersed as \$30 million this year, \$60 million next year, \$75 million the following year and every year thereafter.
- Class Size and Composition: Class size and composition matters will be returned to the bargaining table effective in the next round of bargaining (as at July 1, 2013). Manner and consequence can be bargained provincially in the current round.
- Class size averages are eliminated. Class size maximums are maintained for kindergarten (22), grades 1-3 (24), and grades 4-12 (30). Some subjects where large class sizes are desirable, such as band and drama, may be excluded from the grades 4-12 maximum class size. In addition, if the principal considers the learning conditions appropriate, upon approval by the superintendent a grade 4-12 classroom may exceed 30 students; however, the teacher must be provided with additional compensation proportionate to the added workload.

Collective Bargaining

A "cooling off" period is established to August 31, 2012. The current terms of the collective agreement will remain in effect and no strikes or lockouts can take place during this time.

Within 72 hours of enactment of the legislation, the parties must continue bargaining. A mediator will be appointed with terms of reference to facilitate bargaining. The terms of reference include:

- Term of the new collective agreement must be from July 1, 2011 to June 30, 2013
- The new agreement must not create any new costs that would result in a net increase in the total annual cost of the collective agreement
- "Manner and consequences" regarding class size
- Local-provincial split of issues

- The new collective agreement must enable high-quality teaching and learning through
 - Effective feedback and evaluation of teachers
 - Alignment of professional development with teaching needs
 - Scheduling and selection of teachers suited to student needs.

The mediator will provide non-binding recommendations by June 30, 2012. If a mediated settlement is not reached, the government will legislate a solution sometime after June 30, 2012 and before August 31, 2012.

Next Steps

We will follow up with a more in-depth analysis of the legislation as it moves through the legislature. In the meantime if you have any questions, please contact your labour relations liaison.

Attachment:

Ministry of Education News Release and Backgrounder