

Labour Relations Board Issues Decision on BCPSEA Application re BCTF Strike Activity

The Labour Relations Board (LRB) today issued a one-page “bottom-line” decision (with reasons if the parties so request) with respect to the application filed by BCPSEA on May 9 for a declaration that the BCTF and its members have declared or authorized or are engaging in an illegal strike, contrary to the *Labour Relations Code* and the *Education Improvement Act* (see “Background” on page 2).

The Decision

The LRB found as follows:

- **The union declared an unlawful strike** by directing/authorizing its members to withdraw from activities which, although they occur outside of instructional hours, may nonetheless be part of their work duties, including participating in school-based team meetings, Individual Education Plan (IEP) meetings, parent–teacher interview meetings, district committee meetings and BC Ministry of Education initiatives such as Ready, Set, Go and kindergarten orientation.

The BCTF is directed to cease and desist from declaring or authorizing an unlawful strike in this manner.

- **The union did not declare an unlawful strike** by directing its members to refrain from participating in activities which occur outside of class time/instructional hours that are truly voluntary and extracurricular such as coaching, instructing or supervising student performances, sports teams, clubs or field trips or attending graduation or awards ceremonies, where those activities are not related to a course or undertaken for marks OR from directing its members to minimally participate in meetings with “Administrative Officers” [sic].

The Union is to communicate this order to its members.

We are pleased that the LRB has found in favour of the BCPSEA application and declared that the BCTF engaged in an illegal strike by directing its members to withdraw from those activities that are part of a teacher’s normal work. The BCTF defined a number of activities, such as parent–teacher interviews, IEP meetings, district committee meetings and school-based team meetings, as extracurricular/voluntary simply because they are normally performed “outside the bells,” in other words, outside of instructional time.

The LRB has found that those activities are not extracurricular/voluntary and has directed the BCTF to cease and desist from declaring or authorizing an illegal strike in this manner.

Background

Some of the activities that the BCTF directed its members to withdraw are normally performed by teachers at their individual discretion or option — activities we commonly understand as extracurricular or voluntary activities such as coaching sports teams. The focus of the BCPSEA application was NOT to compel teachers to perform voluntary activities, which is what we all generally view as extracurricular activities.

The focus of our application was on those activities being withdrawn which are in no way voluntary and are duties and activities regularly and ordinarily performed by teachers as part of their normal work day, whether or not they occur outside of instructional hours. Most teachers' duties are expressly required by their employer boards, the collective agreement, and/or relevant legislation, regardless of when they are performed.

The BCTF Executive adopted a definition that captures these duties as “extracurricular/voluntary” simply because they are typically performed outside of instructional hours; in other words, they are duties performed “outside the bells.”

These include activities such as student tutorials, parent–teacher conferences, school-based team meetings, meetings with principals, class organization meetings and planning meetings for the next school year, etc. (for more information see our [application starting at page 3](#) available on our website).

The BCTF and its local teachers' unions distributed a variety of communications to their members listing the range of duties that teachers will not perform based on the definition they adopted.

Of note are the following statements contained in the union documents:

- “...any activity that involves teachers working with students outside of instructional hours is an “extracurricular/voluntary” activity.”
- “This means that teachers working with students outside of instructional hours should stop.”
- This includes “helping students before/after school or at lunch.”

Questions

Please contact your BCPSEA district liaison if you require further information.

Attachment: LRB Decision dated June 15, 2012