

*As the public school system heads into a well-deserved summer break, following is a brief synopsis of some key events during the 2006-2007 school year. Watch for a full issue of NewsLink in the fall.*

## Provincial Collective Agreement

It was at this time one year ago that the provincial framework agreement between the BC Teachers' Federation (BCTF) and the BC Public School Employers' Association (BCPSEA) was signed. The agreement includes provincial provisions covering matters such as compensation, pay periods, mileage, personal property loss, extended health, seniority, elementary preparation time, middle schools, alternate school calendars, portability, compassionate care leave, employment equity (aboriginal teachers), mid-contract modification updating, supply and demand, and a number of working committees.

As the parties have implemented the framework over the course of the school year, some issues have arisen. Initially, many of the implementation disputes were related to eligibility for the one-time incentive payment. In addition, there have been implementation issues regarding portability of seniority and sick leave, as well as preparation time. There are also some issues that have arisen in terms of the middle school article.

The focus for next year will be on working with districts to administer the Provincial Collective Agreement and establishing the working committees that were set out in the framework to address issues such as rehabilitation, benefits and supply and demand. These committees should open a constructive dialogue with the BCTF. Working on these issues during the term of the collective agreement will also be instructive as we prepare for the next round of bargaining.

## StrongStart Centres

Earlier this year, the provincial government opened StrongStart Centres, which are intended to offer play-based early learning programs facilitated by qualified Early Childhood Educators (ECE). This is an expanded mandate for school districts. Districts across the province have established new positions to provide these expanded services. A number of districts have now been approached by CUPE representatives to discuss the appropriateness of inclusion of these positions into the CUPE bargaining unit.

Automatic inclusion of these positions into the CUPE bargaining unit will prove problematic for the StrongStart Centres, as some of the current provisions found in CUPE/school district agreements may not be consistent with the manner in which the programs were intended to operate. For example, most agreements establish a four-hour minimum for workers; some call for as much as a seven-hour consecutive work day. This is not an issue of whether the positions are in the union or not — the issue is finding the best way to deliver the StrongStart program and meeting those needs. It is not best practice to just roll this new mandate into the K-12 collective agreements and force the StrongStart program to fit into the current terms and conditions.

## Legislative Change: Elimination of Mandatory Retirement

On May 31, 2007, the provincial government enacted Bill 31, *Human Rights Code (Mandatory Retirement Elimination) Amendment Act, 2007*. The legislation eliminates mandatory retirement, effective January 1, 2008, by revising the provincial *Human Rights Code* (the Code). Currently, "age" is defined in the Code as "an age of 19 years or more and less than 65 years." Bill 31 amends that definition to "an age of 19 years or more." This amendment extends protection from age discrimination to those 65 and over. Employees will therefore have the choice of whether to continue working past age 65.

A number of implications flow from the legislation, and districts will have to prepare for the coming changes. BCPSEA distributed *Legislative Update* No. 2007-04 on June 22, providing information and guidance on some of the short-term issues. A more detailed resource guide is being compiled and will be distributed to school districts.

## Exempt Staff

Earlier this week, BCPSEA sent to Secretary Treasurers the triennial survey of total compensation paid to exempt benchmark positions in the K-12 public education sector. We understand that the relevancy and necessity of conducting the total compensation survey may be questioned, given the lack of movement to date on the issue of executive compensation as well as allocation of the labour market adjustment funds under the *Public Education Negotiating Framework -- Exempt Staff* (PENFCP).

While we continue to be governed by the current statutory framework for administration of exempt staff compensation (the PENFCP and Policy 95-06, *Compensation and Employment Standards for School District Employees Not Subject to a Collective Agreement*), the data are used by districts to benchmark the elements of the total compensation for executive and exempt staff, and also serve to support submissions that are brought forward to the employers' association.

The data will also be useful and informative from a prospective standpoint. The issue of executive/exempt compensation will likely be resolved in one of three ways from a government policy perspective:

1. An "open" system with employers able to exercise decision-making without a detailed regulatory regime.
2. An open system with general parameters and reporting.
3. The same or similar regulated system as is currently in place.

Regardless of the model government eventually adopts, current and relevant data will be the foundation of the system. We believe that continuing with our regular triennial cycle is prudent, both in terms of where we are with the current system and where we may find ourselves in the future.

## Labour Relations Symposium

The BCPSEA Labour Relations Symposium will be held Monday, October 29 - Tuesday, October 30, 2007 at the Four Seasons Hotel in Vancouver. Program information and registration details will be provided in early September. Make your reservations now by calling the hotel directly at 604.689.9333. The block of rooms will be held until October 19.