

BRITISH COLUMBIA
PUBLIC SCHOOL EMPLOYERS'
ASSOCIATION

**Backgrounder:
Industrial Inquiry Commission (Vince Ready) Interim Report**

January 30, 2006

We have today received the interim report, dated January 27, 2006, of Industrial Inquiry Commissioner Vince Ready to Minister of Labour and Citizens' Services Michael de Jong.

In his observations on the collective bargaining systems that have been in place in the public school system, whether local teachers' association–local school board or provincial bargaining agents, Commissioner Ready remarks on the dissatisfaction both with process and outcomes of bargaining:

“The unhappy quarter-century history of collective bargaining in the province's public school system has been well described elsewhere.” (p. 2)

With respect to the current system of bargaining that has been in place since 1994, Commissioner Ready observes:

“It is well known that the bargaining relationship between BCPSEA and the BCTF is dysfunctional. That fact is one of the few grounds of agreement between the parties (although they have very different explanations for it). The reasons for this dysfunctionality were set out in the Wright Report and the current state of the relationship is aptly described in the Report of the Fact-Finder.” (p. 6)

As Don Wright stated in his final report, *Voice, Accountability and Dialogue — Recommendations for an Improved Collective Bargaining System for Teacher Contracts in British Columbia*:

“The current state of the relationship between the BCTF and the government is, in something of an understatement, not very healthy. It would be a mistake to think this is solely a function of the attitude and approach of the current administration on either side. The current state of affairs is the result of developments over more than twenty years. There have been three separate political parties in power over that period of time, all struggling with a common challenge — how to manage the expectations of the public and public sector employees over a period of disappointing economic performance...

I would suggest that the British Columbia Teachers' Federation should be prepared to engage in a self-critical review of the history of the past sixteen years. What has been its contribution to the current state of affairs? If my recommendations are accepted, it is time for the BCTF to accept the reality that major cost items will be negotiated at a provincial table. This, in turn, might suggest that the BCTF review how it organizes itself around provincial negotiations — does it have an organization and decision making process that really allows it to engage in mature collective bargaining? Finally, I would suggest that the BCTF needs to develop the capacity, as part of its regular strategic planning process, to balance its admirable passion for education and defending the

rights of teachers with an understanding of the competing demands for scarce taxpayer funds.

With respect to the employers' side, and government in particular, I would first and foremost ask for it to acknowledge the fundamental importance of voice, as I have defined it here, for teachers. There needs to be a conscious, substantive acknowledgement of the importance of the teaching profession, and the fact that it has become more challenging to be a teacher over the past twenty years as society's expectations have increased. I also think it would be helpful to acknowledge that, however compelling the argument based on cost effectiveness and fiscal reality, the legislated changes to the teacher collective agreement in 2002 and 2004 left teachers feeling bruised. Finally, it would be helpful to signal that teachers will share in the benefits if and when the Province's finances are substantially on a stronger footing."

On September 19, 2005, Associate Deputy Minister, Rick Connolly was appointed as a Fact Finder to inquire into the dispute between the BCTF and the BCPSEA. In his conclusions, he describes the state of collective bargaining:

"In summary, while the parties met on numerous occasions, they failed to agree on a single item. The lack of dialogue on compensation led to a public media debate about the cost of proposals that only increased the tension and conflict between the parties and did not further understanding, clarity or opportunity to find agreement within a collective bargaining process. There is no question that the compensation demands and expectations of the BCTF, even with their declaration that these are opening positions, far exceed any opportunity for resolution within the current mandate.

While there may be some opportunity for a separate dialogue with Government on policy issues related to learning conditions, this matter remains, in the position of the BCTF, inextricably linked to collective bargaining. The BCTF agrees that it would participate in a separate process, but only along parallel timelines and linked through collective agreement language.

In conclusion, because of the positions of the parties on the two major issues, it is my opinion that there is no prospect for a voluntary resolution at the bargaining table in these negotiations."

Mr. Ready goes on to state that his meetings with both the BCTF and BCPSEA have been "cordial and useful." He then points out that the BCTF has identified the following new position:

"We are therefore prepared to submit, for the first time in the Federation's history, and in the spirit of compromise, that there is room for provincial negotiation for the provincial level of resources with a resolution mechanism that includes the right to strike. These resources would then be allocated to the local bargaining process. This would assure government that it has some control over the expenditure of resources, but at the same time would then allow the local parties to agree on how and on what the expenditures would take place. The full right to strike must also exist at the local level to ensure the equity of power and in accordance with the principles outlined above in the section on dispute resolution." (p. 5)

Next Steps

Preliminary discussion of this type of alternate model, a Provincial Framework Model, took place at the BCPSEA AGM this past weekend. BCPSEA will continue to explore the models with members over the next few weeks, ranging from local bargaining with full taxation through to a hybrid model to a full provincial model.

It is important to recognize that the collective agreement between the parties expires on June 30, 2006. Although Mr. Ready has not specified a time frame for completion of his work, BCPSEA is prepared to work with the IIC and the BCTF to ensure that a functional bargaining process is adopted and collective bargaining is initiated as the law requires.