



September 6, 2014

Honourable Peter Fassbender
Minister of Education
Parliament Buildings
Victoria, BC V8V 1X4

Dear Minister:

I am writing to advise you of the result of my investigation of the BC Teachers' Federation (BCTF) proposal for "binding arbitration" (announced at its media conference on September 5), and also of the conclusion reached by BCPSEA with respect to the proposal.

By way of immediate background:

- Yesterday, BCTF President Jim Iker phoned me to say he would be proposing binding arbitration — five minutes or so before his public announcement. As a result, of course, there was no opportunity to consider the proposal or to explore whether there was any way such a proposal could be acceptable.
- Shortly after his press announcement, I e-mailed Jim to request a written version of the proposal. I heard nothing back. After an hour, I called Vince Ready and asked him to convene a meeting with Jim and me to discuss Jim's proposal. Vince set up a meeting for mid-afternoon, and I e-mailed Jim again asking him to provide me with a written version of the proposal. Again, no response.
- At the meeting, I asked Jim whether he had brought a copy of the proposal for Vince and myself. Jim replied that the union hadn't prepared it yet in written form.
- It is now afternoon of the next day, and I still haven't received the proposal in writing.

BCPSEA is aware of the legal requirement under the *Public Sector Employers Act* that employers' associations comply with the strategic direction of the Public Sector Employers' Council (PSEC), and we are also aware that PSEC policy directs us not to agree to giving a third party the authority to bind employers to a settlement proposal that could be outside the PSEC wage and benefit mandate. We know that this policy is based on past experience — including the last arbitrated settlement in the provincial

public sector, where an arbitrator directed that government fund an increase that ignored any fiscal constraints and required a significant increase in taxes.

In my investigation directly with Jim Iker, he made it clear that he wasn't interested in the consideration of any fiscal parameters. In addition, the proposal contains a number of direct and implicit pre-conditions that are unacceptable. The following are two of the problem areas:

- The union requires the employers to drop our proposal on class size and composition before even beginning the process. This is contrary to the very court decision the union claims it is upholding. Paragraph 679 of the second decision of Justice Griffin notes that the old collective agreement language is not "clad in stone, as it can and likely will need to be the subject of ongoing collective bargaining."
- The union frames its proposal in a way that rejects the idea of total compensation (accepted in fact, if not theory, by all the other public sector unions). It sets "wages and benefits" as one issue, and "preparation time" as another. The BCTF and BCPSEA do not agree on the cost of the BCTF preparation time proposal, although it is very expensive by either calculation — \$86 million for elementary teachers alone, by the employers' calculation.

As a result of the above investigation, I have concluded that the BCTF proposal was never intended to be a serious proposal, and was merely a vehicle for a press conference to give false hope to BCTF members and the public. Particularly telling was the fact that the BCTF did not prepare anything in writing.

The proposal, therefore, should be rejected for all the above reasons. I have discussed my conclusions with the bargaining committee, with trustees on conference calls today, and with Michael Marchbank, BCPSEA Public Administrator. As a result of those calls, I intend to convey my conclusion to Jim Iker and Vince Ready today.

Yours truly,

A handwritten signature in black ink, appearing to read 'Peter Cameron', with a long horizontal stroke extending to the right.

Peter Cameron
Chief Spokesperson

c: Honourable Mike deJong, Minister of Finance
Jim Iker, President, BCTF
Vince Ready, Mediator
Michael Marchbank, Public Administrator, BCPSEA
Mike Roberts, Interim CEO, BCPSEA