

British Columbia Teachers' Federation

General Secretary, R.M. Buzza

105 - 2235 Burrard Street, Vancouver, B.C. V6J 3H9

Telephone 731-8121

MEMO TO: All BCTF Committees, Local Association Presidents,
Participants at zone meetings

COPIES TO: BCTF Administrative Staff

FROM: BCTF Bargaining Committee

SUBJECT: Assistance, Advice in developing Bargaining objectives,
Strategy

DATE: October 24, 1985

The Bargaining Committee is seeking your assistance and advice in developing a position in relation to bargaining for 1986-1987 agreements. We have attached a draft outline of the committee's thinking to this point. The process will be to finalize a strategy at the committee's November 29-30, 1985 planning session for recommendation to the Executive Committee.

What that will be depends on the responses received by the Bargaining Committee from locals, committees and zone meetings. We realize that the timelines are short, but we would appreciate direct feedback as soon as possible so that all views will be considered in arriving at a unified federation position.

Please direct your comments to the committee through the BCTF Bargaining Division or directly to committee chairperson Neil Worboys, c/o BCTF Bargaining Division.

If your committee will not be meeting prior to November 29, 1985, we nonetheless solicit your individual questions or comments.

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October 24, 1985
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Attachment

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**UNIVERSITY EMPLOYEES'
UNION (C.U.P.E.)**

British Columbia Teachers' Federation

Executive Director, R.M. Buzza

2235 Burrard Street, Vancouver, BC V6J 3H9

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DRAFT RECOMMENDATIONS

BARGAINING OBJECTIVES AND STRATEGY for 1986-87 Contract Year

The experience of the last 18 months, including two arbitrations and additional re-arbitrations in many cases, makes it obvious that government interference has rendered arbitration costly, largely meaningless and, in fact, an affront to the collective bargaining process. Current problems in districts where arbitration boards froze increments have shown that arbitration is working unfairly. Local negotiations backed by local teacher job actions have reversed some awards. In most cases, positive awards were rejected by the CSP commissioner and referred back to the parties. In some cases, further negotiation and mediation brought the parties to an agreement. In other instances, re-arbitration has led to further difficulties that can only be settled by negotiation. In virtually all cases, arbitration and CSP have combined to force inferior settlements on teachers.

Moreover, seniority/severance clauses must be resolved by negotiation since arbitration boards will not deal with them on the grounds that such clauses are beyond their jurisdiction. The choice is negotiation of acceptable seniority language or capitulation to Bill 35 which effectively destroys the principle of seniority.

It is clear that patterns of bargaining have been altered as a result of government intervention in the process, making it impossible to carry on negotiations in the traditional manner.

Teachers are faced with arbitrations that take place after budgets have been fixed under a formula set and controlled by the provincial government, arbitration chairpersons are named by the government, arbitrators are governed by CSP rules, specifically "ability to pay" and arbitrary guidelines set by the commissioner, and such legislative actions as the government may decide (Curtis Directive) and are influenced by prejudicial government statements in the media during the bargaining/arbitration process.

Honourable E.D. Fulton put the situation succinctly in his unfortunate South Coast award of May 1985:

"But what we do find unacceptable is that under this present scheme of legislation, regulation and directive a Board of Arbitration such as ourselves is made to appear as a political instrument in that in fact we are operating in a framework which is such that there is nothing we can do except, however reluctantly, to place a rubber stamp of apparent approval on what is a foregone conclusion."

"We cannot avoid recording our opinion that it is improper to place Boards of Arbitration in this position. The purpose of arbitration, as we appreciate it, is to arrive at a decision upon the basis of relevant facts and acceptable arbitral jurisprudence when the parties have been unable to arrive at an agreement as the result of free collective bargaining. If the political decision is that the process of bargaining with respect to teachers' salaries is to be effectively ended--or suspended--and the levels of salaries are to be determined by administrative edict under the format of the budgetary process, as is the fact at present, then it would seem better that that situation be expressly recognized in appropriate legislation and the arbitration process be terminated, or suspended, for whatever period it is decided that that other process should continue. We cannot speak for others, but our own view is that if the present arrangement is continued there will be increasing reluctance to accept nominations to Boards of Arbitration which cannot do other than rubber-stamp preordained conclusions."

The following draft recommendations have been considered and discussed by the BCTF Bargaining Committee which has adopted the following procedure for dealing with them:

1. That zone meetings, locals and BCTF committees be invited to discuss the proposed strategy and to provide feedback in the form of criticisms, changes and other comments.
2. That on the basis of this feedback, the Planning Committee will redraft the paper at its November 16 meeting.
3. The full Bargaining Committee will meet on November 29-30 to consider Planning Committee proposals.
4. The document as finally recommended by the Bargaining Committee will be submitted to the December 6, 7 meeting of the BCTF Executive Committee.

RECOMMENDATION 1

- a. That full information be provided to local bargainers and members in support of a range of recommended objectives, including basic working conditions, restoration of teachers' standard of living, employment security, and fair personnel practices through the Bargaining Bulletin, other BCTF publications and information channels, internal divisional materials (handbooks), provincial zone and local meetings.
- b. That given problems currently existing with the Compensation Stabilization Program, other government legislation and their effects on the arbitration process, local associations inform their school boards that collective agreements must be settled across the bargaining table and not before an arbitration board.

- c. That local associations do everything necessary to arrive at satisfactory negotiated settlements of 1986-87 agreements.
- d. That local associations be urged to develop as early as possible a broadly based process for setting bargaining objectives that involves the entire local association membership.

RECOMMENDATION 2

That the Bargaining Committee endorse the RA authorization of "use of the Reserve Fund to finance the cost of job actions, in particular the withdrawal of services and that payment of strike pay take effect from the first day services are withdrawn," and recommend that this be extended to cover withdrawal of services in all situations arising out of negotiations, increments, personnel practices, professional rights, Bill 35 or grievances against school boards.

RECOMMENDATION 3

That the full-time table officers and other executive members as necessary maintain close contact with local associations engaged in job actions.

RECOMMENDATION 4

That the Executive Committee, other major BCTF committees, zone meetings, and local associations be encouraged to develop a unified federation focus for bargaining next spring.

SUPPORTING STATEMENT

This is covered in the introduction to this paper but is restated to emphasize the importance of the federation seeking the widest possible consultation and advice from local associations and federation committees to develop a united, membership supported position in the next crucial set of negotiations. Some of the questions that need to be answered are the factors needed to succeed, the level of commitment of federation resources, the forces against success, electoral considerations and the relationship to the charter challenge and the Bargaining and Professional Rights Task Force.

PROPOSED TEACHER BARGAINING OBJECTIVES

The BCTF Executive Committee adopted the following set of recommendations at its August 18, 1985 meeting at UBC and distributed them to participants at the summer conference.

While it is impossible and unwise to fix final objectives and strategies at this time, the Executive Committee and the Bargaining Committee have come to the following preliminary conclusions:

1. It will be critical for teachers in 1985-86 to press strongly for the full scope of employee bargaining concerns, both for protection of teacher interests and as part of our efforts to achieve normal bargaining rights.
2. Locals should begin now to develop the case and strong membership support for a wide range of objectives, including:
 - a. Basic working conditions such as class sizes, preparation time, supervision duties, professional development funding, retraining, technological change, and necessary support services;
 - b. Restoration of teachers' standard of living by a salary increase that redresses the losses which have been inflicted on us;
 - c. Employment security and severance provisions for all members including improvements to existing seniority clauses and increased rights for "temporary" and substitute teachers;
 - d. Fair personnel practices in areas such as hiring, transfers, selection procedures, professional issues, evaluating and disciplinary matters.
3. The BCTF and local associations should provide information to members on the importance of achieving the foregoing objectives.
4. Efforts to work closely with other public sector employee organizations facing similar problems should be continued.
5. Discussions with members of the strategies and tactics needed to accomplish the foregoing objectives should be undertaken with feedback provided to the provincial Bargaining Committee.

October 22, 1985
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