



Executive Directors' Report to the Board

June 7, 2018

Labour Relations Update

As we approach the end of the school year there has been a noticeable increase in grievance activity throughout the province in relation to the MOA and restored language and several more grievances have been referred to arbitration. The newly referred arbitrations at a district level include union challenges on whether districts should be counting the full FTE of SERT's and LAT's who have some of their assignment spent on different work; whether a district moved to remedy too soon before exhausting their obligations under best efforts; which students are captured by a district's language for "severe communication impairment" and whether a district failed to identify students with exceptional needs and therefore failed to provide appropriate remedy. There are also currently three provincial arbitrations currently proceeding. One deals with whether SLP's and School Psychologists should be included in the non-enrolling ratio, the other is whether remedy for second semester was properly calculated and provided and the third is a challenge at the Labour Relations Board which alleges that the employer has failed to fill the required number of teaching positions in the province and has been improperly using non-enrolling staff to cover teaching responsibilities.

The first scheduled MOA arbitrations, which were in relation to the definition of students with special educational needs, in SD 22 and 23 did not proceed. In the SD 23 arbitration the union withdrew the grievance and has since referred a related grievance to arbitration. In SD 22 the union sought an adjournment of the original arbitration with the proviso that they could return to a hearing in the event the parties did not continue to make progress on compliance. The district is contesting this response.

The issue of how districts will address any accumulated remedy entitlements at the end of the school year has been discussed provincially with BCPSEA, the BCTF and the Ministry. The direction being provided to districts is that districts are not able to carry over any unused remedy into the next year and that all remedy liability must be reduced to zero by June 30.

In addition to the work associated with the implementation of the restored language, within the OLRC districts there continues to be significant number of misconduct investigations, performance management coaching, collective agreement interpretation and administration and grievance support

being provided. This spring, two member districts asked the Executive Director to perform teacher investigations on their behalf in circumstances where they would otherwise have needed to hire an external investigator. This work was done on a fee for service basis in keeping with the recommendation of the Board in the June 2017 OLRC board meeting.

CUPE Bargaining

The preparation for CUPE bargaining is underway. The Executive Director has been working with BCPSEA and the provincial employer team in preparations for provincial CUPE negotiations. The team has reviewed likely union priorities based on provincial discussions, information from districts and information being put out by CUPE in their recent National convention. The first in person meeting for the team is to take place on May 16 to develop potential bargaining proposals. Since that meeting CUPE and BCPSEA have officially agreed to start provincial negotiations early. A survey has been sent out to the school districts to provide feedback on the draft set of bargaining objectives and then the bargaining plan will be taken to the BCPSEA board for approval. Bargaining meetings with CUPE are tentatively scheduled during the first two weeks of June.

The Executive Director has also been engaged in meetings with all member school districts with more scheduled before the end of the school year to discuss bargaining priorities and set the foundation for the development of specific bargaining proposals for local CUPE bargaining. This round of bargaining will be the first round since SD 67 withdrew from the OLRC. SD 67 has for many years been part of a common collective agreement with SD 53 and 83 and CUPE Local 523. The OLRC has been formally delegated authority to bargain on behalf of these districts. The Board of School District No. 67 passed a motion on April 23, 2018 to direct staff to pursue bargaining with CUPE independently and has asked BCPSEA to rescind the delegation of bargaining authority from the OLRC. The Executive Director has asked that School District 83 contact the Executive Director to discuss their plans for CUPE bargaining as well. They have not yet responded. The amount of school districts covered by this common collective agreement has reduced over time as new CUPE locals have been formed and school districts have opted to bargain independently. The last change was prior to the 2014 round of bargaining when SD 19 left the common collective agreement as a result of their CUPE workforce forming a separate local. The Executive Director has continued to support SD 19 in the preparation for bargaining and has acted as spokesperson at the table.

Teacher Bargaining

The consultation process for teacher bargaining preparation is continuing according to the plan put in place by BCPSEA. Regional meetings are taking place in May and June to discuss bargaining priorities and a technical working committee is being formed to assist BCPSEA in the formation of specific bargaining proposals. Preparation for local teacher bargaining will also need to begin soon. To begin this process districts are encouraged to review the contract language which is subject to local bargaining and identify any provisions which are causing operational challenges and also those where it is anticipated the union will be seeking amendments.

General Update

Strategic Plan

We are in the second year of the three-year OLRC strategic plan. A copy of the strategic plan, along with updates on current action items has been attached to this report. Work is underway to create an OLRC website which will better enable the sharing of information about the organization as well as provide a platform to share information and resource materials with OLRC members.

Attendance Support and Wellness Initiative

Work is ongoing with all seven member districts in the areas of Attendance Support, Disability Management and Wellness. The Attendance Support and Wellness Consultant continues to work with an external data analyst/programmer and the incidental absence data from individual districts. The data analysis work is completed for one district - to date they have completed one quarterly cycle of the Attendance Support process: data analysis, identifying employees in the 95th percentile for incidental absences, consultation between HR and principal/manager and initial informal conversation with employees. The consultant has supported/coached HR as needed while principals are supported and coached by HR at the district level, mainly in the area of assisting them with informal, supportive conversations. The data analysis tool for a second district is largely completed with a third district's data analysis well underway. The remaining four districts utilize a different HR database, and the consultant is also working with tech support from the parent company to develop data reports that will provide the information needed for the analysis tool.

Concurrently with the data aspect of the initiative, the consultant continues to pursue opportunities to encourage and assist districts to build and incorporate best practice operational systems and processes in the area of Disability Management (DM). As an example, systematic and regular review of employees on full and partial medical leaves has been introduced, with a focus on ensuring there is current documentation to support the leave and clarify any functional limitations or other barriers to RTW. There has been discussion on exploring the district's duty to accommodate partial medical leaves, and options to consider should an employee's medical need to work in a reduced schedule be ongoing over a number of years. Emphasis has been on broadly applying these principles to all employees such that the process is fair, consistent, objective and legally defensible in the event outcomes are challenged.

Work in the area of individual DM is ongoing, and the consultant assists as needed. There are regular requests for assistance from most districts in working through and resolving complex DM situations in a timely manner. While each situation is different and often requires a unique approach, the consultant helps districts by working together through thought processes and principles on which solid DM work is based. In a number of situations, the consultant has liaised with 3rd parties (JEIS / H&W or insurers), prepared customized medical certificates, Workplace Accommodation, Return to Work documents and has provided management support/coaching to districts to ensure they're well equipped to execute optimal DM processes.

With the Attendance Support process gaining momentum in at least one district, there have been increased opportunities to raise awareness about existing health benefits and wellness supports that employees can access. While significant cultural changes may not happen quickly, the organic and supportive nature of the Attendance Support process is expected to positively impact both employee and workplace wellness. The consultant will encourage this in each district as the process evolves and further wellness options can be discussed and explored as requested.

The Executive Director solicited feedback from senior staff in all member districts as to the interest in continuing the Attendance Wellness Consultant's contract for the 2018-19 school year. All districts have expressed their commitment to continue to support this position for the 2018-2019 school year based on a 0.6 FTE basis.

OLRC Budget

Last June the OLRC board approved the 2017-2018 annual budget and approved a three-year budget in principal as part of the commitments in the Strategic Plan. The intention of the three-year budget was to support the action items in the Strategic Plan and achieve a balanced budget over the three-year period which was not building surplus and also not relying on accumulated surplus for ongoing operating expenses. The three-year budget projected member fee increases in the 2018-2019 school year to be 3.55% and the 2019-2020 school year to be 1%.

The actual proposed budget for the 2018-2019 year is attached for your review and has been reviewed and recommended by the OLRC Management Committee. There have been some increases in operating expenses and a 2% adjustment in salaries has been included in accordance with the increases for exempt staff being authorized by PSEC. However, given that the Executive Assistant, HR is currently working at a 0.8FTE level which has reduced overall salary costs, the Management Committee does not believe a 3.55% increase is required. The Management Committee is recommending a 1% increase for the 2018-2019 school year. The projection of a 1% increase for the 2019-2020 school year is being continued.