



**OKANAGAN LABOUR RELATIONS COUNCIL**

## **2019-2020 EXECUTIVE DIRECTOR'S REPORT TO THE BOARD**

An overview of the services provided to member districts  
in the 2019-2020 fiscal year.

**OLRC  
10/22/2020**

## **OLRC 2019-2020 EXECUTIVE DIRECTOR'S REPORT TO THE BOARD**

### **GOVERNANCE**

At the Annual General Meeting held on October 16, 2019, members of the Council reviewed the Board of Director's report and financial statements for the 2018-2019 year.

Election of officers was held on March 6, 2019 for a two-year term with the next election schedule for March 2021. The current OLRC Officers are as follows: Trustee R. Zandee of SD 53 (Okanagan Similkameen), Chair, and Trustee G. Comeau of SD 58 (Nicola Similkameen), Vice-Chair. The Management Committee consists of the Chair, Vice-Chair and Secretary-Treasurer, L. Minnabarriet of SD 74 (Gold Trail).

The OLRC 2019-2020 expenditures totaled \$369,977, which was approximately 3.83% under the budgeted amount. The lower expenditures can be attributed to a miscalculation of employee benefit premiums for the 2019-2020 budget year which has resulted in an overestimate of the Salary and Compensation account. Revenues for 2019-2020 totalled \$378,370 which was approximately 0.07% above the budgeted amount. The financial statements for 2019-2020 are presented separately from this report.

All Board meetings for the 2019-2020 year were conducted by conference call, except for the meeting on March 6, 2019 which was held at Quaaout Lodge at Talking Rock golf course in Chase in conjunction with a BCSTA Zone Meeting.

### **OLRC Membership and Staffing**

During the 2019-2020 year the OLRC had seven (7) member school districts (SD 10, 19, 22, 51, 53, 58 and 74). The Executive Director of the OLRC also continued to provide contract district liaison services to BCPSEA. Contract work for the City of Grand Forks slowed down this reporting period which is likely the result of the manager in the City who worked with the OLRC leaving to join the staff of SD 51, which has been a great benefit to the district. The OLRC was staffed by two employees: Ms. Tammy Sowinski, Executive Director employed on a full-time basis and Ms. Nikki Cescon, Executive Assistant, Human Resources employed at a .8 FTE level. The OLRC districts also received support from Ms. Shari Featherstone, Attendance Support and Wellness Consultant who provided contract services at a .6 FTE level during the 2019-2020 school year.

At the June 2, 2020 Board meeting it was approved that the offer of a 0.6 FTE continuing employment contract be provided to Ms. Featherstone, Attendance Support & Wellness, to commence on September 1, 2020, following the conclusion of her current annual contract. Equal cost sharing for the position was also approved at the June 2, 2020 meeting. The Executive Director is pleased to report that Ms. Featherstone accepted the offer for continuing employment and her position title was renamed to Workplace Health Specialist.

## **OLRC Strategic Planning**

The initial three-year OLRC Strategic Plan was completed in June 2019. During the 2019-2020 year the OLRC Management Committee worked with OLRC staff to develop an updated three-year Strategic Plan for presentation to the Board. To gather feedback from member school districts, an OLRC member survey was distributed to district staff and trustees in November 2019. A 50% response rate was received, which included a very positive rating from members on the value of OLRC services. Trustee survey results were also positive, although there were a greater number of respondents who specified that they were uncertain how to respond, indicating an opportunity to increase awareness of the OLRC with this group. Feedback and suggestions were integrated in the planning process for the 2020-2023 Strategic Plan.

The 2020-2023 Strategic Plan was approved by the Board at the March 6, 2020 in-person Board meeting. Following the approval of the Strategic Plan, an annual Operational Plan for the 2020-2021 year was presented to and approved by the Board at the June 2, 2020 meeting which included annual goals and performance indicators for staff in support of the overall Strategic Plan objectives.

## **COLLECTIVE BARGAINING UPDATE**

### **Support Staff Bargaining**

Support staff bargaining for the 2019-2022 collective agreements was successfully concluded early in the 2019-2020 year for all OLRC member districts. The resulting memorandum of agreements were all within the provincial mandate and in accordance with the Provincial Framework Agreement. Since the conclusion of bargaining, the OLRC has supported districts on finalizing their 2019-2022 collective agreement documents. CUPE has taken a more active role in this process this round which has created some delays. As of June 30, 2020, all but one district had completed and signed off on their agreements. As of the October 22, 2020 AGM all districts have a current complete 2019-2022 collective agreement.

### **Teacher Bargaining**

On March 20, 2020, after a lengthy process of negotiation and mediation, a memorandum of agreement between the BCTF and BCPSESA was agreed upon by the parties. Given the COVID 19 pandemic, the ratification process for the collective agreement was conducted virtually. Both BCPSEA and the BCTF completed the ratification process by May 1, 2020. The 2019-2022 Teacher Collective Agreement was compliant with the provincial mandate with a general wage increase of 2% for each of the three years, with the first 2% increase being retroactive to July 1, 2019.

Other monetary changes included a 1% wage increase to the top step of the salary grid on July 1, 2020; on July 1, 2021 temporary/term/continuing teachers who would otherwise be paid at the first step of the salary scale will be paid at the second step of the scale; and a one-time amount of \$12 million was provided to be prorated between school districts for the purpose of supporting early career teachers to engage in mentorship opportunities.

Non-monetary changes included: the movement to gender neutral language in the collective agreement; the ability for teachers to port 20 years of seniority between districts, increased from the existing 10 years; a new Article G.9 Temporary Principal/Vice Principal Leave was added to allow teachers to return to their former position when returning to teaching after accepting a temporary (one year or shorter) P/VP position and various other updates to leave provisions.

Given that there were still a number of unresolved issues at the conclusion of bargaining, a process was put in place under section 53 of the *Labour Relations Code* for ongoing discussions to take place between the parties with the assistance of the mediator. The section 53 process will be used to address three topics during the term of the 2019-2022 collective agreement 1) A tripartite committee consisting of the BCTF, BCPSEA and the government will meet to discuss bargaining structure which includes the split of provincial and local matters. If a consensus is not reached the mediator may issue recommendations and the parties agree to take the mediators recommendations to a vote of their members 2) BCPSEA and the BCTF will discuss the replacement of “best efforts” with respect to the organization of classes under the restored language with a district based process. If there is no consensus the mediator may issue recommendations but there is no requirement for the BCSPEA or BCTF to take the recommendations to their membership for a vote, although they could choose to do so. If there is an agreement reached (or recommendations accepted), and the changes generate sufficient savings, then an up to 1% Retention Initiative Dividend (RID) will be applied to the top step of the salary grid effective July 1, 2021 and 3) BCPSEA and BCTF will discuss scheduling secondary preparation time and the provision of Adult Education teacher preparation time. If there is no consensus the mediator may issue recommendations and there is no requirement of the parties to take them to a membership vote, although they may choose to do so.

The parties were not successful in negotiating changes to the restored class size, composition and non-enrolling requirements and the language will be melded into the local working documents as part of the production of the collective agreement. The melding process has begun, and the first drafts of working documents have been provided to school districts in September 2020.

## **LABOUR RELATIONS**

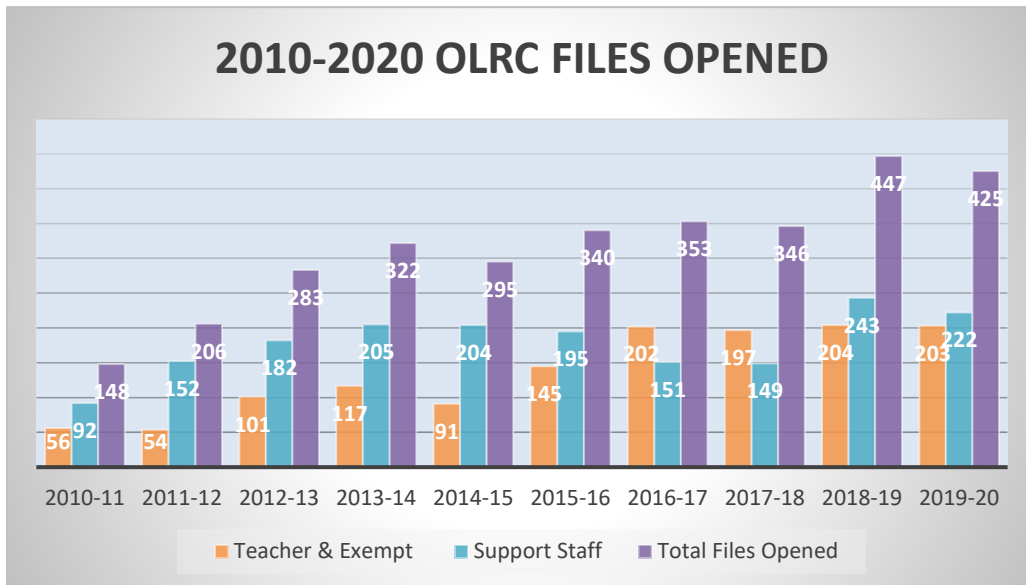
The 2019-20 school year began in a typical way and was busy with bargaining and labour relations issues, however it was a school year like no other. When the COVID 19 outbreak was declared a global pandemic by the World Health Organization and the Provincial Health Authority in BC suspended in class instruction on March 17, 2020 the year changed for us all. Although there were still some regular labour relations issues to address, most of the issues and time for OLRC staff shifted as did the work of BCPSEA and the districts.

The COVID 19 pandemic has required a national and provincial approach informed by the federal and provincial Public Health Officials, including our own Dr. Bonnie Henry, in coordination with the provincial and federal governments. As the Ministry of Education in BC took a more active leadership role in the day to day management of the K-12 sector, BCPSEA and the OLRC worked to support that direction and be a conduit of communication between districts and the government in the spring of 2020. It was a time to help one another adjust to the realities of working and learning from home with no warning and no pre-existing plan. The way people worked and the issues involved with that evolved along with the model for delivering educational

services. The Executive Director participated in daily calls with BCPSEA and helped to relay the issues and concerns of districts to BCPSEA and government. The work in the spring and summer has been to translate the need for support into practical tools such as decision making flow charts, question and answer documents and medical certificates to assist districts in the process of working with their union's and staff on assigning and reassigning work, dealing with remote work arrangements, addressing work refusals and dealing with accommodation and pay issues.

The OLRC also continued to support districts in investigations, discipline, contract interpretation, grievance and arbitration management, medical leave and accommodation issues, employee conflict, harassment claims and exempt staffing issues.

During the 2019-2020 year there were 425 files opened which included 203 files involving teacher or administrative officer issues and 222 files involving support staff. The file count decreased slightly this year during the spring when schools were closed due to the COVID-19 pandemic.



Over the past year the OLRC supported districts in 38 investigations (20 teacher or AO and 18 support staff) to pursue complaints from parents, students, co-workers, or district staff which, if proven to be true, could result in a disciplinary outcome. During investigations facts, motivation and knowledge of expectations are clarified. The outcome to the individual employee is based on all the witness and documentary information on the current incident, the information provided by the employee, a review of their past performance, a credibility assessment, the standards in the work place and the application of legal principles. At the end of an investigation it is often the case that the facts are quite different than they first appear. A thorough, unbiased, and timely investigation provides a solid and defensible base from which to make decisions about any disciplinary outcome. The OLRC has supported districts in investigations of misconduct and harassment which have resulted in a range of outcomes from no findings of misconduct or harassment to termination of employment.

When a proper investigation has taken place, a grievance relating to the outcome is often avoided or the investigation becomes the basis for the employer defense. Since 2010 no district in the OLRC has had an arbitration or civil action which has led to the reinstatement of a terminated employee.

### **Grievances and Arbitrations**

Many issues that the OLRC assists districts with are resolved without grievance. When grievances are filed many are resolved prior to traditional arbitration; however, there is a time and a place for arbitration and there were some active files which either are going or still could proceed to arbitration as of the end of June 2020. Districts receive legal support for arbitrations through the provincial CLASS program, coordinated through BCPSEA, and the associated i-Sight computer program has been a useful tool in tracking grievances through the process. Districts are obligated to report a grievance into the i-Sight program after Step 3 to obtain legal coverage as required. Districts can also report grievances at earlier stages of the grievance process and can use the i-Sight program for internal tracking purposes.

A summary of the active grievances for the OLRC districts during the 2019-2020 year is provided below:

#### **Teacher**

- 27 active grievance files total in i-sight and OLRC file tracker (14 Policy, 6 Individual, 1 Human Rights, 6 LOU No.17)
  - o 7 at referral to arbitration stage (1 reached settlement in arbitration, 1 went to mediation with no agreement)
- 18 grievances created during 2019-2020 school year (6 Individual, 10 Policy, 2 LOU No.17)
  - o 12 went past step 3; 6 remained at step 2)
  - o 2 grievances resolved

#### **Support Staff**

- 19 active grievance files total in i-sight and OLRC file tracker (1 Human Rights, 16 Individual, 2 Policy)
  - o 4 at referral to arbitration stage
- 15 grievances created during 2019-2020 school year (13 Individual, 2 Policy)
  - o 5 went past step 2; 10 remained at step 2)
  - o 1 grievance withdrawn; 2 grievances resolved

### **OTHER ISSUES**

#### **BCPSEA District Liaison Contract**

The Executive Director has continued to provide contract district liaison services to OLRC member school districts on behalf of BCPSEA. As a result of this contract, the Executive Director participates in regular calls and virtual meetings with BCPSEA staff, communicates provincial information to OLRC member districts, facilitates the four-party resolution process for LOU 17 disputes, supports the mid-contract modification process, supports provincially appropriate

settlement discussions for arbitrations and ensures appropriate responses to district inquiries as well as communicating district issues to BCPSEA. The Executive Director is currently participating as a member of the joint provincial Support Staff Education Committee (SSEC) arising from the Provincial Framework Agreement. The committee has a budget of \$1 million annually for the term of the current collective agreement and has a mandate to develop and deliver educational opportunities to enhance service delivery to students, identifying, developing and delivering education opportunities to enhance and support employee health and safety, including non-crisis intervention, skills enhancement for support staff and EA curriculum module development and delivery.

### **Workplace Health Specialist**

The service and support provided to districts by the Workplace Health Specialist during the 2019-20 year have increasingly been focused within the scope of Disability Management, along with Occupational Health & Safety and occasional discussions about Attendance Support situations. The requests for assistance range from general process matters to more complex leave, accommodation and OH&S matters relating to specific employees' circumstances. Each district presents with unique needs and requests and the Workplace Health Specialist has been more than willing to serve each district as needed.

With the onset of the COVID-19 pandemic in March 2020, priorities changed significantly; initially, assistance was provided to some districts with documentation in the areas of Pandemic Planning and Exposure Control Plans to help them to be compliant with PHO orders and WSBC regulations. As the pandemic progressed, orders and regulations required interpretation in the context of district operations and processes. The Workplace Health Specialist worked closely with the Executive Director (and BCPSEA) to make sure districts were supported as needed in their efforts to respond to the changing conditions, including help with implementing the necessary adjustments in the workplace.

### **Job Evaluation**

The OLRC continued to provide direct assistance to SD 22 with their job evaluation plan by assisting with job descriptions, coordinating/conducting job evaluation meetings and maintaining records. All meetings took place in person throughout the 2019-2020 year. As SD 53, 67 and 83 bargained individual collective agreements for their districts for 2019-2022, the joint job evaluation committee was dismantled and the OLRC no longer coordinates a multi-district JE committee. SD 53 is working on establishing a format for its new committee and the Executive Assistant will be available to provide continued support as required. The Executive Assistant provided assistance to SD 53 regarding its involvement as a pilot district for the Provincial Job Evaluation Pilot Project with BCPSEA and CUPE. The other member districts continued to access support on an as needed basis. Following the recent round of bargaining three districts will be looking to obtain training and commence a more active job evaluation program. The OLRC will be available to support districts as they move through this process.

Respectfully submitted to the Okanagan Labour Relations Council Board of Directors.