Executive Director's Report to the Board

June 2, 2021

Labour Relations Update

The second half of the 2021-2021 school year has continued to be busy for OLRC staff throughout the COVID-19 pandemic with routine business as well as ongoing support with respect to the evolving health & safety guidelines, direction from the Ministry of Education and Public Health Organization and legislative changes such as the recent amendments to the *Employment Standards Act*.

The OLRC staff continue to support member districts with investigating complaints and concerns regarding employee performance, determining appropriate disciplinary responses, researching, and responding to union grievances, interpreting the collective agreements, consulting on exempt staff decisions, management of medical leaves and disability management and job evaluation facilitation. There has been a notable increase in grievance, arbitration, and investigation activity this school year.

As at April 30, 2021, the overall file count at the OLRC is slightly up over the same period last year (377 files vs. 330).

The Executive Director continues to work closely with BCPSEA in providing liaison services to member school districts by participating in scheduled weekly meetings and ongoing communication with BCPSEA.

The Employment Standards Regulation was amended on April 1, 2021 to bring the Regulation into alignment with the federal Canada Recovery Sickness Benefit and the Canada Recovery Caregiving Benefit. The *Employment Standards Act* was amended on April 19, 2021 to include section 52.13 to provide employees with a new paid leave of absence of up to three hours to be vaccinated against COVID-19. The leave is available each time an employee needs time off to be vaccinated and is in addition to the unpaid COVID-related leaves provided under section 52.12.

Support Staff

The Executive Director participated as a member of the joint provincial Support Staff Education Committee (SSEC) that arose from the Provincial Framework Agreement. The Committee is currently reviewing results from the completed Survey's that were received concerning opportunities for, and development of, support staff training initiatives.

The Executive Director continued participation as a member of the BCPSEA Health & Safety Taskforce that also arose from the Provincial Framework Agreement. The Taskforce's first priority was the development of a Health & Safety Survey which was distributed to districts in January to solicit input from union and management regarding the effectiveness of the Occupational Health & Safety Committee process. The Taskforce is currently reviewing the results and will provide an update to districts soon.

In February 2021 CUPE National commenced communication with a variety of school districts seeking meetings to discuss work associated with Early Care and Learning. CUPE has been taking the position that they have secured the right in the Provincial Framework Agreement to any work that may come from these initiatives. Districts were advised by BCPSEA on February 16, 2021 to postpone local discussions with unions on this subject at this time until directed otherwise. BCPSEA is in the process of assisting the government with its review and transition of childcare and early learning to the Ministry of Education by 2023 by distributing a survey to districts to identify which districts currently employ staff as part of StrongStart BC or other early childhood education programs (i.e., before and after school programs and daycares). The deadline for the survey is May 14, 2021.

It was announced as part of the April 20, 2021 BC budget, that the Ministry of Education will be adding 20 more school districts to the Seamless Day Pilot (there are currently 4 districts). Districts wishing to participate in the pilot project will require an inclusion bargain agreement with the respective support staff union. BCPSEA will be coordinating the negotiation of these agreements through a template agreement and working with districts on its implementation.

Support staff collective agreements expire on June 30, 2022 so planning for local support staff bargaining will be commencing in the late spring and summer.

Teacher

The Section 53 discussions between BCPSEA and the BCTF concluded on March 12, 2021 after 31 days of meetings with mediator Schaub. The parties did agree on the housekeeping update of LOU 1 – Appendix 1 and 2 and a new process for local teacher bargaining. They were unable to come to agreement on the application of Best Efforts – even though there was the potential of up to a 1% increase being applied to the top of the teacher salary grid. Mediator Schaub requested written submissions from each party be submitted by May 7 with a final report being issued mid-May. BCPSEA made a final written submission to the mediator on the outstanding issues of the split of issues; adult educator prep time and scheduling of secondary prep. BCPSEA held information sessions for districts on April 19-21 to provide information about the new trial process for local teacher bargaining. The trial procedure will entail new (earlier) timelines with local tables opening November 1, 2021 and concluding March 4, 2022; a dispute resolution process for impasse items; and processes for local notice to end practice (Estoppel). With the June 30, 2022 expiration of teacher collective agreements, the new deadlines will hopefully provide a stricter timeline to keep both union and management on task.

Exempt Staff

In February 2021, a hearing commenced at the Labour Relations Board to determine whether principals and vice principals are considered "managers" under the Labour Relations Code in SD 5 (Southeast Kootenay). This hearing was in follow up to the application for union certification made by the Southeast Kootenay Principals' and Vice Principals' Association (SKPVPA) in School District No. 5 (Southeast Kootenay) filed under Section 18(1) of the *Labour Relations Code* on March 18, 2020. The SKPVPA takes the position that principals, vice principals, and district principals are not "managers" under the *Labour Relations Code* (the Code) and is also challenging the constitutional validity of section 20(2) of the *School Act* as part of its certification application. The LRB decision on this matter is expected before the end of May 2021.

General Update

Strategic Plan

The 2020-2023 Strategic Plan was approved by the Board at the March 6, 2020 in-person Board meeting. The OLRC team is on track to achieving all of the annual goals that were identified in the 2020-2021 annual Operational Plan. A few notable achievements include the digitization of collective bargaining records, the amendment of OLRC policies and rules, the updating of the Executive Director's employment contract, the Executive Director's virtual OLRC orientation presentation to SD 53's finance committee and the Executive Director and Workplace Health Specialist's interactive webinar session developed and delivered to SD 74's administrative team regarding Recognizing and Responding to Workplace Behaviours.

The Executive Director is providing to the Board in advance of the June meeting the annual Operational Plan for the 2021-2022 year which includes the annual goals and performance indicators for staff in support of the overall Strategic Plan objectives. One of the key priorities for this next year will be providing assistance to districts with both support staff and teacher collective bargaining to achieve ratification of agreements by the required deadlines. The Board will be presented with updates on the attainment of operational goals throughout the 2021-2022 year.

Workplace Health

The Workplace Health Specialist continues to work with districts on management of specific medical leaves (WSBC and non-occupational), many of which have been more complex and require a unique approach depending on the circumstances. In most cases support is provided by way of progressive, step-by-step assistance including conversation and email scripts/coaching, as well as medical certificates, letters and accommodation documentation. COVID related inquiries have ebbed and flowed among districts depending on how they and their employees are experiencing the pandemic. The Workplace Health Specialist assisted with the development of the Workplace Behaviours training session provided to SD 74 in April 2021 as well as co-presented the webinar session with the Executive Director.

Job Evaluation

The OLRC continues to provide direct assistance to SD 22 with their CUPE support staff job evaluation plan and will be supporting SD 53 in the 2021-2022 school year. Assistance provided includes job description creation or amendments, coordination/facilitation of job evaluation meetings and record management. The OLRC is also providing support to the three districts that are in the process of establishing committees for the first time (SD 10, SD 51 and SD 58).

SD 22 and SD 58 continue their involvement as pilot districts for the Provincial Job Evaluation Project, along with eight other districts in the province. The OLRC will continue to assist these districts as well as other member districts on an as needed basis.

OLRC Budget

In June 2020, the OLRC Board approved the 2020-2021 annual budget and we have continued to stay on budget throughout the year with a surplus in a few accounts as a result of COVID-19 and a reduction of travel and professional development opportunities. The digitizing of bargaining records expense that was included as a surplus item in the budget of $5000 will be utilized as the digitizing project will be near completion at the end of June.

The proposed budget for the 2021-2022 year is attached to this report. The budget has been reviewed and is being recommended by the OLRC Management Committee. The budget includes some increased costs associated with collective bargaining, a pre-authorized lease increase as well as a 2% salary adjustment for the Executive Assistant and Workplace Health Specialist. This increase is in alignment with OLRC policy #7 and the exempt compensation policy direction from PSEC and BCPSEA which was recently updated for the 2021 compensation year. To balance the budget the management committee is recommending a 4% increase in membership fees for the 2021-2022 year. A summary of historical increases in both staff compensation and membership fees has been attached for reference.