



Executive Director's Report to the Board

March 3, 2023

Labour Relations Update

The first half of the 2022/23 school year has been busy for OLRC staff with the conclusion of local support staff bargaining, the recruitment of the Workplace Health Specialist position, assistance to districts interested in navigating the possibility of early childhood care initiatives, supporting districts with grievances and investigations as well as ongoing operational business.

As of January 31, 2023, the overall file count at the OLRC was 313. There were 18 active grievances (13 Teacher & 5 Support Staff) at Step 3 or further in the CLASS system with 7 currently referred to arbitration. In one district CUPE recently withdrew a Step 3 grievance regarding the allocation of overtime which was positive news. In another district, with the assistance of counsel, we were able to resolve a teacher grievance scheduled for arbitration relating to whether certain documentation in a no-fault harassment investigation was to remain in an employee's file. In another district a teacher grievance is scheduled for arbitration in June about the district's requirement that teachers on term contracts of less than four (4) months are not eligible for extended health and dental benefits. We are hopeful that the union will withdraw this grievance prior to hearing. There is an employer grievance scheduled for arbitration in February 2023 relating to whether the local teacher union is responsible to reimburse a district for the pension premiums of the local president while on union leave. There are several other school districts with similar grievances and SD 22 will be the first of those to go to hearing. The hopes are that we will be able to obtain a positive outcome in SD 22 that will also be of assistance to other districts. CLASS has assigned the same legal counsel to all of these files in order to better coordinate strategy and minimize expense.

There is currently a provincial BCTF grievance, where CUPE also has standing, that relates to TTOC and casual employee's eligibility for paid sick days through the *Employment Standards Act*. This provincial grievance will have significance to many of the local grievances which have been filed by the BCTF and CUPE, including one CUPE and two Teacher grievances within the OLRC districts. In March 2022 there was an amendment of the *Employment Standards Act* (ESA) which removed section 49.1 from the list of ESA provisions subject to the "meet or exceed test", meaning that this section became applicable to unionized employees with a collective agreement who did not have access to five (5) days of paid sick leave during a calendar year. BCPSEA and districts have taken the position that only those employees scheduled to work are entitled to the benefit, to which the union disagrees. Whatever the outcome, this arbitration will provide helpful clarity on the administration of this section of the ESA.

The OLRC staff continue to provide assistance to member districts with employee investigations relating to complaints, performance concerns and harassment allegations, grievance responses, collective agreement interpretation, exempt staff decision consultation, medical leave and disability management as well as job evaluation facilitation.

The Executive Director has been working closely with BCPSEA in providing liaison services to member school districts by participating in scheduled weekly meetings and ongoing communication with BCPSEA, new employee mentoring and acting as a member on the Support Staff Education Committee (SSEC) and Provincial Job Evaluation Steering Committee. The Executive Director attended both the Symposium in November 2022 and AGM in January 2023. The Executive Director is scheduled to attend the in-person Thompson-Okanagan regional meeting in Kelowna on March 8/9 and co-present a training session on investigating employee misconduct with Debbie Craig from BCPSEA. The Executive Director will also attend the in-person Kootenay-Boundary BCPEA regional meeting in Cranbrook on May 8/9 and, provided an appropriate venue is located, will co-present the investigating employee misconduct training there as well. These sessions are being well received and additional spaces were added to the course in Kelowna to accommodate the demand.

Teacher

Provincial teacher bargaining commenced on March 15, 2022 and concluded on October 28, 2022 after 47 days of bargaining. A three-year term was agreed to with an expiration date of June 30, 2025. It is significant to note that this agreement was compliant with the PSEC mandate and negotiated freely between the parties with no job action, no media campaign by the BCTF and without the need for formal mediation.

Some of the highlights of the agreement include: enhancements to the salary grids and removal of the bottom step of the grid; improving the extended benefit plan by adding registered counsellors/social workers to existing psychologist coverage and increasing chiropractic/RMT/physiotherapy coverage; standardizing and enhancing maternity/pregnancy supplemental employment benefits and aligning it with the EI waiting period; elementary prep time increase by 10 minutes to 120 minutes per week; employment equity special program to attract and retain indigenous peoples; significant amendments harassment/sexual harassment processes in Article E.2; employment equity special program to attract and retain groups of people that face disadvantage as recognized by the OHRC; professional development funding of one-fifth of one-percent of Category six maximum step, multiplied by total teacher FTE; Committees to review Indigenous peoples recognition and Reconciliation, split-of-issues and the local bargaining trial procedure.

Support Staff

The current collective agreements between support staff unions and the local school districts expired on June 30, 2022. The Executive Director was a member of the support staff bargaining teams for all seven OLRC member districts and acted as spokesperson for them. The Executive Director was also a member of the provincial employer negotiation team with BCPSEA and the K-12 President's Council.

BCPSEA and the K-12 President's Council commenced provincial discussions in February 2022 in the hopes of concluding a Provincial Framework Agreement (PFA) in advance of the expiry of the local support staff collective agreements; however, the Provincial negotiations were paused because of CUPE's concerns about the monetary mandate, particularly considering the quickly rising rate of inflation. There was a coordinated approach by CUPE to hold off on local bargaining pending the resolution of the Provincial Framework Agreement. This resulted in ongoing rescheduling of local bargaining dates. The timing of support staff negotiations was also influenced by other public sector negotiations taking place and with no settlements being reached under the new mandate. The 95% BCGEU strike vote which took place in June and was actioned in August contributed to a pause in bargaining with the K-12 President's Council during the summer.

Notice to commence local support staff bargaining could have been served by either the union or the employer as early as March 1, 2022; however, did not start until the ratification of the Provincial Framework Agreement (PFA) in September 2022. The PFA, which was compliant with the PSEC mandate, included a three-year term from July 1, 2022 to June 30, 2025 with wage increases of \$0.25 plus 3.24% in year one, a minimum of 5.5% and up to an additional 1.25% COLA adjustment in year two and a minimum of 2% and up to a 1.0% COLA adjustment in year three. The PFA also provided a significant allocation of ongoing additional money to the districts and locals for use in the local bargaining process. The PFA set a deadline of January 25, 2023 for local agreements to be ratified to adopt the Framework.

The Executive Director commenced full bargaining with SD 22 in October and signed a Memorandum of Agreement at the end of the fourth day. SD 22 was the first support staff agreement completed in the province. SD 10 reached a deal after two very long days of bargaining on October 20/21. Memorandums of Agreement were signed in SD 58 and SD 74 after bargaining for two days in November. SD 53 was able to conclude bargaining on November 30 after three days of bargaining and SD 19 concluded on December 6 after being at the table for two days. In all cases the local parties reached agreements that reflected the interests of both the union and the employer.

The money allocated for local bargaining this round was well received by the districts and the local unions, particularly because it was not restricted in the way that it was in the previous round of bargaining. Each district and local identified ways of using the local money that would best meet their needs, including introducing labour market adjustments for positions where there was a recruitment/retention issue, increasing existing premiums in the collective agreements that had not been adjusted for many years, adding extra time for Education Assistants that was non-student facing to allow them to participate in meetings etc. This round of bargaining it was agreed that BCPSEA would manage the updating of the collective agreements within 30 days of all parties ratifying the Memorandum of Agreements. The OLRC provided districts with draft Schedule A's to implement the general wage increases if they had not yet received their draft collective agreements. As of mid-February, most of the OLRC districts have received the draft agreements and are currently reviewing the changes.

The OLRC has continued to assist districts prepare for various child care initiatives, including Seamless Day/Just B4 programs as well as new child care centers. Preparatory work has included drafting job descriptions, performing compensation market research, job evaluation forecasting and drafting of LOU's.

The Executive Director has worked with SD 74, 10, 22 and 58 on an inclusion bargain for the Early Child Educator positions connected to the Seamless Day/Just B4 programs. During the spring and summer of 2022, the Executive Director worked with SD 10 and their CUPE local to negotiate an inclusion bargain to support the new Nakusp Early Learning and Child Care Center, which will have various programs to provide care for children from 0-12 years of age. This LOU was concluded in early November, which allows the district to move forward in hiring union staff for the Center.

Exempt Staff

Following the conclusion of bargaining with unionized staff, the Ministry of Finance approved the proposed exempt salary grids recommended by BCPSEA and PSEC that were the result of Western Compensation's market based total compensation review of executive and exempt staff in the K-12 sector. School Districts were then provided with the updated salary grids for Principals and Vice Principals along with exempt staff salary ranges. Districts submitted plans to BCPSEA for approval to exempt staff salary increases and those increases were funded by Ministry to a prescribed level and were retroactive to July 1, 2022.

General Update

Strategic Plan

The OLRC staff continued to meet established goals and timelines identified in the 2020-2023 Strategic Plan and 2022/23 annual Operational Plan.

2022/23 is the final year of the current three (3) year OLRC Strategic. Work to update the OLRC Strategic Plan commenced in October 2022 with a member feedback survey being distributed to staff and trustees. The survey results were used to assist with the development of a draft plan which will be reviewed by the Management committee this Spring. The completed new three (3) year OLRC Strategic Plan will be presented to the OLRC Board for approval at the meeting in June 2023.

The November 15, 2022 Trustee election resulted in a number of changes to the School Boards within the OLRC members. The Executive Director offered to provide presentations to the Boards introducing them to the OLRC and the services offered. The Executive Director provided presentations via Zoom video conference on January 17 to SD 51 and on February 8 to SD 53. These presentations were found to be helpful and very informative for new and existing trustees. The Executive Director also has a virtual presentation scheduled with SD 19 on March 1st and a presentation scheduled for April 12 with the Board of SD 58.

Workplace Health

The OLRC is pleased to announce the hiring of Kathy Wright into the Workplace Health Specialist position. Kathy will be starting on March 1 and brings with her extensive experience in disability and attendance management and workplace health. Kathy has worked for three ministries in the public sector as well as in the Surrey school district and with BCPSEA. Kathy will continue to support districts and the Executive Director in a variety of ways, depending on the unique needs and circumstances in

each district. Disability Management will likely continue to be the primary focus area, with assistance to some districts in conducting their annual review of all long-term medical leaves and accommodations in advance of Spring staffing.

Job Evaluation

The OLRC continues to provide direct assistance to SD 22 with their CUPE support staff job evaluation plan and SD 53 in the 2022/23 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 as requested to the three districts with new committees (SD 10, SD 51 and SD 58).

OLRC Budget

In June 2022, the OLRC Board approved the 2022/23 annual budget and we have stayed on budget in most of our accounts. The Salaries expense account has been building a surplus as a result of the Workplace Health Specialist position being vacant for four (4) months.

As follow up to the Ministry of Finance approving the exempt salary grids, a motion was passed at the November 7, 2022 Board meeting authorizing the OLRC Management Committee to provide salary increases to the OLRC staff upon confirmation of the PSEC exempt compensation mandate, BCPSEA Compensation Management Plan, and review of OLRC staff employment contracts.

The Management Committee asked Mr. Bruce Tisdale to review the salary increases provided to the Secretary-Treasurers and Directors/Managers of Human Resources of our member boards and bring a report back to the Committee. Based on comparisons of increases provided to Secretary-Treasurers with similar ranges of experience and the Executive Directors' outstanding performance, it was recommended to the Management Committee that the Executive Director receive an increase of 9.5% effective July 1, 2022.

Increases for the other district Human Resources positions ranged from 5.0% to 9.4% where comparable positions exist. Therefore, based on the comparison of increases for similar positions in the member boards, the excellent performance being provided by the incumbents and the Management Committee's desire to retain and attract the strongest candidates, it was recommended that Executive Assistant, Human Resources receive a 7.5% pay increase effective July 1, 2022 and that a similar adjustment be made to the compensation offered to the new Workplace Health Specialist.

These two recommendations were approved by the Management Committee at its meeting held on January 26, 2023. The salary increases being provided in the 2022/23 budget year are offset by the Workplace Health Specialist position being vacant for four (4) months so there is no negative impact to the current 2022/23 budget.