



**OKANAGAN LABOUR RELATIONS COUNCIL**

## **The 2022/23 EXECUTIVE DIRECTOR'S ANNUAL REPORT TO THE BOARD**

An overview of the services provided to member districts  
in the 2022/23 fiscal year.

**OLRC  
11/2/2023**

## **OLRC 2022/23 EXECUTIVE DIRECTOR'S REPORT TO THE BOARD**

### **GOVERNANCE**

At the Annual General Meeting held on November 7, 2022, members of the Council reviewed the Board of Director's annual report and the financial statements for the 2021/22 year.

Election of officers was held at the March 3, 2023 Board meeting for a two-year term. The current OLRC Officers are as follows: Trustee R. Zandee of SD 53 (Okanagan Similkameen), Chair, and Trustee Gen Acton of SD 22 (Vernon), Vice-Chair. The Management Committee consists of the Chair, Vice-Chair and Secretary-Treasurer, B. Tisdale of SD 19 (Revelstoke). Congratulations to both Rob Zandee and Gen Acton who were re-elected in the Provincial Trustee elections which took place on October 15, 2022.

In the 2022/23 fiscal year, the OLRC expenditures totaled \$406,192, slightly more than the budget amount of \$385,962. This is largely the result of SD 22 posting the vacation liability for all three OLRC employees to the balance sheet, which had not been done since SD 22 took over the responsibility for the financial and accounting services of the OLRC in January 2020. Salary expenses were also higher than budgeted for given the change to the PSEC compensation mandate mid-year. Salary increases were provided to OLRC staff in alignment with the PSEC mandate and with increases for district staff.

Revenues for 2022/23 totaled \$410,110 which is more than the \$405,410 budgeted amount, due to fees for an investigation conducted by the Executive Director for one of the member districts. The financial statements for 2022/23 are presented separately from this report. Miranda Burdock, Secretary-Treasurer in SD 51 was appointed by the management committee to conduct a review of the OLRC 2022/23 financial statements and provided her report to the OLRC Board Chair. The management committee responded to the results of the review and accepted the findings in a memo that is included in the November 2, 2023 Board package.

The 2022/23 Board meetings held on November 7 and March 3 were held in-person with the year end Board meeting on June 21 taking place via video conference.

### **OLRC Membership and Staffing**

During the 2022/23 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.

The OLRC was staffed by three 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. Ms. Shari Featherstone, Workplace Health Specialist, was working at a .6 FTE level in the 2022/23 year. After working with the OLRC since 2016, first as a contractor and then as an

employee, Ms. Featherstone resigned November 11, 2022 to take a position as the Director of Human Resources with SD 74. The OLRC is grateful for the contributions that Ms. Featherstone made to the OLRC and member school districts.

To determine the appropriate strategy going forward, districts were surveyed regarding their use and perceived value of the Workplace Health Specialist position. Based on the feedback received, it was confirmed that the districts valued the support from this position and saw it as an ongoing need. Recruitment efforts took place and the OLRC was fortunate to be able to hire Ms. Kathy Wright, formerly of BCPSEA and the Surrey School District, as the new Workplace Health Specialist. Ms. Wright commenced employment on March 1, 2023 at a .6 FTE level.

### **OLRC Strategic Planning**

2022/23 was the final year of the three (3) year Strategic Plan developed in the 2019/20 year and approved by the Board at the March 6, 2020 Board meeting. The OLRC met established goals and timelines as set out in the three (3) year Strategic Plan. The Operational Plan for the 2022/23 year was presented to the Board at the June 2022 meeting and a Monitoring Report was provided at each Board meeting during the 2022/23 school year regarding the status of the annual goals.

Work to update the OLRC Strategic Plan commenced with a member feedback survey which was distributed to staff and trustees in October 2022. The survey results were used to assist with the strategic planning process during the 2022/23 year and to provide guidance regarding future opportunities and areas of change. The new three (3) year plan was developed by the Executive Director and Management Committee and was approved by the Board at the June 21, 2023 Board meeting. The new plan includes updated Values, a more detailed list of services provided by the OLRC as well as the addition of a new goal area titled “Sectoral Relationships” to capture the importance of the OLRC’s relationships with key stakeholders.

### **COLLECTIVE BARGAINING UPDATE**

2022/23 was the first year of the three-year 2022-2025 collective agreements for both teachers and support staff. The current collective agreements came into effect on July 1, 2022.

The wage increases negotiated for the second year of the teacher and support staff collective agreements included a cost-of-living adjustment (COLA) provision which was triggered based on the negotiated formula. As a result, the negotiated increase for July 1, 2023 was 6.75% which included a general wage increase of 5.5% and a COLA increase of 1.25%.

#### **Teacher**

The 2023 Teacher salary grids were distributed to all school districts including the general wage increase and an additional 0.3% increase which was negotiated for the top step of the local salary grids, amendments to the provincial allowances for mileage and the remote recruitment and

retention allowance. Article B.10.1 Mileage was amended to increase the mileage amount to \$0.64 per kilometer and LOU 5 Remote Recruitment & Retention Allowance was revised and increased to \$2,947.

BCPSEA and the BCTF continued to work on the melding of the 2019-2022 local working documents during the 2022/23 year as well as started work on the melding of the 2022-2025 agreements. The 2022-2025 teacher provincial collective agreement was distributed to districts in March 2023.

Various working committees were agreed upon by BCPSEA and the BCTF in the 2022-2025 teacher collective agreement. The Executive Director was asked to participate in the LOU 15 Structural Review Committee to review the trial procedure used for local bargaining this past round.

### **Support Staff**

The current collective agreements between support staff unions and the local school districts became effective on July 1, 2022. As negotiated in the Provincial Framework Agreement, BCPSEA took on the responsibility to create the new collective agreements for districts and locals. The collective agreements are nearing completion with some OLRC districts still at the final review stage.

Various working committees were also agreed upon in the Provincial Framework Agreement and the Executive Director is participating as an employer member of the Support Staff Education Committee (SSEC) as well as the Provincial Job Evaluation Steering Committee.

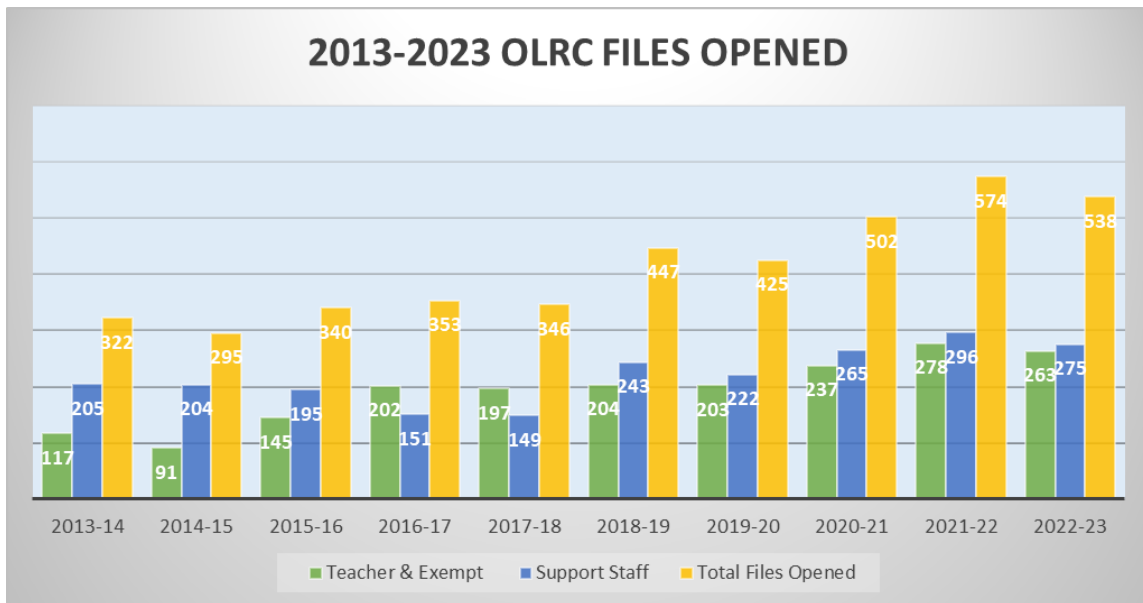
After the conclusion of collective bargaining, the Executive Director supported three inclusion bargaining processes which added employees to the CUPE bargaining units. Two were for Early Childhood Educators and related positions and are discussed in the Childcare Initiatives section in this report. The other inclusion bargain was in SD 58 for the First Nations Support Workers. This group of employees had been non-union since the creation of the position. Over the years there had been some discussion amongst the employees about joining CUPE, but nothing came of it until this past year when representatives of the FNSW's approached CUPE and sought information about the union and eventually asked to join. CUPE approached the SD and asked them to voluntarily recognize the employees as members of the bargaining unit. SD 58 consulted with the Executive Director and BCPSEA and they were given the approval to attempt to negotiate an appropriate inclusion agreement with CUPE which would recognize the unique aspects of the FNSW position and how that interacted with various Articles of the CUPE Collective Agreement. After several meetings the group was able to come to an agreement in July 2023 which met the needs of all parties and has been signed off by the school district, the local union and BCPSEA.

## LABOUR RELATIONS

The 2022/23 school year remained consistent with previous years' workload for OLRC staff as they assisted districts with early childhood care initiatives, grievance and arbitration management, investigations, compliance with legislative changes and ongoing operational business including strategic planning and budget preparation. Ongoing support to districts was also provided with disciplinary issues, contract interpretation, medical leave and accommodation issues, employee conflict, harassment claims, and exempt staffing issues.

During the 2022/23 year there were 538 files opened which included 263 files involving teacher or administrative officer issues and 275 files involving support staff.

Over the past year the OLRC supported districts in 34 investigations (16 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 the 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 workplace 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. This shows how important it is to conduct a thorough investigation prior to determining what, if any, discipline is appropriate.



Many of the investigations during 2022/23 involved serious allegations with findings that led to suspensions, terminations, and resignations for CUPE, teachers and exempt employees. Other investigations initially presented as serious allegations, but after all the facts had been gathered, were either not substantiated or were of a much less serious nature than the initial allegations.

Investigations require a significant investment of time for both district staff and the Executive Director. However, it is time well spent. When investigations are thoroughly done, they provide the foundation for well-reasoned, defensible decision making on the consequences. These consequences are rarely grieved or litigated, which saves a significant amount of time and money going forward.

The following are a sample of the investigations where the OLRC provided support to districts in the past year:

#### **Teachers and Administrative Officers**

- Harassment complaint from a teacher against a principal regarding allegations of words spoken, tone and actions in which teacher felt humiliated and intimidated. Investigation completed by Executive Director. Report written and shared in accordance with the Dorsey protocol – no findings of harassment.
- Complaint against secondary teacher for allegations of sharing inappropriate pictures with students. Investigation completed – letter of direction issued.
- Complaint against teacher for off duty misconduct including failing to provide appropriate supervision to elementary students in her home who were playing with her child. Investigation completed – no findings of misconduct.
- Complaint against elementary teacher for allegations of regularly yelling at students as a group and singling students out. Investigation completed – findings of misconduct. Letter of discipline issued.
- Complaint against teacher for allegation of making an inappropriate and racialized comment. Investigation completed - Letter of direction issued.
- Complaint regarding a teacher being criminally charged for off duty conduct and subsequently found not guilty of criminal charges. Investigation completed – Letter of direction and requirement to complete a new criminal record check.
- Complaint regarding an elementary teacher for allegations of failing to maintain emotional control, yelling at students. Investigation completed – findings of misconduct. Letter of suspension issued.

None of the disciplinary sanctions issued because of investigations into teacher or principal misconduct have proceeded to arbitration or civil action.

#### **Support Staff**

- Harassment complaint from a custodian against a custodian in charge. Investigation completed – findings of misconduct. Letter of suspension issued.
- Complaint from one journey person against another regarding inappropriate conduct. Investigation completed – findings of misconduct. Letter of discipline issued to respondent and letter of direction issued to complainant.

- Complaint of custodian performance issues which included allegations of failure to set school alarm and leaving school without authorization. Investigation completed – no findings of misconduct. Employee resigned.
- Complaint against education assistant for having inappropriate conversations with students. Investigation completed – no findings of misconduct. Letter of direction issued.
- Complaint against bus driver for disrespectful behaviour towards a co-worker. Investigation completed – findings of misconduct. Letter of discipline issued.
- Complaint against education assistant for using physical contact with student. Investigation completed – no findings of misconduct. Letter of direction issued.
- Tradesperson received a 90-day suspension of their license when they failed a breathalyzer. Investigation completed – no medical basis for accommodation. Letter of discipline provided.

None of the disciplinary sanctions issued because of investigations into support staff misconduct have proceeded to arbitration.

### **Grievances and Arbitrations**

Many issues that the OLRC assists districts with are resolved without a grievance being filed and of those grievances which are initiated, it has been typical that many are resolved prior to traditional arbitration or mediation. However, it is becoming more common that the unions – particularly the BCTF are referring matters to arbitration/mediation.

As at June 30, 2023 the OLRC member school districts had 29 active files covered by Coordinated Legal & Arbitration Support Services (CLASS). Of those files 22 were teacher and 7 were support staff. Teacher and support staff grievances may be referred into CLASS at Step 3 of the grievance procedure and legal counsel is typically assigned once a grievance has been referred to arbitration.

The following are some of the grievances where the OLRC provided support to districts:

#### **Teachers**

- Employer grievance regarding the union's unreasonable withholding of agreement to obtain contract services for district psychologists in accordance with Article A. 20 "No Contracting Out", resulting in delay of services to students with potential special education needs. Union denied the employer grievance and then also grieved when the employer started using contract psychologists. Referred to arbitration.
- Grievance regarding how employer is calculating teaching assignments and prep time in secondary. Referred to arbitration.
- Grievance relating to the eligibility for ESA sick days for TTOC's who were not previously scheduled for work. Referred to arbitration.
- Grievance regarding salary grid placement language and placement of TTOC's. Referred to arbitration.

- Grievance regarding TTOC availability and the replacement of absent teachers with TTOC's. Referred to arbitration.
- Grievance related to the district not forming a joint committee outlined in the collective agreement prior to developing and implementing a new curriculum document. Grievance denied. Referred to arbitration. Settlement agreement reached through mediation.
- Grievance regarding payment of pension premiums for a teacher on full time leave for the President of the local teachers' association. Referred to arbitration. Settlement agreement reached in favour of union, requiring district to pay pension premiums not the union.
- Grievance related to benefit plan coverage for teachers on temporary contracts. Referred to arbitration. Settlement agreement reached through mediation in favour of district, confirming that the teachers' group benefits contract sets the eligibility requirements that teacher must have a contract with the district of at least four months to be enrolled.

### **Support Staff**

- Grievance and human rights claim for discrimination related to a disability filed related to allegations that the employer failed to pay sufficient WorkSafe BC top up pay and failed to properly accommodate the employee. Grievance denied and then was withdrawn by the union at Step 3. The employee filed a human rights claim. The employer has filed an application to dismiss the claim.
- Grievance related to eligibility for ESA sick days for casual employees. Referred to arbitration.
- Grievance regarding bus drivers with greater seniority not being offered trips that they were entitled to based on their seniority. Grievance likely to be referred to arbitration.
- Grievance related to termination of a custodian. Referred to arbitration. Settlement agreement reached.

## **OTHER ISSUES**

### **BCPSEA District Liaison Contract**

The Executive Director continued to provide contract district liaison services to OLRC member school districts on behalf of BCPSEA and as per the contract.

The Executive Director participates in scheduled weekly virtual meetings and ongoing communication with BCPSEA as well as new employee mentoring as part of her liaison role. The Executive Director communicates provincial information to OLRC member districts, supports the mid-contract modification process, participates on provincial committees, assists with the management of arbitration cases in CLASS, supports provincially appropriate settlement



discussions for arbitrations and ensures appropriate responses to district inquiries as well as communicating district issues to BCPSEA.

During the 2022/23 year, the Executive Director continued to participate as a member of provincial committees that arose from the 2019-2022 Provincial Framework Agreement, including the provincial Support Staff Education Committee (SSEC), BCPSEA Health & Safety. The Executive Director also attended the BCPSEA in-person Thompson-Okanagan regional meeting in Kelowna on March 8 and then co-presented a one and a half day training session on investigating employee misconduct with Debbie Craig from BCPSEA. Several attendees were from OLRC districts.

### **Child Care Initiatives**

The OLRC continued to assist districts prepare for various childcare initiatives, including Seamless Day/Just B4 programs as well as new childcare centers and initiatives which required inclusion bargains.

CUPE has expressed interest in capturing as much of the new childcare work as possible and has been advocating for this at the provincial level with the Ministry of Education and Childcare and during the Provincial Framework Agreement negotiations and through their local bargaining proposals. Where the employer is also interested in having CUPE do work that has not traditionally been included in the bargaining unit, inclusion bargains are required in order to identify any areas of amendments to the existing collective agreement and to ensure appropriate approvals from BCPSEA and involvement with the MOECC.

During the spring and summer of 2022, the Executive Director worked with SD 10 and their CUPE local to negotiate an inclusion bargain for Early Childhood Educator and related positions 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 the first of its kind in the province and concluded in early November 2022. The district proceeded with planning and hiring for CUPE positions to staff a variety of child care programs for children from 0-12 years of age.

In the spring and summer of 2023, the Executive Director worked with SD 22 on a second early learning inclusion LOU for several new Early Child Educator and related positions which are required for various new early learning programs being implemented and/or planned in the district. The district is one of a few identified by the Ministry of Education and Childcare as part of an Integrated Inquiry Project, receiving targeted funding for early learning. The local parties were able to come to an agreement which identified specific amendments to the collective agreement and was reviewed by the Ministry of Education and Childcare, PSEC and signed off by BCPSEA. This agreement, as with the one in SD 10, does not negate the use of contract providers of services or bind the Ministry or other districts to this form of service delivery going forward.

Assistance was also provided to SD 58 with implementing its Seamless Day program and successfully signing an LOU in January 2023.

## **Exempt Staff**

Following the Ministry of Finance's approval of the proposed exempt salary grids, districts received updated salary grids for Principals and Vice Principals along with exempt staff salary ranges. Districts also submitted exempt staff salary increase plans to BCPSEA for approval and those increases were funded by the Ministry to a prescribed level and were retroactive to July 1, 2022.

In addition to the salary grid review, BCPSEA also coordinated a review of benefits in February 2023 to ensure that benefits for exempt and management staff are, where possible, equivalent to the benefits available to bargaining unit employees. BCPSEA and PSEC Secretariat encouraged districts to implement benefit improvements to paid maternity leave, paying one hundred percent (100%) of their current salary for the first week of the leave; and when the employee is in receipt of Employment Insurance (EI) maternity benefits, the difference between the amount of EI maternity benefits received by the employee and one hundred percent (100%) of their current salary, for a further fifteen (15) weeks. Districts were also encouraged to review and improve extended health benefits for chiropractic, massage therapy, physiotherapy, acupuncture as necessary and ensure the definition of psychology services includes counsellors and social workers.

Following confirmation of the increases to unionized wages for the second year of the collective agreement, BCPSEA worked with PSEC to confirm the exempt compensation mandate for 2023. The announcement on the 2023 exempt compensation mandate was communicated to representatives of the BCASBO conference on May 26, 2023, and a bulletin was distributed from Chris Beneteau of BCPSEA on May 29, 2023 confirming the salary grid for exempt staff effective July 1, 2023, and the Regional Salary Model effective July 1, 2023. Both grids were aged 6.75% in alignment with bargaining unit salary increases for year two (2) of the Shared Recovery Mandate. At the June 2023 OLRC Board meeting, salary increases of 6.75% were approved for the three OLRC employees, effective July 1, 2023.

## **Job Evaluation**

The OLRC Executive Assistant – HR continued to act as a facilitator of the job evaluation committees in SD's 22, 53 and 10 which included the coordination of meetings, preparation and distribution of meeting material and follow up communication. Direct assistance was also provided to all OLRC districts with the development of new job descriptions, amendment of existing job descriptions and the recommendation of interim wage rates which is identified through the job evaluation plan, market research or a combination of both, depending on collective agreement language on wage rate setting.

The Provincial Job Evaluation Project continues to move forward and the pilot districts within the OLRC have completed what was required of them. Districts continue to use the pilot job evaluation benchmarks as a provincial reference but understand that they are still in draft form.

The Executive Director has also provided support with the negotiation and development of new Letters of Understanding with the assistance of the Executive Assistant – Human Resources on job description drafting, compensation market research and job evaluation interim wage rate recommendations.

### **Workplace Health Specialist**

The OLRC wished Ms. Featherstone all the best in her new role as Director of Human Resources in SD 74 when she left the OLRC in November 2022 and was very pleased to have welcomed Ms. Kathy Wright to the role of Workplace Health Specialist in March 2023. The value of this role was particularly evident when we had to go without the position for several months during the recruiting process.

Since the beginning of March 2023, the Workplace Health Specialist (WHS) has fostered and reinforced professional relationships with all member school districts. A significant focus has been on management of medical leaves and duty to accommodate, with an introduction to workplace misconduct investigations. This is an area where the WHS will enhance their skills to provide support to the Executive Director and the overall operations of the OLRC.

Approximately 45 individual employee files have been worked on requiring varying degrees of time and complex strategy. Most of these files fall within the support staff category. Of note, but not surprising, is the number of mental health issues affecting our employees. Part of the WHS's role is to support and coach districts on best practice approaches to ensure the most favourable outcomes.

With the lessening severity of COVID 19, some districts are turning their attention to supportive attendance programs as a workplace health and wellbeing strategy. The WHS is well positioned to assist in this area should any of our member districts wish to engage in a conversation about how an attendance program can be implemented or revised.