

Collective Agreement enforcement and improvement

October 2021 SURT

Online group norms

Put questions
into chat.

Mute mic unless
speaking.

Camera on or off
is personal
preference.

People may need
to come and go
from the meeting.

Who is here?

Please change your profile name so that it shows your first and last names

Please write in the chat box:

- Your name
- Your school
- One big concern or question you have about your role as Staff Rep



The Staff Representative is the peer of the principal in matters related to the interpretation and the application of the collective agreement in the school.

The collective agreement was not imposed by the union on the employer, but represents the mutually agreed-to terms and conditions of employment for teachers in the district.



Role of the Staff Representative

- ▶ Advocacy
- ▶ Communication
- ▶ Organize / Lead

“The union has a legal obligation to represent the members of the bargaining unit”

Labour Relations Code Part 2 Section 12

Advocacy

- ▶ be vigilant and learn about your rights in the Collective Agreement
- ▶ facilitate collective support through grievances and in meetings
- ▶ learn about BCTF and VESTA policy
- ▶ advocate without bias
- ▶ represent members in a variety of situations
- ▶ Ensure that BCTF Code of Ethics is upheld

Communication

- ▶ Attend General Meetings and Staff Rep Assemblies - bring information from meetings, emails and faxes to your staff
- ▶ support school based committee chairs
- ▶ post relevant information at the school re: BCTF and VESTA
- ▶ Hold regular union meetings
- ▶ Work with other School Union Reps
 - ▶ H&S, professional issues, Staff Committee Chair
 - ▶ Talk with reps from other school unions (IUOE / CUPE)

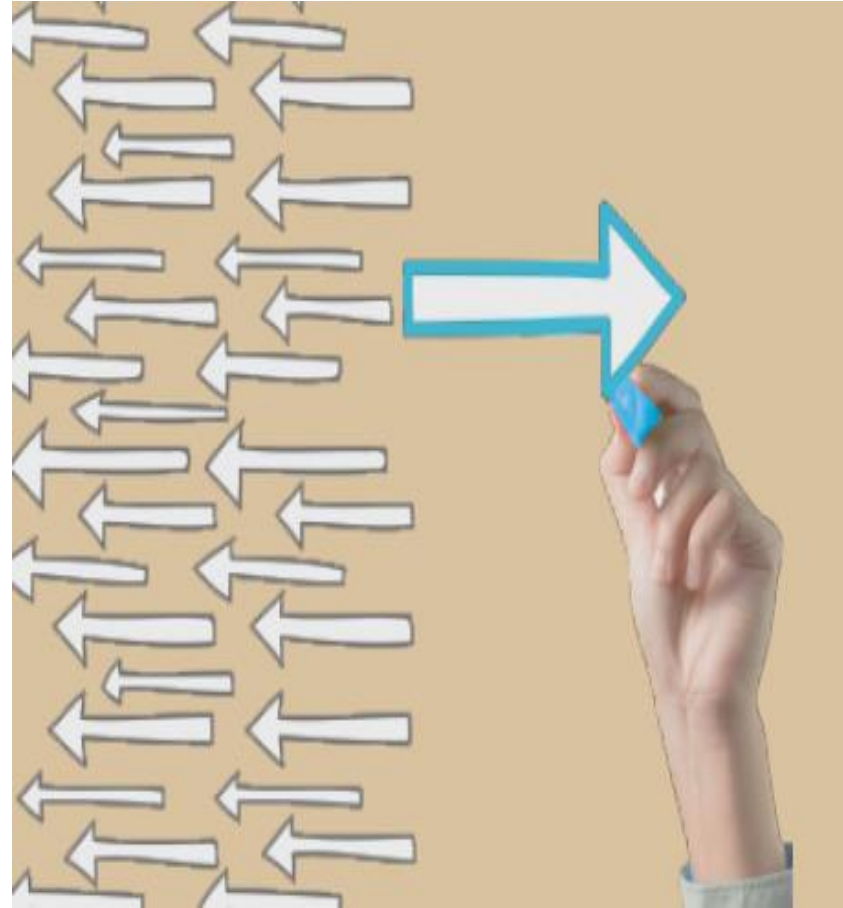
Organize / Lead

- ▶ hold regular VESTA meetings at your site to convey information and build solidarity
- ▶ discuss complex matters at VESTA meetings prior to taking a position to Staff Committee Meetings
- ▶ bring school issues to the SRA or the VESTA office
- ▶ ensure democratic processes (i.e. Staff Committee Meetings) are in place so members can participate fully
- ▶ increase school staff participation in VESTA efforts (i.e. bargaining)
- ▶ mentor new members and broaden awareness of union issues

Difficult Conversations

Sometimes you need to have a difficult conversation with a colleague or administrator.

- Use active listening skills
- Analyze the issues
- Frame a simple, clear argument
- Find common ground between teachers
- It's not personal



Scenario 1: meeting with a teacher

Katie, a colleague has been asked to meet with the principal after school and has asked you to come with her.

Katie: The principal wants to meet with me after school today. Can you come with me?

Staff rep: What's the meeting about?

Katie: I don't know.

Staff rep: Well, the first thing you have to do is find out what the meeting's going to be about.

Katie (later): She wants to meet with me about being late a couple times this month.

Staff rep: Okay, the first thing I'm going to ask her is if the meeting is going to be disciplinary. If it is, the meeting is over, and we leave. They can start an investigation process. If it's not, then let's see what she says and take it from there.

The second thing is that you have to trust me to be your conscience and support in the meeting. You might be tempted to explain yourself; if I think you're saying too much, I'm going to stop you and I'll be firm so please stop. We might step outside so I can give you advice on what or what not to say. I might even stop the meeting if it starts to look like an investigation meeting.

Preparing a member to meet with an administrator

- ▶ Ask questions and gather all relevant facts
- ▶ Consult the collective agreement
- ▶ Analyze issue - disciplinary or not
- ▶ Instruct member on how meeting will proceed
- ▶ Contact the VESTA office for support

Representing a member with an administrator

- ▶ Consult with member before the meeting to plan strategy
- ▶ Be a witness and take notes
- ▶ Allow the member to speak for themselves, or remain silent
- ▶ Intervene if the member may jeopardize their rights
- ▶ Remember advocacy is not the same as problem solving
- ▶ Build a paper trail
- ▶ Keep the local informed if things are not resolved
- ▶ Ask advice if you need it, or if you don't feel you can be an effective advocate

Note Taking

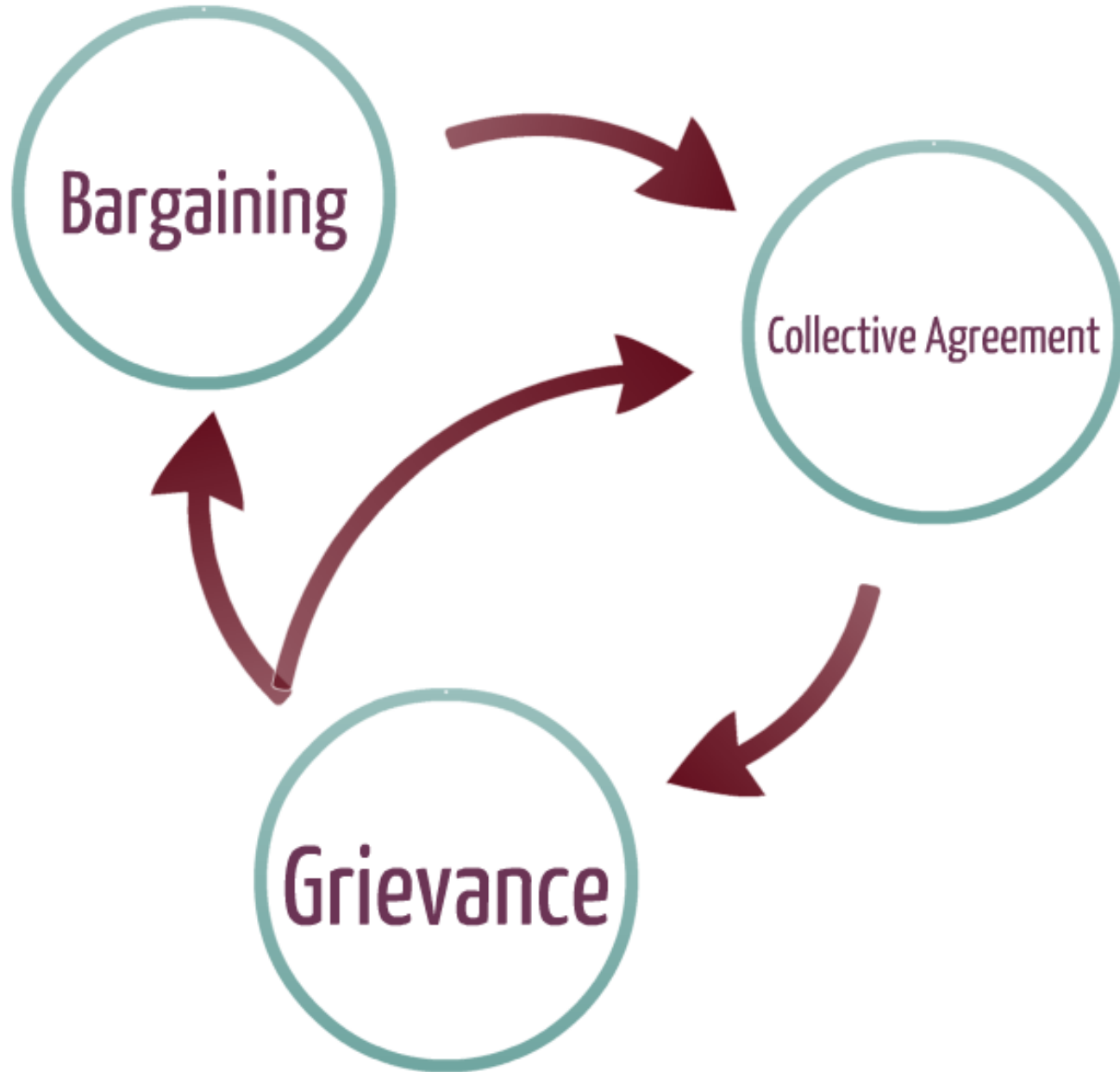
What to include

- ▶ Date
- ▶ Names
- ▶ Concern / issue / question

- ▶ Notes could be used in future investigations or grievances
- ▶ Ask admin to slow down or for clarification if necessary

What to write

- ▶ Objective vs subjective
- ▶ Descriptions of actions
- ▶ What was said



Our Collective Agreement is between:

The Vancouver Teachers' Federation
(VESTA and VSTA together)

and

The Vancouver School Board

Collective Agreement

- ▶ Organized by category of rights called "Articles"
- ▶ represented by letters, and contain sub-categories called "clauses", which are represented by numbers
- ▶ 1-19 = provincially negotiated, 20+ = locally negotiated
- ▶ Table of Contents at the start, Index at the end
- ▶ Outlines rights and sometimes processes
- ▶ K-12 contained in one agreement, Adult Ed has their own locally negotiated CA
- ▶ Appendices at the back ("Split of Issues")
- ▶ Letters of Understanding

There are many statutes and regulations that need to be "read into" the CA

- ▶ Employment Standards Act
- ▶ School Act
- ▶ Work safe Regulations
- ▶ Human Rights Code
- ▶ Provincial and Federal Labour Code
- ▶ Part of our rights

Negotiated rights are ALWAYS better

- ▶ Responsive to change
- ▶ We have a direct influence
- ▶ Examples:
 - ▶ Maternity Leave provisions
 - ▶ Harassment
 - ▶ Health and Safety
 - ▶ School Organization

Collective Agreement Scavenger Hunt!

find...

1. Professional Autonomy
2. TOC rights
3. Professional Development Committee
4. Maternity Leave
5. Salary Grids



Grievance Process

Article A6

A problem solving mechanism when there are disputes about the application or interpretation of the Collective Agreement- may be no adverse effect on a member for pursuing a grievance - working relationship with the Board respects this process as non-personal

- ▶ with prejudice / without prejudice
- ▶ the union owns the grievance
- ▶ doesn't get us rights we don't already have
- ▶ must be related to a Collective Agreement provisions or a statute
- ▶ are filed when the Employer fails to uphold a right (hire the most senior applicant for a position), recognize a right (decreasing FTE), or properly implement a right (weekly prep time)
- ▶ ignoring our rights can lose us our rights

Stages

Individual with carriage

Consults with

(Close consultation with the grievor is assumed throughout)

Step One

School problem: Employee and School

Union Rep District decision: Local

- Local President
- School Union Rep if grievor is in a school
- FSD staff

Step Two

Local President or designate

- Grievance Committee
- FSD staff

Step Three

Local President or designate

- Grievance Committee
- FSD staff

Referral to Arbitration

Grievances referred should be done after consultation with Division the Field Service (including the Legal Services as needed)

- FSD staff
- Legal Services

Step 1

ARTICLE A.6: GRIEVANCE PROCEDURE

1. Preamble

The parties agree that this article constitutes the method and procedure for a final and conclusive settlement of any dispute (hereinafter referred to as "the grievance") respecting the interpretation, application, operation or alleged violation of this Collective Agreement, including a question as to whether a matter is arbitrable.

Steps in Grievance Procedure

2. Step One

- a. The local or an employee alleging a grievance ("the grievor") shall request a meeting with the employer official directly responsible, and at such meeting they shall attempt to resolve the grievance summarily. Where the grievor is not the local, the grievor shall be accompanied at this meeting by a representative appointed by the local.
- b. The grievance must be raised within thirty (30) working days of the alleged violation, or within thirty (30) working days of the party becoming reasonably aware of the alleged violation.

Step 1

- ▶ "the local or an employee...shall request a meeting with the employer official directly responsible"
- ▶ Staff Representative accompaniment
- ▶ within 30 days
- ▶ an effort to solve the problem at the source
- ▶ find the relevant CA clauses
- ▶ take notes



Vancouver Elementary School Teachers' Association

To: _____

Delivery Method and Date: _____

Hand-Delivered Other (specify) _____

Details of Grievance:

I/We allege the Employer's actions to be improper, unfair, unreasonable, discriminatory, disciplinary, and/or a misinterpretation, misapplication, violation of the Collective Agreement and any relevant provisions of a related statute. Specifically, this includes, but is not limited to:

Article _____

This grievance is filed at Step 1 of the Grievance Procedure as per Article A.6 of the VTF/VBE Collective Agreement and the *Labour Relations Code*, RSBC 1996, c.244.

I/We seek the following remedies:

1. A declaration that the Employer violated, misinterpreted, and misapplied the Collective Agreement and any relevant statute;
2. An order to clear the Grievor's personal file of all related correspondence, including the grievance;
3. An order directing the Employer to make the Grievor whole, plus interest under the *Court Order Interest Act*, RSBC 1996, c.79;
4. Such other remedy that is just and equitable in all the circumstances; and,
5. If applicable, see additional claim for remedies attached.

Signature – Staff Rep or Local Employee

This Step 1 grievance procedure is to try and resolve this at the school level.

Copies to:

- VESTA Grievance Officer
- Staff Rep
- Grievor
- VSTA
- BCTF Field Service

The Step 1 meeting

- ▶ Be prepared! Know the details about what happened, have a position about what will resolve the dispute
- ▶ Take notes
- ▶ Bring another member (the grievor or other Staff Rep)

- ▶ Speak to the right in the Collective Agreement and how it has been violated
- ▶ Request the resolve
- ▶ Administrator may bring additional rep
- ▶ Administrator may ask for time to review / resolve
- ▶ Write report to VESTA Greivance Officer including any outcomes

STEP 1 REPORT

To be filled out by Staff Representative and Grievor

Please fill out together and submit a copy to the VESTA Grievance Officer immediately after the Step 1 meeting.

GRIEVOR: Dan Graves
STAFF REP: Jody Polukoshko
WORKSITE: Springfield Elementary

NATURE OF GRIEVANCE: (State the problem and as many details as possible – who, when, where, what, why, etc.)

Dan was told he would not get his regularly scheduled prep due to early dismissal for parent conferences.

Collective Agreement article(s) you believe may be violated:

D.4

Step 1 meeting date: May 9, 2013

In attendance: Dan Graves, Jody Polukoshko, Principal Skinner

Resolved Yes No

If "yes", state the resolution (this is on a "without prejudice" basis); if "no", provide the employer's position and provide notes of the meeting.

Principal Skinner acknowledged teachers are entitled to 90 minutes of prep per week and agreed to provide a make up prep by the end of the week.

Vancouver Teachers' Federation

2915 Commercial Drive, Vancouver, BC V5N 4C8

Stacey Alexander
Labour Relations Advisor
Vancouver School Board
1580 W Broadway
Vancouver, BC V6J 5K8

Delivery Method and Date: July 12, 2018

Registered Mail Email Hand-Delivered VSB Blue Bag

Re: Grievance # 18040- Teacher Librarian Prep included in Teacher Librarian Ratios

I/We allege the Employer has violated the Collective Agreement and any relevant provisions of a related statute. Specifically, this includes, but is not limited to:

Article(s) F.3 of the restored VBE/VTF Collective Agreement.

This letter is to inform you that the VTF is filing this grievance at Step 3 of the Grievance Procedure as per Article A.6 of the VTF/VBE Collective Agreement and the *Labour Relations Code*, RSBC 1996, c.244.

I/We allege that the employer has incorrectly included Teacher Librarian Prep time in the Teacher Librarian Ratios for the District.

I/We seek the following remedies:

1. A declaration that the Employer violated, misinterpreted, and misapplied the Collective Agreement and any relevant statute;
2. An order to clear the Grievor's personal file of all related correspondence, including the grievance;
3. An order directing the Employer to make the Grievor whole, plus interest under the *Court Order Interest Act*, RSBC 1996, c.79;
4. Such other remedy that is just and equitable in all the circumstances; and,
5. If applicable, see additional claim for remedies attached.

Please contact me at your earliest convenience to set up a meeting.

Sincerely,

Joanne Sutherland
Vice President - VESTA
Grievance Officer

Grievance Step 2

- ▶ if not resolved at Step 1, meet within 10 days
- ▶ presented ("filed") in writing giving the general nature of the grievance
- ▶ sometimes combined with Step 1
- ▶ includes fact finding / presenting the position of the union
- ▶ expectation that resolve is possible at this stage
- ▶ Board responds in writing to the allegations of the grievance

Grievance Step 3

- ▶ Joint Committee - 2 reps from Board and 2 reps from Union - Generally members of the Grievance Committee
- ▶ may include BCPSEA and BCTF if the grievance refers to a Provincial Matter
- ▶ Expectation that this is the last step before Arbitration - some pressure to resolve
- ▶ may adjourn and reconvene if both parties agree

Arbitration / Mediation

- ▶ goal: to determine a resolve that will fix the problem forever
- Binding
- ▶ arbitration (except for expedited) is run by lawyers based on a case put together by union and employer reps
- ▶ arguments include strength of CA clause, bargaining notes, past practice, and witnesses may be called
- ▶ single person (arbitrator) makes the decision
- ▶ arbitrator relies on the case made at the arbitration, but also on other arbitrations and labour law

The Grievance Process is ongoing - the nature of Collective Agreements is that interpretation changes with personnel and over time.

Our working conditions are changed by forces outside of our negotiations (i.e. Full Day K).

We use the Grievance Process to clarify, enrich, adapt, enforce and maintain our rights - this process never ends.

Grievance Case Study

- ▶ A school principal directs a teacher to use Khan Academy, a private, online “tutoring” website in their classroom to teach math.

Go to the Collective Agreement

SECTION F PROFESSIONAL RIGHTS

ARTICLE F.20: PROFESSIONAL AUTONOMY

1. Professional Autonomy

Employees shall, consistent with effective educational practice, prescribed, authorized curricula and locally developed programs, have individual professional autonomy in determining the methods of instruction, and the planning and presentation of materials in their professional assignments.

What information do you need to know before requesting a meeting with AO?

What are the strengths of this language?

What are the areas where the provision might not cover teachers?

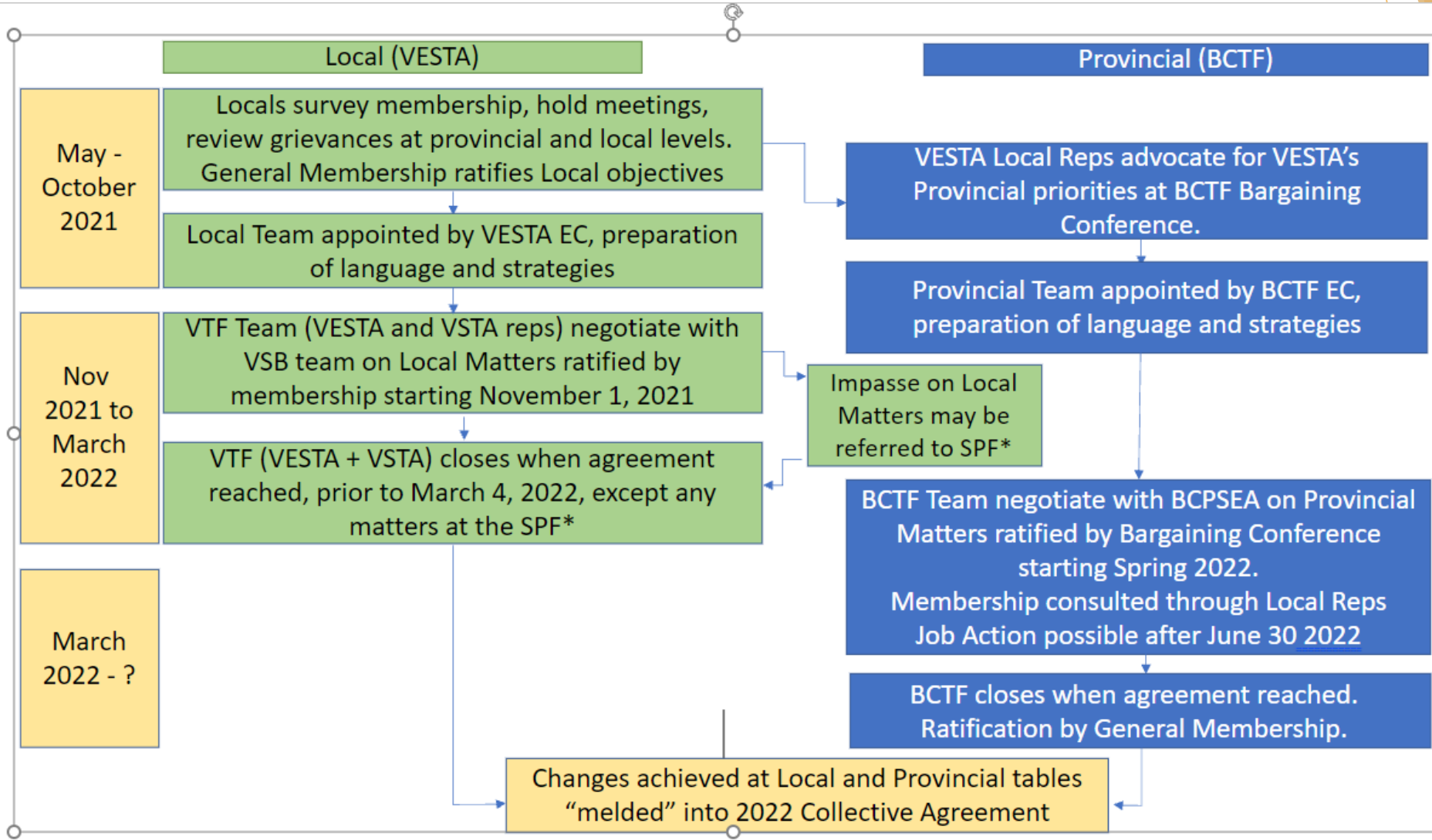
Writing a script

Include:

- ▶ Who, What, When, Where, Why
- ▶ Date of alleged violation
- ▶ Facts surrounding the alleged violation
- ▶ Any supporting documentation (emails, memos etc.)
- ▶ Key points from the Collective Agreement that support your case
- ▶ What outcome you expect and timeline
- ▶ How will you communicate with the AO if they do not resolve the matter in the meeting?



Bargaining



How is this year different?

- ▶ The 2019 Collective Agreement was for a 3 year term - both Local and Provincial tables will open this school year
- ▶ VESTA negotiates some parts of our Collective Agreement in conjunction with VSTA (Vancouver Secondary Teachers' Association) as the VTF (Vancouver Teachers' Federation) across the table from the VSB
- ▶ The BCTF negotiates other parts of our Collective Agreement on behalf of all locals across the table from BCPSEA (BC Public School Employers' Association)
- ▶ Together, any improvements from the two bargaining tables are melded into the agreement once separately ratified.
- ▶ This round features two significant changes:
 - Local Bargaining (VTF and VSB) will begin in November 2021, 6 months earlier than usual
 - If the local parties reach impasse on any matters, they can seek facilitation from the Labour Relations Board through a new process called the SPF – Settlement Process Facilitation
- ▶ Members can expect updates from both the local and provincial tables as negotiations progress.
- ▶ Your bargaining teams need your support to be successful – please update your membership information, attend VESTA meetings with your Staff Rep and VESTA General Meetings.

VESTA's Provincial Objectives

- ▶ A significant salary increase commensurate with
 - ▶ the national average
 - ▶ Shortening of the salary grid
 - ▶ Reduction in intermediate class size limits
 - ▶ Improvements to elementary prep time
 - ▶ Improvements to non enrolling support teacher ratio
- ▶ Improvement in compliance provisions for class size and composition language
- ▶ Access to TTOC sick days without limitations
- ▶ Access to affordable health and dental benefits for TTOCs
- ▶ Improve access to the Employee & Family Assistance Program for TTOCs
- ▶ Paid Pro-D opportunities for TTOCs
- ▶ Paid religious leave for members of all faiths
 - ▶ including improvements to application processes
 - ▶ Paid discretionary days for members
- ▶ Improvements to the bargaining structures including:
 - changes to the split of issues to increase the
 - scope of local bargaining
 - funding for local negotiations
 - local dispute resolution mechanism
 - improved timelines for local bargaining
- ▶ Improvements to accessing mental health supports in both local and provincial benefit packages
- ▶ Harassment provisions and processes be rewritten using an intersectional equity lens
- ▶ Exclusion of library prep time in the Teacher-Librarian non-enrolling ratio
- ▶ Provisions providing for full implementation of TRC Call to Action #57 within K-12
- ▶ Paid cultural leave for members who self-identify as BIPOC
- ▶ Objectives that respond to the climate emergency

VESTA's Local Objectives

Improvements at the local table that advance transparency, process and equity across local provision including:

- ▶ Post and fill
- ▶ Transfer
- ▶ Layoff and recall
- ▶ Access to information
- ▶ Parent complaints
- ▶ Personnel files
- ▶ Contracting out
- ▶ ELL and special needs supports (non-cost)
- ▶ Equity and inclusion

Support for Staff Reps

- ▶ VESTA meetings
- ▶ Staff Rep Assemblies
- ▶ Staff Committee Meetings
- ▶ In-House Table Officers
- ▶ VESTA Executive Committee
- ▶ School Union Rep Training (SURTS)
- ▶ Mentorship
- ▶ School Visits
- ▶ School Union Team