

2007 Provincial Bargaining Structure in Canada

British Columbia

Provincial Collective Bargaining: Round Three

Collective bargaining to renew the agreement set to expire in June 2003 occurred in a challenging bargaining environment and context – unfulfilled BCTF objectives from the last round, the spill over effect arising out of the conclusion to the last round, vastly reduced bargaining scope, court challenges, and a compensation mandate of “net zero.” When examining the context, the following considerations are important:

- Legislative and Policy Changes: There had been over 15 legislative changes that affected the K-12 public education sector in addition to over 20 policy and procedure changes initiated by the Ministry of Education since May 17, 2001.
- Court Action: Two court challenges were initiated by the BCTF:
 - The BCTF sought a declaration that Bill 27, *Education Services Collective Agreement Act* and Bill 28, *Public Education Flexibility and Choice Act*, are inconsistent with the *Charter of Rights and Freedoms* and are “of no force and effect,” constitute a wrongful expropriation of their rights, and violate the rule of law. This matter has yet to be heard by the Court.
 - The BCTF filed a petition in BC Supreme Court seeking a judicial review of the arbitration arising out of Bill 28 – referred to as the Section 27.1 Arbitration or Rice Arbitration. It was the transitional process included in the legislation to ensure the collective agreement is consistent with the *School Act* amendments which moved certain school organization matters into the *School Act*. This matter was heard by the court and a judgment rendered on January 22, 2004. The Court struck down the Rice arbitration. The provincial government subsequently passed Bill 19, the *Education Services Collective Agreement Amendment Act*, and implemented through legislation Arbitrator Rice’s award.

- Changed Scope of Bargaining: Bill 28, *Public Education Flexibility and Choice Act*, contained a number of amendments to the *School Act*. It also established a new public policy direction for public education in the province. This legislation set out substantive changes to the scope of collective bargaining by adding a number of provisions that placed additional limitations on the content of collective agreements. Those limitations affected class size, workload/staffing ratios and class composition. These items, many of which had been at the heart of teacher bargaining in previous rounds, were now to be determined by public policy rather than the bargaining process. Further, a transitional interpretive process to identify and delete inconsistent provisions was established in the legislation.
- Bargaining Structure Inquiry: An inquiry into the structures, practices and procedures for teacher collective bargaining was initiated by the Minister of Skills Development and Labour in fall 2003 under Commissioner Don Wright. Wright, a senior civil servant and former Deputy Minister of Education, was initially appointed by the Minister to recommend terms of reference and later to conduct the collective bargaining structure inquiry. Although not a comment specific to the challenging bargaining environment, in his report to the Minister concerning recommended terms of reference for the bargaining inquiry, Mr. Wright observed:

“In summary, the past sixteen years of teacher collective bargaining have not resulted in a happy legacy...No party seems to believe that the existing structure, unchanged can lead to successful collective bargaining in the future.¹

...the parties believe it is extremely unlikely that a collective agreement can be reached without major changes to the existing structure, and it would be useless to even consider trying before those changes are made.”²

Following extensive consultations, Wright completed his final report entitled *Voice, Accountability and Dialogue Recommendations for an Improved Collective Bargaining System for Teachers in BC*, December 2004.

- BCTF Political Action: The BCTF opposed many of the government’s education initiatives and took the position that they would work for what they characterized as a *government that is supportive of public education and adequate funding* in the May 2005 provincial election.
- Compensation Mandate: The mandate for general wage increases in the public sector was net 0% for the period 2003-2006. This meant that, where employers are able to secure trade-offs within the total compensation envelope, they may move compensation; e.g., from benefits to wages (the *net zero* compensation mandate). By

¹Wright, D. *Towards a Better Teacher Bargaining Model in British Columbia*. Report to Graham Bruce, Minister of Skills Development and Labour, November 10, 2003, page 7.

² Ibid, page 33.

September 2005 over 100 settlements had been concluded within the mandate. This included 30 support staff settlements in the K-12 public education sector.

Collective bargaining also commenced with a number of items outstanding from the last round. In the 2001 round, even though the BCPSEA and the BCTF were at the table for over 60 formal bargaining sessions and, in the latter stages of bargaining, enlisted the assistance of mediator Stephen Kelleher to facilitate the process in hopes of achieving a settlement, in the end the parties could not reach agreement. When it became clear that a negotiated settlement was not possible, the provincial government intervened and legislatively imposed a collective agreement on the parties.

The General Negotiation Framework

As part of the preparation phase, BCPSEA met with trustees and district staff through individual board or group meetings aka *TCB Road Shows* between January and April 2004 to:

...begin a dialogue that informs the preparation phase and establishes a sound foundation for the development of bargaining objectives.

This dialogue began with a review of the foundation for bargaining the *General Negotiation Framework* (GNF). The GNF, established in 2000-2001, is subject to review and, where necessary, revision for this round of bargaining. It has four principles:

1. The costs of employment must be compatible with the government's funding priorities and, given school boards' obligations, a school board's ability to pay.
2. The orderly introduction of change and the ability of school boards to adapt to evolving educational priorities and needs are necessary to maintain a responsive public education system.
3. The enhancement of relations between union and management, both locally and provincially, is essential for continued industrial stability and effective workplaces.
4. With respect to the terms and conditions of teachers' employment, the sector is transitioning from a series of local agreements to a provincial collective agreement. This reduces the number of local agreements and the variety of provisions in those agreements.

The following differences formed the basis of the fundamental issues in dispute:

Table: Fundamental Issues in Dispute

BCPSEA	BCTF
<p>Net zero compensation mandate – Achieve changes within the collective agreement that are consistent with the current net zero mandate (until March 2006). This mandate allowed for structural changes and trade-offs in costs and savings, provided the net cost of the collective agreement does not increase.</p>	<p>Significant improvement in compensation – A general wage increase of 4%, 5%, and 6% over three years in order to, as they characterized it, keep pace with the wage increases for teachers in other provinces such as Alberta and Ontario. In addition, the BCTF had other proposals with cost implications on the table, such as benefits improvements, early retirement incentive, professional development, structural changes to salary grids, etc. BCPSEA estimated the cost of these other proposals at approximately 25%.</p>
<p>Movement towards standardization – Standardize terms and conditions such as compensation by establishing a foundation for provisions such as regional or provincial wage grids.</p>	<p>No concessions – Accept no agreement that would result in the BCTF, any local of the BCTF, or any member of the BCTF losing any provision, term, or benefit that existed under the terms of the previous agreement.</p>
<p>Maintenance of the current school organization system – Bargain only matters that are within the scope of bargaining. Matters outside of the scope of bargaining, such as school organization matters removed from the collective agreement by legislation in 2002, by law cannot be the subject of collective bargaining or a collective agreement.</p>	<p>Restore or re-establish school organization provisions – Continue to use collective bargaining as the mechanism to achieve the restoration or re-establishment of school organization matters, regardless of legislation.</p>

BCTF Commences Job Action and Essential Services

The BCTF conducted a strike vote between September 20 and 22. On September 23, the BCTF announced the results of the strike vote – 88.4% of those teachers who voted, voted "yes" in the province-wide strike vote.

On September 23, 2005, the BC Labour Relations Board (LRB) issued its decision on Phase (a) of the BCTF job action, which was set to commence on September 28. Under this initial phase, teachers were permitted to withdraw services such as supervision of students at break periods, attendance at staff meetings and participation in district committee meetings.

On October 3, 2005, the provincial government introduced into the legislature Bill 12, the *Teachers' Collective Agreement Act*. This legislation extended the terms of the existing collective agreement to June 30, 2006. On October 6, the government appointed Vince Ready as an Industrial Inquiry Commission to recommend a new collective bargaining structure.

On October 5, 2005, the BCTF announced that of those teachers who voted, 90.5% voted in favour of taking a stand in protest against Bill 12. In response to this legislation and consistent with the results of the vote, teachers were to mount picket lines commencing Friday, October 7, and were to remain off the job until a resolution had been reached and accepted by a subsequent member vote. Bill 12 received Royal Assent on October 7, 2005.

BCPSEA sought an LRB declaration that the escalation of job action announced by the BCTF scheduled for October 7, 2005 was contrary to the *Labour Relations Code* and represented a violation of the LRB Essential Services Order for Phase (a). The LRB found in favour of the employer and, in their Order issued on October 6, 2005, ordered BCTF members to immediately resume their duties and work schedules of employment, except as authorized by the Essential Services Order.

BCPSEA initiated enforcement proceedings of the LRB Order by filing it with the BC Supreme Court the same day.

Fact Finder

In early September the Minister of Labour met with the representatives of the BCTF and BCPSEA to assess the state of negotiations. The Minister concluded that a further report was needed before any decision respecting a course of action to assist in ensuring a timely settlement could be made. On September 19, 2005, Rick Connolly, Associate Deputy Minister of Labour and Citizens' Services, was appointed as a Fact Finder to inquire into and report by September 30, 2005 on the collective bargaining dispute between the BC Public School Employers' Association (BCPSEA) and the BC Teachers' Federation (BCTF). Specifically, his mandate was to "*examine the positions of the parties in their negotiations, to report on the perspective of each party on the matters of critical importance, and to assess the prospect for re-engagement in collective bargaining.*" The fact finder reported to the Minister on September 30, 2005.

In the concluding comments of his report, Connolly focused on the two key areas of disagreement: (1) compensation and (2) working and learning conditions. With respect to compensation, he noted the parties, despite numerous meetings, had yet to discuss this issue in detail and as a result the costing reflects certain general assumptions. BCPSEA estimates the cost of the BCTF proposal to be approximately \$938 million and BCTF has calculated the cost of their proposals at \$678 million.

"The lack of dialogue on compensation led to a public media debate about the cost of proposals that only increased the tension and conflict between the parties and did not further understanding, clarity or opportunity to find agreement within a collective bargaining process. There is no question that the compensation demands and expectations of the BCTF, even with their declaration that these are opening positions, far exceed any opportunity for resolution within the current mandate."

Regarding the issue of working and learning conditions, Connolly noted:

"...it is clear from this fact finding process that this issue is of great concern to the BCTF."

At issue is where the authority lies for these discussions and decisions to be made. In his concluding comments Connolly noted,

"...government has elevated the issues of learning conditions to the status of legislation. However, effective public policy requires involvement of all those affected. It is my opinion that Government should develop an approach to engage with teachers and education stakeholders including parents, trustees, superintendents and principals in an effective and meaningful dialogue regarding this critical issue that is entirely separate [emphasis added] from the collective bargaining process."

Based on his meetings and discussions with the parties, the Fact Finder concluded, "*because of the positions of the parties on the two major issues, it is my opinion that there is no prospect for a voluntary resolution at the bargaining table in these negotiations.*"

Contempt of Court Order

In response to the escalation of job action by the BCTF, BCPSEA made application to the BC Supreme Court to find the BCTF in contempt of the Order of the Court dated October 6, 2005. The issue before Madame Justice Brown was not whether the legislation was correct or whether the teachers' response with respect to the legislation was correct. The issue was limited to the consideration of the breach by the BCTF of the Order of October 6.

In her October 9th decision, Madame Justice Brown noted the importance of citizens obeying court orders and referenced Madame Justice McLaughlin quoted in *Canada Human Rights Commission v. The Canadian Civil Liberties Net (1998)*, 1 S.C.R. 626:

If people are free to ignore court orders because they believe that their foundation is unconstitutional, anarchy cannot be far behind.

She went on to note that, “*it is the rule of law, in this case obedience to court orders, which permits us to enjoy the rights and liberties of a civilized democratic society...no citizen or group of citizens may choose which orders they will obey.*”

Based on the evidence before Madame Justice Brown, she was satisfied that the BCTF was in contempt of the LRB order of October 6.

With respect to the issue of remedy, Madame Justice Brown chose to defer her decision in the hope that teachers would see the seriousness of the Court's finding. She ordered the parties to return to Court on Thursday, October 13, 2005 in order to establish remedy. She also noted that there would not be any “free days of picketing” if the BCTF did not comply and did not return to work on Tuesday, October 11.

Remedy Related to Contempt of Court

On October 13, 2005, the BC Supreme Court issued its ruling on the penalty phase of the contempt proceedings between the BCTF and the BCPSEA. The Court found that despite the Order of October 9, 2005, the contemptuous conduct of the BCTF had continued. Moreover, the Court found that the BCTF was clearly using its assets as an organization to further its contempt. In response, the Court issued a series of broad restrictions.

BC Supreme Court: Continuation of Penalty Phase

On October 21, 2005, the parties again appeared before Madame Justice Brown for the continuation of the penalty phase. In her decision, Madame Justice Brown noted that when determining an appropriate sanction:

The Court must impose a sanction that recognizes the gravity of the contempt, deters this party from continuing the contempt and deters others from similar conduct.

She considered previous fines imposed in such cases, the size of the BCTF membership, and the extent of the BCTF assets. Madame Justice Brown set a fine against the BCTF of \$500,000 covering the period October 7 to 17. In addition, the BCTF will pay for the costs of the monitor and its counsel. The BCTF will also pay the employers' special costs of these proceedings.

On October 28, 2005 Madame Justice Brown ruled as to which charities would be in receipt of the \$500,000, the fine imposed on the BCTF.

Vince Ready Facilitation

In an attempt to bring a resolution to the teachers' dispute, the government enlisted Vince Ready as a facilitator. After meeting several times with the BCTF, BCPSEA, and the provincial government, and immediately following a press conference held by the BCTF at 9:00 am on Friday, October 21, Ready made the following comments:

"Based on the positions of the parties -- in particular, the position as stated by the BCTF and their press conference this morning -- I've advised the teachers that -- and the parties -- that they're really stalemated at this point. They're just too far apart to come to a facilitated agreement or any kind of a negotiated agreement.

And in the circumstances and given the nature and the impact that this dispute is having on the public, I feel an obligation to make non-binding recommendations to the parties and I intend to do so today -- later on today."

Mr. Ready's recommendations were:

Harmonized salary grids

Government is to commit \$40 million towards the harmonization of salary grids throughout the province. The parties are to meet within 60 days of teachers returning to work in order to determine specific mechanics. If the matter has not been resolved by March 31, 2006, either party may refer it to the Industrial Inquiry Commission (IIC) for resolution. The effective date for harmonization will be between April 1, 2006 and June 30, 2006.

Benefits

Government is to commit one-time funding of \$40 million to the BCTF's LTD trust. In addition, the parties must conduct a study of benefits (i.e., all non-salary monetary provisions) applicable in each school district with a view to harmonizing benefit provisions in the upcoming negotiations. The IIC will assist the parties and the study will be concluded by February 28, 2006.

Recruitment and Retention of Teachers on Call (ToCs)

Government is to fund \$5.25 million to establish a uniform daily base rate of \$190 and for the placement of ToCs on the provincial salary grid after three continuous days in any assignment. In addition, ToCs are to accumulate seniority while being paid on the provincial salary grid. The parties are to meet within 20 days to discuss implementation. If the matter is not resolved by December 31, 2005, either party may refer the matter to the IIC for resolution. The effective date for this recommendation is April 1, 2006.

Learning Roundtable

Ready's recommendation is to increase the number of BCTF nominees to the Learning Roundtable.

Class Size and Composition

Government is to increase its commitment for learning conditions in this fiscal year from \$150 million to \$170 million. The additional money is to be targeted to issues of class size and special needs students. Further, he recommends that government consider incorporating additional money as an increase to base funding. Mr. Ready recommends that the *School Act* be amended to provide an effective mechanism for the enforcement of class size limitations. Finally, he recommends that government consult with the BCTF with respect to potential amendments to the *School Act* with respect to class size limits for Grades 4-12.

Consultation with Teachers

Mr. Ready recommends that the government and the BCTF establish an ongoing process for communication regarding teacher issues.

Return to Work

Upon review of the Vince Ready's report, the provincial government accepted his recommendations unconditionally. The BCPSEA Board of Directors also announced acceptance of the recommendations. The BCTF put Mr. Ready's recommendations to its members for a vote prior to acceptance or rejection. Of those teachers who voted, 77%

voted in favour of accepting the Ready recommendations and returning to the classroom on Monday, October 24, 2005.

Bargaining Round Four

Background Information:

- 1) Number of collective agreements and who is covered by each:

Teachers – Legally, there is one collective agreement covering all teachers in BC. This agreement is composed of the provincial language, which is common to all teachers, and local provisions specific to each of the 60 public school districts.

Support Staff – there are 69 support staff locals in BC each with their own collective agreement. Support staff in each school district are represented by a separate local and, in some districts, there is more than one local.

- 2) Effective dates of collective agreements (Sept – Aug, July – June, etc) and the years covered

Teachers – July 1, 2006 to June 30, 2011

Support Staff – July 1, 2006 to June 30, 2010

- 3) Type of Bargaining Structure

Teachers – provincial bargaining (legally it is two-tiered but all issues of substance are negotiated provincially; issues such as bulletin boards and staff meetings are negotiated locally).

Support Staff – local bargaining

Teacher Bargaining:

- 1) Settlement Summary

- a) Average % Salary Increase:

Last School Year: 2.5 % (2006/07)

Current School Year: 2.5 % (2007/08)

Next School Year: 2.5 % (2008/09)*

Effective July 1, 2006, all teachers who are eligible to participate in the BCTF Salary Indemnity Plan (Short and Long Term Disability Insurance) will be paid a monthly allowance of 2.0% of salary to offset a portion of the costs of the teacher's premiums. Teachers pay 1.7% of salary in premiums.

**in addition to the general wage increase, employees at the maximum step on the salary scale will receive an additional adjustment for salary harmonization/standardization. This will vary between school districts depending on their current salaries but should be on average 2.5-3.0%.*

b) Number (and %) of Boards Settled:

Last School Year: 60/60 100 %

Current School Year: 60/60 100 %

Next School Year: 60/60 100% (if applicable)

2) Major Bargaining Issues, Trends, or Events

Incentive Bonus – all public sector employees in BC were entitled to an incentive bonus if the parties were able to negotiate a new collective agreement prior to the expiry of the current collective agreement.

Portability of Sick Leave and Seniority – In this round of bargaining, the parties were able to negotiate the portability of up to 60 days of sick leave and up to 10 years of seniority.

Union-Management Relations – The parties are committed to discussing and addressing issues in ongoing Union-Management labour relations meetings. In addition to these regular meetings, the parties negotiated several joint committees:

- o Rehabilitation Committee
- o Public Education Recruitment and Retention Support Committee
- o Housekeeping Committee
- o Benefits Review Committee

Other:

1) Labour Activity

Employee Group: n/a Date: n/a

2) Major changes (i.e., changes to legislation)

Mandatory Retirement - the provincial government has introduced legislation to eliminate mandatory retirement by revising the definition of age under the *Human Rights Code*. The amendments will take effect January 1, 2008 and will not be retroactive. Bona fide retirement, superannuation or pension plans will continue to be able to make distinctions on the basis of age as they do now, and will continue to permit age-based distinctions under bona fide group or employee insurance plans, including those that are self-funded by employers or provided by a third party.

Teacher Employment and Discipline Registry – Bill 21, the *Teacher Profession (Teacher Registration) Amendment Act*, will create a teacher employment registry and a teacher discipline registry both to be administered by the BC College of Teachers. This legislation will amend the duty to report:

- o Any suspension or dismissal
- o Any conduct of competence in breach of BCCT standards
- o Any discipline of a member of the BCCT for misconduct that involved the emotional, physical or sexual abuse of a student or minor.

Superintendents of Achievement – these Superintendents will be appointed by the Minister of Education and will have the responsibility of reviewing and providing recommendations for the improvement of school districts' student achievement, early learning programs, and literacy plans. They will also be given broad powers of inspection for the purpose of performing their own duties, which include entering a school building, inspecting records, interviewing students and employees of a board, and attending any meeting of a board.

3) Labour Board decisions / Arbitration decisions with implications for other jurisdictions

School Fees – in late 2006, the BC Supreme Court ruled that school districts cannot charge students for any materials or equipment required to finish a course leading to graduation. The BC *School Act* forbids schools to charge fees for necessary educational resource materials, but a ministerial order said districts may charge fees. Subsequent to this decision, the government passed Bill 20, *School (Student Achievement Enabling) Amendment Act*, which included amongst other things a provision allowing school districts to charge fees for some courses and materials (i.e., specialty academies)..

Highlights of the agreement

Shortly after 10:00 pm on June 30, 2006, both parties agreed to the first ever negotiated provincial collective agreement. At approximately 10:45 pm the documents were signed by the representatives of BCPSEA and the BCTF symbolizing an important milestone in the relationship between the two parties.

The Highlights of the agreement include:

- Term: Five Years (July 1, 2006 – June 30, 2011)
- Compensation:
 - Wage increases of 2.5%, 2.5%, 2.5%, 2.5%, 2%
 - One-time early settlement incentive of \$3,700 per FTE
 - One-time Professional Resource Allowance of \$300
 - 1.5% for further harmonization of the top steps of the salary grid on July 2008 (add 2.5 - 3% to grid maximums)
 - In specified remote districts, an annual allowance of \$2,200 for new and returning teachers and 3%
 - Allowance of 2% for eligible employees to offset SIP premiums
 - Fiscal Dividend (same as Support Staff Framework Agreement)
 - July 2006 payment of \$20 million to Teacher Pension Plan (Inflation Adjustment Account)
- Article B.9 Pay Periods: Minimum of twice a month pay periods and new 12 month pay option
- Article B.10 Reimbursement for Mileage and Insurance:
 - July 2006 — 47 cents/kilometre, annual increase of 1 cent/kilometre
 - 5 cents/kilometre for unpaved roads
 - Premium upgrades for use of private vehicles for business travel
- Article B. __ Reimbursement of Deductible for Personal Property Loss up to \$600
- Article B.11 Increase Extended Health Benefits lifetime limit to unlimited in all school districts
- Article C.2 Seniority: Ability to port up to 10 years' seniority upon obtaining a continuing contract in a new district
- Article D.8 Preparation Time: Increase elementary preparation time to a base level of 90 minutes per week
- Article D.11 Middle Schools
 - Default to secondary instructional day and prep unless otherwise agreed;
 - New process for resolution of differences when implementing middle schools
- Article D. Alternate School Calendar
 - Process for implementing alternate calendar
 - Expedited arbitration if unable to agree on 4 day week/9 day fortnight terms
- Article G.1 Portability of Sick Leave: Teachers port up to 60 days to new district

- Article G._ Compassionate Care Leave: Standard provision consistent with the *Employment Standards Act*
- Letter of Intent Middle Schools: Process to record current practices if not formalized.
- Letter of Commitment: Re Employment Equity – Aboriginal Teachers Recruitment and retention initiative to address the under-representation of Aboriginal teachers
- Letter of Understanding (LoU): Amended Mid-contract Modification process for collective agreement updates meeting the specific criteria
- LoU Teacher Supply and Demand: committee funding to address supply in unspecified districts/locations (\$3.5 million)
- LoU Benefits Review: Committee to review benefit plans, savings go to improvements
- LoU re amalgamated districts: extend salary protection granted in June 25, 2002 LoU.

Ratification:

On July 6, 2006, representatives from the 60 public school boards convened and ratified the agreement by 98.7% of the total votes cast. The BCTF decided to wait until the beginning of the following school year to hold their ratification vote and on September 8, 2006 they announced that their membership had ratified the agreement by a vote of 93.4%.

Legislation and Court Action:

On May 18, 2006, just over one month into round four of provincial collective bargaining, Bill 33, the *Education (Learning Enhancement) Statutes Amendment Act*, received royal assent. Bill 33 established new class size limits, accountability measures and requirements for consulting with parents and teachers to help improve student achievement. Class size and composition matters had previously (in 2002) been removed from the realm of collective bargaining and put into public policy through amendments to the School Act. Bill 33 served to further clarify government's intent and expectations.

On June 5, 2006, the BCTF made an application to the Labour Relations Board (LRB) that BCPSEA had breached the *Labour Relations Code* provision to bargaining in good faith. The BCTF asserted that they are entitled to bargain the manner in which school boards' discretions or powers under the School Act are exercised, and the consequences that

flow from the exercise of that power or discretion. This issue dates back to the legislated removal of class size and composition matters from collective bargaining.

On June 15, LRB Vice-Chair Ken Saunders dismissed the BCTF application, determining that, BCPSEA's refusal to bargain "manner and consequences" language does not establish that it is negotiating without a bona fide intention of reaching a collective agreement. The LRB also determined that BCPSEA is entitled to stick firmly to its position that it views "manner and consequences" as legally impermissible and that it refuses to agree to that type of language in any event.

Alberta

Background Information:

- 1) Currently in Alberta, there are 62 individual teacher collective agreements. We currently track 124 support staff agreements (some are union, some are non-union)
- 2) Our collective agreements take effect September 1 and run to August 31. Expiry dates vary.
- 3) Alberta teacher and support staff collective agreements are currently negotiated locally.

Teacher Bargaining:

2007 marks a very busy year in Alberta for collective bargaining of collective agreements covering Alberta's 33,000 teachers. Of 62 school boards with collective agreements with the teachers' union, 52 school boards are bargaining in 2007 on contracts that expire August 31, 2007. Additionally, as covered later in this report,

12 school boards in March 2007 formed an employers' organization under the Labour Relations Code to bargain collectively with the teachers' union.

1) Settlement Summary

a) Average % Salary Increase:

Last (2005/06) School Year: 2.84%

Current School Year: 3.05%

Next School Year: 3.29%

b) Number (and %) of Boards Settled:

Last School Year: 62 / 62 boards (100%)

Current School Year: 60 / 62 boards (97%)

Next School Year: 8 / 62 boards (13%)

2) Major Bargaining Issues, Trends, or Events

The following is a list of proposals we are seeing at the table, and expect to see at the upcoming round of teacher negotiations:

Proposal items coming from the teachers' union:

instruction / assignable time

class size and composition

extracurricular is voluntary

one year term only

high salary demands for one year (12% maximum/18% minimum)

allowance increases (12% - 50%)

substitute teacher pay increases (11% - 122%)

more leaves

increases to health care spending accounts

professional development funds

Employer Issues:

proration of contract provision for part-time teachers (i.e. health plans, leaves, substitute pay, etc.)

sick leave (modification of continuous 90 calendar days, better medical documentation)

cost containment strategies regarding health plans, including health care spending accounts

clarifying and repairing poor health care spending account language

fixing employment termination point for long term disability cases

removing/modifying restrictive language on management rights

Trends:

For collective agreements under negotiation with an August 31, 2006 expiry date, the teachers' union has pressed hard for an August 31, 2007 expiry date so these contracts are included in the large group of contracts to be negotiated in 2007. Where school boards have insisted on a longer term contract, the teachers' union has only agreed provided salaries for 2007/08 and beyond are driven by a formula based on 2007/08 settlements for contracts being negotiated in 2007. The teachers' union is using the formal bargaining process (i.e. mediation, strike vote, disputes inquiry boards, etc.) to pressure school boards into settlements more desirable to the teachers' union.

Events / Activities to Mention:

In March 2007, 12 school boards formed a voluntary Employer Bargaining Association to bargain with the teachers' union. Eleven of the twelve school boards have collective agreements that expire in August 2007 and are therefore open for bargaining in 2007. The teachers' union has refused to do business with the new School Boards Employer Bargaining Authority by insisting on conducting bargaining with the individual member school boards. Several complaints and applications are presently at the Labour Relations Board awaiting hearings. In the meantime, bargaining for these 11 school boards is on hold.

Upcoming round of negotiations for teachers— of 62 school boards, 52 school boards are bargaining with the teachers' union for the 2007/08 school year and beyond.

The government has been exploring options to address the unfunded liability in the teachers' pension plan. The Minister of Education announced two provincial initiatives to address the unfunded pension liability: establishing a task force (with

representatives from the government, public, and teachers) and a \$25 million contribution in the 2007/08 school year to address teacher contributions to the pre-1992 portion of the unfunded liability on a prorated basis for one year. The \$25 million contribution was conditional upon a guarantee of labour

peace in the 2007/08 school year. The teachers' union has refused to participate in the task force, and has 'rejected' the \$25 million contribution stating they believe that the union and government can find an approach that is more effective and more fair.

In addition to the number of teacher contracts that will be open for negotiations, Alberta doctors, nurses, and 3/4 of provincial civil servants are bargaining for new contracts this year.

3. Labour Activity

Alberta saw one major teacher strike in February/March 2007 with the teachers' union threatening strike action in two other school jurisdictions. Where strike action was taken, the teachers' union unsuccessfully lobbied for government intervention. To resolve the strike, the teachers' union and the school board agreed to binding interest arbitration on the remaining issues in dispute.

4. Major changes (I.e. changes to legislation)

There have been no major legislative changes that impact bargaining.

The Labour Relations Board recently issued new guidelines for when and how the Board would carry out any consultations with government. These guidelines were part of the settlement of a lawsuit by various unions, following the enactment of very controversial legislation. Bill 27 changed union representation for health care providers, and resulted in some unions losing a large number of members. After the enactment of the legislation, some unions became concerned that the Labour Relations Board members had provided guidance to government on the enactment of the statute. The unions argued, unsuccessfully at the Court of Queen's Bench, that the Chair and all of the permanent Vice-Chairs of the Labour Relations Board were biased and could not rule on any cases arising from Bill 27, due to the fact that Vice-Chair Wallace had provided input to government about the legislation. The litigation was quite convoluted, and included not only applications to the Courts, but also complaints to the Information and Privacy Commissioner.

Saskatchewan

Background Information:

1) Number of collective agreements and who is covered by each

- a. Teacher: There are 60 local teacher collective agreements and one provincial agreement.
- b. Support Staff: There are 65 support staff agreements

2) Effective Dates of collective agreements:

a. There are two models for the effective dates:

- i. School Year
- ii. Calendar Year

Some contracts for local teacher agreements are quite dated (2003) and the latest effective date for any agreement is December 31, 2009.

b. The Provincial Teacher Agreement effective date is from September 1, 2004 to August 31, 2007 and amendments are currently being negotiated.

3) Type of Bargaining Structure

- ⌚ There is a two-tiered system for teacher bargaining. *The Education Act* defines what can be bargained at each level.
- ⌚ Support Staff bargain locally. *The Saskatchewan Trade Union Act* governs the structure.

Teacher Bargaining:

1) Settlement Summary

a) Average % Salary Increase:

Last School Year:	2%
Current School Year:	
Next School Year:	3.4 %
	N/A

b) Number (and %) of Boards Settled:

Last School Year:	17 /60	28.3%
Current School Year:	9 /60	15 %
Next School Year:	24/28	85.7%

Due to amalgamations, the number of agreements will likely reduce to 28 and only 4 agreements extend to 2009.

2) Major Bargaining Issues, Trends, or Events

Direct Compensation: Excessive proposals well beyond the CPI Index.

Preparation time: Prep time is a major issue. Currently, about one third of local agreements contain provisions, but it's an issue at every table including the provincial table.

Compensation for Supervision:

Earned Days Off (EDOs) for Noon-hour supervision and Extra-Curricular involvement is also a major issue. Currently, about 75% of agreements provide some sort of compensation for participating in Extra-Curricular activity or for providing noon-hour supervision.

Pension Funding

Health Plan

School Year

Return to Work and

Accommodation

First Nation Teachers Benefits

While agreements arising in restructured school divisions provide for a myriad of leaves, the Saskatchewan Teachers' Federation continues to pursue a minimum amount in the provincial agreement.

In each of the last two rounds of provincial bargaining, the Saskatchewan Teachers' Federation pursues collective agreement language of a very broad and general nature. Ex: "The parties to the agreement agree that teaching and learning conditions are vitally important for the education of students."

Ongoing efforts to increase government contributions.

Ongoing effortstoincreasegovernmentcontributions.

Reduce the length of the school year.

There are ongoing difficulties getting teachers back to work.

Facilitating teachers of First Nations schools in provincial benefits plans.

1) Labour Activity

Employee Group: Lloydminster teacher local

Date: summer/fall 2007 Event: Conciliation

2) Major changes (I.e. changes to legislation)

Mandatory Retirement abolished

The Saskatchewan Human Rights Code was amended to extend the prohibition against discrimination on the basis of age to individuals 65 years of age and older.

Unpaid leave of absence for reservists

- *The Labour Standards Act* was amended to provide an unpaid leave of absence while serving as a volunteer with the reserve force.

OH&S expanded definition of harassment

The Occupational Health and Safety Act was amended to expand the definition of harassment to include humiliation and degradation in the workplace.

3) Labour Board decisions / Arbitration decisions with implications for other jurisdictions Sweeping In

There are seven cases before the Labour Relations Board regarding bargaining units in the amalgamated school divisions. CUPE, the main player, is pushing to 'sweep in' non-bargaining unit employees in the post amalgamation reality. The Association has been representing boards on this matter. The first hearing was in December 2006 with no decision to date. Other hearings have been delayed until a decision has been made in the first case.

Manitoba

Background Information:

1) Number of collective agreements and who is covered by each

38 collective agreements covering teachers

66 collective agreements covering support staff (secretarial, custodial, maintenance, trades, library, teacher assistants, bus drivers)

2) Effective Dates of collective agreements (Sept—Aug, July—June, etc) and the years covered

Teacher collective agreements effective dates are July — June.

Support staff collective agreements majority are July — June or January — December

Terms of any collective agreement range from 1 year to 4 years.

3) Type of Bargaining Structure

In Manitoba, school boards are responsible for negotiating collective agreements with their unions for all issues, both monetary and non monetary. The Manitoba Association of School Trustees typically acts as the spokesperson in negotiations on behalf of the school boards.

For impasse resolution for teachers, interest arbitration is legislated. For support workers strike/lockout is the ultimate means for impasse resolution, with the opportunity for interest arbitration after a 60 day strike.

Teacher Bargaining:

1) Settlement Summary

Last School Year:	3.00
Current School Year:	3.00
Next School Year:	3.00

b) Number (and %) of Boards Settled:

Last School Year:	36/38	95%
Current School	29/38	76%
Next School Year:	7/38	18%

2) Major Bargaining Issues, Trends, or Events

Parental Leave Top-Up (10 weeks): This is a new clause that is currently being negotiated into collective agreements for teachers. Thus far, there are approximately 8 collective agreements that have it. It is being negotiated because an arbitrator deemed that providing top up for adoptive leave to a male parent and not providing paid top-up to the biological parent for parental leave was discriminatory

(see Arbitration Decisions with implications for other jurisdictions).

The result is a costly new benefit that is available to both female and male employees at a current cost of @ \$10,000 per employee. School Boards are trying to negotiate Return to Work clauses but have not met much success.

Substitute Clause: School Divisions are now negotiating working conditions for substitute teachers into the collective agreements. This comes as a result of Labour Board decisions and Substitute Contracts instituted by the Provincial Government over the last two years. While the teachers' union takes the position that everything in the collective agreement applies to substitutes, school boards are trying to limit working conditions and benefits for substitutes to a specific article on substitutes.

3) Major Bargaining Issues, Trends, or Events, continued

Professional Development: Lately there have been more teacher proposals trying to entrench professional development funds within a collective agreement.

Teachers want greater amounts of money allocated to them by school divisions on an annual basis.

Further, teachers want to be able to control the allocation of funds on their own with little input from the school boards or school division senior administration.

General Pay Increase: A handful of collective agreements have been settled to June 30, 2009 and one other to June 2010. The 2009 and 2010 agreements have settled at 3%.

Projected Outlook: Teachers will be looking to improve articles on teacher workload in upcoming rounds of bargaining including amount of preparatory time and contact time with students

Other:

1) Labour Activity

None

2) Major changes (i.e. changes to legislation)

In 2007, the Province of Manitoba, with consultation from a Labour and Management Task force, implemented major changes to the following Legislative Acts & Regulations:

A) Employment Standards Code:

- ⌚ Stronger provisions for which employee are entitled to receive over-time pay.
- ⌚ New formula to determine eligibility of general holiday pay
- ⌚ New longer termination notices depending on years of service with an employer (Up to 8 weeks for 10 or more years of service)
- ⌚ Restrictions on what an employer can deduct from an employee's pay
- ⌚ Unpaid bereavement and family leave

B) Workplace Health and Safety Act:

- ⌚ Legislated requirement for a Harassment Policy including what is required within the policy.
- ⌚ Overall modernization of the Act and Regulations requiring employers to do a lot more WPS&H activities on an ongoing basis.

Ontario

Background Information:

1) Number of collective agreements and who is covered by each:

In Ontario, with bargaining done at the local level in each of the 72 school boards:

- There are 122 teacher contracts
- There are 103 occasional teacher contracts
- There are 216 non-teaching support staff contracts

Note: by statute, all teacher agreements are either two or four years in duration. All Ontario teacher and occasional teacher agreements are for four year

2) Effective Dates of collective agreements

Teacher Contracts: September 1 2004 to August 31 2008

Occasional Teacher Contracts: (All but four) Sept 1 2004 to August 31 2008

Non-teaching support contracts vary in duration. Currently, 20 of the 216 are under negotiation, with the rest in good standing and running until at least Aug.31/07, with the majority in place until Aug.31/08 or longer.

3) Type of Bargaining Structure

- Local bargaining
- For teacher bargaining only, employer is local and union is provincial

Teacher Bargaining:

1) Settlement Summary

a) Average % Salary Increase:

05/06: 2%

06/07: 2.5%

07/08: 3% + 0.7% August 31

Number (and %) of Boards Settled:

With the exception of four occasional teacher contracts under negotiation, all teacher contracts are in good standing until Aug.31/08

2. Major Bargaining Issues, Trends, or Events

Provincial Election in Ontario October 10 2007

With a provincial election in the Fall, it is not known if the government of the day will try to repeat the provincial framework agreement, described below, with a similar agreement when teacher contract expire in August 2008.

Ontario's Provincial Framework Agreement of 2005

Although Ontario has local bargaining, the government successfully developed a "provincial framework" whereby some matters were verbally agreed to at the provincial level between the government, the boards and the elementary teachers. While not taking a formal part in the provincial discussions, the secondary teachers, as well as the Catholic and Francophone sectors informally agreed to four year agreements in exchange for the salary provisions and the additional teachers.

- ⌚ boards could increase their teacher salary grids to that of their coterminous board (e.g. Catholic boards or Francophone boards, who traditionally paid lower teacher salaries, could increase their grids to that of their coterminous English public board)
- ⌚ increases of 2% for 2004-05, 2% for 2005-06, 2.5% for 2006-07, and 3% for 2007-08, (an additional 0.7%, effective Aug.31/08 was added later
- ⌚ a graduated increase in preparation time for elementary teachers reaching 200 minutes by June 2008, supported by an infusion of 7500 teachers into the system over three years, with similar increases in support staff positions
- ⌚ removal of statutory workload minimums \$512 per teacher for professional development (later followed by similar provisions for all other education workers)
- ⌚ the establishment of a Provincial Stability Commission whose mandate would be to

support the ability of boards and unions to resolve issues arising out of the collective agreements.

Concurrent to this agreement with the province, an agreement was reached between the Elementary Teachers Federation of Ontario, representing elementary teachers in the English public boards, and the Ontario Public School Boards Association, that spoke to student supervision limits (outside the 300 minute instructional day) for elementary teachers. Boards would "make every reasonable effort" to cap supervision at 80 minutes a week if the following conditions could be met:

- ⌚ no additional cost to the board
- ⌚ school/student safety maintained.

Supervision schedules would be established by a joint employer/union committee. The supervision provisions were not accepted nor implemented by the Catholic and Francophone boards.

Major Bargaining Issues/Trends

1. Who is responsible for supervision?

The English public elementary teachers' union have successfully reduced their preparation time to 80 minutes, either through negotiations with the board, through intervention by the Provincial Stability Commission, or through arbitration. Many boards have made up the gap by increasing the supervision responsibilities of educational assistants (non teachers who support teachers at primary grades or who work with special needs students.) This has militarized the ed assistants who are demanding additional hours. The three strikes in Ontario over the past year have been over increased hours for education assistants.

2. Strikes by Ed assistants and Human Rights Issues

Ontario's Human Rights Commissioner this year sent letters to boards - and held meetings with the ministry, trustee associations and unions - advising them that boards could not advise parents to keep special needs students at home during a strike by ed assistants while educational programs

continued for other students. Despite the fact that the ed assistants were on strike, the board must continue to provide them services. Moreover the union had a responsibility to ensure that the education of special needs students could continue.

Boards faced with strikes by ed assistants this year were able to develop and implement contingency plans which allowed the instruction of special needs students to continue; however, the responsibility given to the unions to not interfere with such contingency plans has in interesting implications which are just beginning to be explored.

Quebec

Background Information

In Quebec, the Management Negotiating Committee for English-language School Boards (CPNCA) is responsible for seven collective agreements covering approximately 14 000 employees.

All the collective agreements are in effect from December 15, 2005 until March 31, 2010.

Quebec has followed a three-level bargaining system since the 1970's.

Central Table	Provincial Sectorial Table	Local Tables
Salaries Pensions Regional Disparities Insurance Parental Rights	Working Conditions: - duties/responsibilities - class size/composition - organization of work	Arrangements/Adaptations of certain provincial sectorial issues to meet local needs

Teacher Bargaining

1) Settlement Summary

Average salary increase percentage for all public and parapublic employees:

Last school year 2%

Current school year 2%

Next school year 2%

2) Major Bargaining Issues, Trends or Events

With the end of the last round of provincial bargaining in Quebec, a number of historic, long-standing negotiating objectives were met at all tables (teachers, professionals and support staff).



Provincially, the government began negotiations with a fixed budget (\$3.65 billion dollars over 6 years) for all monetary items negotiated at the Central Table. The common front of unions was informed that that was the extent of the province's capacity to pay, excluding improvements to items negotiated at the provincial sectorial table. The government held firm, not exceeding its stated capacity to pay.

At the provincial sectorial teachers' table, major improvements were realized in special education and the ability to allow individual schools to adapt or create working conditions suited to the needs of the students served.

As for the provincial sectorial professionals' table, a second consecutive status quo agreement remained in place. While in itself discouraging, this act reaffirmed the position taken by the CPNCA that nothing would be ceded to any union without receiving something in return.

The provincial sectorial support staff table was able to limit the movement of personnel (bumping) in the event of excess in all cases, preserving the integrity of established school teams. In addition, the restrictive 50-km clause was opened up in the case of school or centre closings.

Preparations have already begun with regard to the teachers' working conditions. Over the next few months as the negotiating teams are set up and mandates are sought, the following issues will figure in the mix:

-  Greater emphasis on evaluation standards and performance objectives
-  Introduction of *premium and variable* pay entitlements

- Globalization of teacher workload

Other

1) Labour Activity

Not applicable

2) Major Changes (i.e. changes to legislation)

Law 142 was passed on December 15, 2005. The purpose of the legislation was to bring closure to the last round of negotiations. Contrary to popular belief, the legislation imposed salary increases, loser pays arbitration system and inherent costs, parental rights and the term of the agreement only. All other aspects of the agreements were negotiated.

In March and April of 2007, salary equity payments were made to unionized workers of the public and parapublic sectors.

Newfoundland, and Labrador

Background Information:

Number of collective agreements and who is covered by each

Two Teacher Contracts

One provincial agreement covers most teachers in the province with the exception of 105 teachers in Western Labrador. The Lab West agreement evolved as a result of additional funding provided by the mining companies to school boards in the area. The Newfoundland and Labrador Teachers Association (NLTA) negotiates on behalf of all teachers in the province.

Provincial Collective Agreement 5,340 teachers 5 school boards

Labrador West Collective Agreement 105 teachers 1 school board

One Student Assistant Contract

There is one province-wide agreement for student assistants. Student assistants provide support to students who have physical or cognitive challenges to a level which requires the student to have assistance to get maximum benefit from the learning experience.

There are 580 student assistants in the province and the Newfoundland and Labrador Association of Public and Private Employees (NAPE) negotiates on their behalf.

Three Support Staff Contracts

NAPE Master, CUPE Master, and CUPE 1560

The Newfoundland and Labrador Association of Public and Private Employees is the sole representative of Support Staff for three of the five school boards in the province. The other two boards have support staff represented by CUPE and NAPE. The situations with two unions representing support staff resulted from the amalgamation of boards with different unions. One of the boards has support staff under each of the three contacts.

Effective dates of collective agreements

NLTA Provincial Agreement

Term: 48 Months

Effective Date: September 1, 2004

Expiry Date: August 31, 2008

NLTA Labrador West Agreement

Term: 30 Months

Effective Date: March 9, 2006

Expiry Date: August 31, 2008

NAPE Student Assistants Agreement

Term: 47 Months

Expiry Date: March 31, 2008

Effective Date: May 4, 2004

NAPE Master

Term: 47 Months

Effective Date: May 4, 2004

Expiry Date: March 31, 2008

Type of Bargaining Structure: Each agreement is bargained provincially

Teacher Bargaining:

1) Settlement Summary

a) Percentage Salary Increase:

Last School Year; 2005-2006:	0	%
Current School Year; 2006-2007:	3	%
Next School Year; 2007-2008:	3	%

b) Number (and %) of Boards Settled:

Last School Year:	5	100%
Current School Year:	5	100%
Next School Year:	5	100%

2) Major Bargaining Issues, Trends, or Events

On March 9, 2006 the province and the Newfoundland and Labrador Teachers' Association (NLTA) signed a Memorandum of Agreement which dealt with five issues; 1) Unfunded pension liability, 2) Salary Increases, 3) Sick Leave, 4) Group Insurance, and 5) Duration. The Memorandum also provided for negotiations to continue on those items not addressed. Negotiations carried on until the provincial budget was announced in March 2006. The budget provided 151 teaching positions that would otherwise have been removed through the application of the current allocation formula. It also provided funds for a study of teacher allocation and the method used to determine support for special needs students. The NLTA requested a hiatus from negotiations until the above noted studies were finalized to permit the Association time to review the impact of the additional teacher allocation on workload. The results of these two studies are pending. Negotiations have yet to resume.

The key issue for the NLTA has been workload/work-life improvements. They have been attempting to get language on defined class sizes, the entrenchment of preparation time, and no requirement for pre-school, lunch time or after-school supervision. None of these items have any provisions in the current collective agreement. They are also looking for the expansion of paid leave benefits and removal of the employer's discretion to grant such leaves.

There is a 10 month notice to bargain provision in the Provincial and Labrador West Collective Agreements which means the NLTA could request for renewal of the collective agreements to commence in November 2007.

PEI

Background Information:

1) Three Collective Agreements:

- ⌚ PEITF — Teachers
- ⌚ CUPE, Locals 1145, 1770 and 1775 — General Support Staff, including board office administrative, transportation, building maintenance, etc.
- ⌚ CUPE, Local 3260 — Education Assistants and Youth Service Workers

2) PEITF — Current contract expires June 30, 2007 but three year renewal already ratified (July 1, 2007 to June 30, 2010)

CUPE Support — July 1, 2005 to June 30, 2008

CUPE Education Assistants — Expires June 30, 2007 with bargaining to commence in the fall of 2007

3) All three contracts are provincial agreements. Interest Arbitration as a substitute for right to strike and lockout. School Boards bargaining collectively through a statutory entity known as the Education Negotiating Agency

Teacher Bargaining:

1) Settlement Summary

a) Average % Salary Increase:

Last School Year: 2% + additional step of 3.7% in April/06
Current School Year: 2% + additional step of 3.7% in April/07
Next School Year: 2.5% + drop bottom step from grid
b) 100% Boards Settled (Provincial Bargaining)

2) PEITF Major Bargaining Issues, Trends, or Events

Class Composition — PEITF actually commended government and school boards in their efforts over the past few years to address class size through pupil teacher ratio; however, the new mantra is class composition, with teachers saying they would prefer 30 so called "normal students" to a class of 20, with 6-8 students on Individual Education Plans or modified or adapted programs. The new deal included the introduction of \$200K per annum (0.2% of salary budget) class composition fund, similar to the model now in place in New Brunswick.

Storm Days - Major issue in this round of bargaining. Whether teachers can be obligated to attend school for team meetings, PD, etc on days when schools are

unexpectedly closed to students. This was the last issue on the table and remained outstanding even after monetary issues resolved. Issue resolved in favor of the Teacher's Federation at the 11th hour, literally 1 hour before the call of a provincial election.

Group Insurance – PEITF controls and operates the teacher's group insurance plan through a non-arms length trust. Major issue over School Boards and active teacher's paying too much for insurance, with surpluses being used to subsidize the cost of benefits for retired teachers. School Boards have no contractual commitment to retiree benefits. This issue remains unresolved; however, discussions are ongoing at this time. If no mutually satisfactory resolution found, we anticipate the matter proceeding to a rights arbitration when the School Boards refuse to pay 50% of the proposed insurance rates at renewal. Instead, the Boards will remit 50% of the actual cost to provide benefits.

NEW BRUNSWICK

Background Information:

1) **New Brunswick Teachers' Federation (NBTF)** - In New Brunswick there is one collective agreement which applies to all teachers in the Province.

CUPE 2745 – There is one agreement covering Teacher's Assistants, School Secretaries, Clerical Support Staff, School Intervention Workers, Library Assistants, and Student/Bus Attendants in the schools and district offices.

CUPE 1253 – There is one agreement covering Bus Drivers, Custodians, and Maintenance Repairworkers, Power Engineers, School Plant Superintendents, Storekeepers, Truck Drivers, Gardeners, Driver Mechanics and Building Maintenance Forepersons working in the school districts.

2) The length and term of the agreements have been negotiated as follows:

NBTF:

Term: Effective date: Expiry date:

48 months

March 1, 2006 February 28, 2008

3) Each of these agreements is bargained provincially.

Teacher Bargaining:

NBTF Settlement Summary Average

% Salary Increase:

Current School Year: Sept. 2006 to Aug. 2007 = 4.00% Next School
Year: Sept. 2007 to Aug. 2008 = 2.00%

Major Bargaining Issues, Trends, or Events:

The current collective agreement with the NBTF expires in February 2008. The parties will be returning to the negotiation table in January 2008.

The major issues we anticipate will be discussed at the table are replacement of absent teachers, hours of instruction, class size, classroom composition, wages, professional development and distance education.

4 Major changes (i.e. changes to legislation)

New Brunswick will release a new educational plan in the coming weeks. We hope to be able to share the details at conference in July 2007.

5 Labour Board decisions / Arbitration decisions with implications for other jurisdictions

Decision rendered by the Labour and Employment Board concerning the replacement of absent teachers, with a focus on the replacement of Resource Teachers and Literacy Mentors.

Nova Scotia

Background Information:

- 1) Number of collective agreements and who is covered by each (Please see attached table)**

Teachers have one provincial agreement between the Minister of Education and the Nova Scotia Teachers' union and 8 local agreements between the School Boards and the Nova Scotia Teachers' Union.

There are 17 support staff locals in Nova Scotia each with a collective agreement.

- 2) Effective Dates of collective agreements and the years covered (Please see attached table)**

Teachers – August 1, 2006 – July 31, 2005

Support Staff – various terms out to March 31, 2009. The majority have expired as of April 1, 2007.

- 3) Type of Bargaining Structure:** For teachers there is a 2-tier bargaining structure. Non-teachers are bargained locally by the 8 School Boards.

Teacher Bargaining:

- 1) Settlement Summary**

(Wages are negotiated at the provincial table under the Teachers' Provincial Agreement. Staffing and leave provisions are negotiated under the local agreements with each of the 8 school boards.)

a) Average % Salary Increase:

Last school year 2.9% (2005-2006)

Current School year 2.9% (2006-2007)

Next school Year 2.9% (2007-2008)

b) Number (and %) of Boards Settled:

Last School Year:	1/8
Current School Year:	6/8
Next School Year:	2/8

2) Major Bargaining Issues, Trends, or Events

Class Size and Composition Marking
and Prep

Teacher Workload

Insurance/Benefits

Other:

1) Labour Activity

None

2) Major changes (I.e. changes to legislation)

Workplace Violence

Workplace Violence regulations have been implemented under the Occupational Health and Safety Act. All school boards must complete workplace violence assessments by October, 2007 and Workplace Violence Prevention Plans must be in place by April 2008.

Mandatory Retirement

The government of Nova Scotia passed a new piece of legislation which amends the Nova Scotia Human Rights Act which effective eliminates any statutory protection for mandatory retirement in Nova Scotia. The Legislation is to take effect upon proclamation which is not to occur before July 2009. Each of the school boards in Nova Scotia have had mandatory retirement at age 65.

YUKON

Background Information:

- 1) Number of collective agreements and who is covered by each

Yukon has one master contract covering all teachers, education assistants, remedial tutors and aboriginal language teachers. Bargaining agent is Yukon Teachers' Association.

School support staff (secretaries, custodial staff, educational consultants and other support staff) are covered by an agreement with the Public Service Alliance of Canada.

- 2) Effective Dates of collective agreements (Sept — Aug, July — June, etc) and the years covered

July 01, 2006 — June 30, 2009. 3) Type

of **Bargaining Structure**

Two bargaining units as indicated above, the educational agreement pursuant to the Yukon Education Staff Relations Act for employees appointed under the Yukon Education Act, and the school support agreement pursuant to the Public Service Staff Relations Act for employees appointed under the Public Service Act.

Teacher Bargaining:

1) Settlement Summary

- a) Average % Salary Increase:

1.8% July 1, 2006 1.2%
March 01, 2007 1.8% July 1,
2007 1.2% March 01, 2008
1.8% July 1, 2008 1.2%
March 01, 2009¹ I N

- b) Number (and %) of Boards Settled:

Last School Year: 100 %
Current School Year: 100 %

2) Major Bargaining Issues, Trends, or Events

K/4 class size (may become an issue)

Religious observance (may become an issue) Substitute teachers (representation, conditions of employment)

Other:

1) Labour Activity

None.

(
2) Major changes (I.e. changes to legislation)

None.

3) Labour Board decisions / Arbitration decisions with implications for other jurisdictions

No grievances to adjudication.