

Task Force on  
TTOC Work in BC —  
Report to the Executive  
Committee

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December 10, 2009

The BCTF Executive Committee established the Task Force on TTOC Work in BC in response to the passage of Resolution 204 at the 2009 BCTF AGM.

Resolution 204 states, “That the BCTF investigate:

1. the challenges, benefits, and reasons for retired teachers returning to work as TTOCs.
2. the impact on employment of non-retired TTOCs.
3. TTOC callout systems in BC that successfully address these issues with a report back to the 2010 AGM.”

The task force, which was established at the April 2-4, 2009 meeting of the Executive Committee, established the following as the terms of reference:

- a. That a Task Force on TTOC Work in BC be formed to undertake the investigation called for by the AGM decision “That the BCTF investigate:
  1. The challenges, benefits, and reasons for retired teachers returning to work as a TTOC,
  2. The impact on employment of non-retired TTOCs, and
  3. TTOC callout systems in BC that successfully address these issues,with a report back to the 2010 AGM,” and that the task force report to the December 2009 meeting of the Executive Committee.
- b. That the task force consist of five members: two members of the TTOC Advisory Committee, a retired teacher doing TTOC work, a local president, and a member of the Executive Committee.
- c. That the task force be allocated three two-day meetings to complete its work. (The meeting dates were September 13/14, October 30/31, and November 29/30.)
- d. That the posting for this task force proceed forthwith so that appointments can be made at the May EC meeting.

The task force members appointed by the Executive Committee were Wendy Turner (chairperson), Local President, Cranbrook District Teachers’ Association, Avi Gupta, Teachers Teaching on Call Advisory Committee (TTOCAC), Christina McDermott (TTOCAC), Brenda Stewart (retired TTOC–Nanaimo), and Robert Tarswell (Executive Committee). The staff person assigned to support the task force was Kelly Shields.

After consultation with Susan Lambert, 1st Vice President, and Jim Iker, 2nd Vice President, the task force chose to take a “broad” perspective regarding #3 of the terms of reference. The task force broadened #3 to include “proposed successful callout models and/or ideal models of callout.”

The task force called for submissions from the BCTF membership using the BCTF website, the October 2009 edition of the Teacher newsmagazine, the listservs for both presidents and local representatives, the TTOCAC listserv, Staff Alert, and the Fall 2009 zone meetings. Further, the chairperson and vice-chairperson of the TTOCAC, after the Fall zone meeting, collated feedback from the zones and presented it to the task force.

The task force received 113 submissions. These included submissions from retired teachers working as TTOCs, TTOCs, contract teachers, local officers, the Teacher-Librarians Provincial Specialist Association, and the BCTF Pensions Committee.

At the Fall 2009 zone meetings, the TTOCAC members facilitated a group discussion involving local presidents, TTOC contacts, and bargaining chairs on callout systems (preferential, rotational, and seniority). Further, the participants discussed obstacles to seniority callout and strategies for how locals could work towards seniority callout. This session's responses were charted, collected, and collated by the chairperson (Alex Peters) and vice-chairperson (Sue Heuman) of the TTOCAC. Alex and Sue then presented the collected responses regarding callout systems to the task force at its meeting of October 31, 2009.

### **End of mandatory retirement**

The BC government amended the Human Rights Code via Bill 31 (The Mandatory Retirement Elimination Act) in order to eliminate mandatory retirement by January 1, 2008. The Human Rights code previously permitted employers to have compulsory retirement policy at age 65. This brought the Human Rights Code into compliance with the Canadian Charter of Rights. The provincial legislation made local collective agreement clauses requiring mandatory retirement null and void as of January 1, 2008. The legislation eliminated discrimination based on a worker's age.

This legislation has allowed retired teachers to return to teach regardless of age, and to pursue post-retirement employment opportunities for as long as they wish. This legislation has had an impact on TTOC callout lists.

### **Callout provisions in public education jurisdictions across Canada**

The task force requested Carmela Allevato and Robyn Trask, both BCTF staff lawyers, to review education sectors across Canada regarding callout of so-called "casual employees." The lawyers reported that, generally, in the public education sector across the nation, there is no callout of teachers based on seniority. Teacher/board collective agreements, generally, don't contain callout provisions for TTOCs. Some jurisdictions may have seniority callout policy.

### **WLC/Bargaining Advisory Committee (WLC/BAC)**

The task force referred the following motion to WLC/BAC: "That the WLC/BAC be requested to investigate the issue of TTOC seniority as to whether seniority for TTOCs should be calculated from date of hire or days/part days worked."

The WLC/BAC debated the issue and ultimately made no decision. They were hopeful that the final report of the task force would formulate a recommendation.

## Pensions

During the Fall of 2009, the Income Security Division administrative staff visited locals throughout the province, participating in pension consultation work. There were 7,000 participants in these consultations. The majority of members who participated in the consultation meetings were either retired teachers, or teachers close to retirement. There was minimal participation by younger members.

The task force requested Rob Taylor, Assistant Director, Income Security to identify member attendance figures for two seminars offered by the Federation regarding pensions and retirement.

We were advised that *Your Pension, Your Future* as of November 30, 2009 had been offered in 25 locals with 537 attendees. *Thinking about Retiring* seminars have taken place 34 times, with 2,432 attendees. The numbers indicate that pension and retirement issues are significant for our members, especially veteran teachers. Many of our newer members have not attended *Your Pension, Your Future* workshops and appear to have misunderstandings as to what a pension is. Several submissions to the task force expressed members' disapproval of "double dipping." A direct quote from a TTOC was, "I believe that they are (retired teachers) dipping into the system."

Members need to be better informed regarding pensions. A pension is money that a teacher has earned during his/her career which is essentially deferred salary until the teacher chooses to retire. Choosing to TTOC after retiring is not "double dipping" but is supplementing an inadequate income by taking on a second job which, as teachers, they have been trained to do. This reflects what is currently happening in employment sectors across Canada.

A submission from a contract teacher posed this question, "Why are retired teachers allowed to work as TTOCs and even to hold full-time positions?" The submission further commented, "These people have chosen to retire collecting their pension, their salary, and are not paying into the pension. At the same time, they are preventing young, qualified applicants from getting onto TTOC lists which is their major pathway to getting future positions. These young people are ready to enter the profession, to get established and they would be paying into the pension. We should be doing everything possible to help them. My colleagues and I know of several retired teachers in this situation and think it is very unfair to the younger teachers and will surely cause future pension problems. Why is it allowed to happen?"

To begin with, refusing to allow someone to work on the basis of age would be a violation of the BC Human Rights Act. Retirees returning to work are a current trend in many occupations across Canada. (Canadian Association of the Practical Study of Law in Education, John Staples, Canadian Teachers' Federation, Montreal, May 2007)

Retirees return to work for any number of reasons. Many teachers do not retire on a full pension and need to teach in order to supplement their income. A number of these retirees are women who had shorter teaching service and smaller pensions. Some teachers return because of changes to their financial situation that they did not anticipate, such as a family medical crisis, or assisting children or elderly parents. The global economy with losses to investments that were planned for retirement has also impacted on retirees' decisions to work.

As to working and not paying into the pension, one cannot receive a pension and contribute at the same time to the pension as it is a violation of the Canadian Income Tax Act.

The BC Teachers' Pension Board of Trustees has evaluated the cost of retirees working and not contributing to the pension. To quote Rob Taylor, BCTF Income Security Division staff, "The effect of retired teachers on the pensions of non-retired teachers is negligible." This is not currently a significant factor in the plan; however, the Pension Board is continuing to monitor this.

The BCTF Pensions Committee discussed at length, at its October 3, 2009 meeting, the issue of retired teachers returning to the teaching work force as TTOCs. The Pensions Committee subsequently made a submission to this task force. The committee clearly articulated that the Teachers' Pension Plan (TPP) cannot concern itself with the labour relations aspect of retired teachers returning to classrooms. The trustees of the TPP are concerned only with the effect on the plan. Their submission states, "Whether or not school districts choose to hire retirees is a decision that rests with the employer. The Income Tax Act does not allow any recipient of a pension to make contributions to that pension, so the issue of requiring retired teachers not making contributions is moot. It would be a breach of legislation to do that."

The Pensions Committee stated in their submission that "It is a mistake to assume that all teachers retire on a full pension. In fact, of over 1,700 who retired in 2008, only 79 had a full pension totalling 70% of their pre-retirement, highest-average salary. Moreover, the "average pension granted in the last calendar year was to a 60-year old teacher with 25 years of pensionable service. That pension would be equal to 50% of their highest-average salary. The reasons for retired teachers returning to work are too varied to make comment, as each individual situation is different."

### **Challenges, benefits and reasons for retired teachers returning to work as TTOCs**

Provincial legislation has removed mandatory retirement based on age. With this removal of mandatory retirement at age 65, pension plan failures, and an aging yet healthy population living longer, many sectors are seeing the return of retirees to the workplace.

### **Challenges**

Retired teachers working as TTOCs face many of the same challenges that all TTOCs face. The first common hurdle is being hired as a TTOC and the second is getting called to work. Retired teachers, additionally, are faced with a role change. No longer can they expect that their hours and place of work are guaranteed. Their status is now no longer that of a contract teacher and any privileges that go with such a designation are gone. Influence on school decision making and school culture is gone. The certainty of a monthly paycheque is gone.

Janet Steffenhagen, the Vancouver Sun newspaper columnist has an education blog. One of the blog threads deals with retired teachers returning as TTOCs. Bloggers accuse retired TTOCs of taking jobs from non-retired TTOCs. This perspective is supported by submissions from members in districts with preferential callout and/or where there are excessive numbers of TTOCs. This is not an issue in districts with TTOC shortages and /or where everyone is satisfied

with the amount of work they are getting. It should be noted that in some locals in the province the issue of callout and retired teachers returning to teach is a non-issue. Indeed, some locals state that they are happy to have a warm body in a classroom when a classroom teacher is absent, as there are no certificated TTOCs in the local. Further, some locals rely on retired teachers to cover absences.

With regard to retired contract teachers applying for and accepting offers to go on a TTOC list, we have to be mindful that these individuals are also workers that have every right to work and like everyone else have a variety of reasons why they are choosing to work.

### **Benefits**

Retired teachers bring a wealth of knowledge and experience to the classroom when they work as a TTOC. They bring the skills, abilities, and strategies they learned and developed throughout their careers. One retired TTOC in her submission stated,

*“I have often been able to share strategies and materials with other younger teachers, including student teachers and, in fact, I have made up a packet of educationally sound materials that can be used by TTOCs and have had the opportunity to pass it on to a number of student teachers and TTOCs with whom I have worked since retiring.”*

Often retired TTOCs have skills and expertise in areas that districts require but are difficult to fill. Examples are band, music, special education, French Immersion, home economics, industrial education, and teacher librarians.

Teachers who retire from contract positions create vacancies for other teachers to fill. In a time of declining enrolment, and lacking post and fill language for TTOCs, it is not a given that these positions are filled by TTOCs.

Many rural districts rely on retired teachers in order to have TTOCs to ensure that absent teachers are replaced by a qualified and/or certified teacher.

### **Reasons**

The reasons for retired teachers becoming TTOCs are varied. Submissions from retired teachers indicate that the extra income is needed. Reasons for income required beyond that of the pension received, include:

- 1) A teacher had to retire early for both medical and personal reasons, so his pension was reduced. TTOCing helps him earn the extra income to pay his medical, dental, extended health premiums, and support his family. The member also volunteered that his children still live at home.
- 2) A teacher, who retired in July 2005, had stayed home for 10 years to raise her two sons and was obliged to share a portion of her pension with her ex-husband. Her pension was based on 24 years of teaching service. Knowing indexing of the pension and medical, dental and EHB were not guaranteed, she could only afford to retire because she could supplement her income with money earned TTOCing.

- 3) A retired teacher who had returned as a TTOC submitted that the extra income was required to pay a mortgage, strata fees, living expenses, and medical/dental premiums.
- 4) “I had only 17 years pensionable service the year I turned 60, in 2007. My pension is not enough to live on, and support my spouse.”
- 5) “My husband suddenly and unexpectedly passed away last year, drastically changing my financial/emotional status.”

Teacher burnout was another theme expressed by retired teachers as a reason for TTOCing. In one submission the teacher stated, “I was totally overwhelmed by the long hours of planning and preparation, evaluation and reporting, monitoring behavioural and social problems, and countless meetings”. She noted that when she retired at the age of 59 with only twenty-five years of pensionable service she had been involved for over 40 consecutive years in education.

### **Impact of retired teachers working as TTOCs on the employment of non-retired TTOCs**

(Please note that all quotes and examples are taken from submissions to the Task Force on TTOC work in BC.)

#### **Salary/days worked**

The main problem is the size of the TTOC list in many districts. . For example:

- Sooke has 301 TTOCs for 445 FTE.
- Gulf Islands has 60 TTOCs for 87 FTE.
- Victoria has 405 TTOCs for 1038 FTE.
- Central Okanagan has 391 TTOCs for 1125 FTE.
- From Creston: *“I was surprised to learn that in Creston 2 years ago there were 18 TTOCs but now there are 42!”*
- *“If there are too many substitutes on a list, is it not up to the employer to limit the number hired so as not to create unrealistic expectations.”*

If the size of the list were such that all TTOCs could work an average of three days a week they would not be living below the poverty line. This would, even at a daily rate, lead to a salary of over \$20,000 and about 108 days worked which would be enough to qualify for Employment Insurance. If there were enough work for all TTOCs there would not be a problem.

There are also fewer and fewer contract jobs available and more and more new teachers are becoming certified. There are also a number of teachers still on recall who are now on TTOC lists.

*“Teacher shortage is not going to happen. In fact, it looks more like a job shortage, as schools close, class sizes become larger and programs like drama and band are being cut from the budget”*

In some districts there are not enough certified TTOCs, and non-certified people are needed to cover absences by contract teachers. In these districts, teachers would welcome any retired teacher who wanted to become a TTOC.

*“I am so pleased; I actually have a qualified teacher in for me today – the first time this year!”* (late October)

In some districts *“if boards were to eliminate all retired teachers from the TTOC list there would be many days when there would not be enough TTOCs.”*

Hiring by districts should be transparent and fair. Retired teachers should not be preferentially hired on to the TTOC list.

All contract teachers have equally important positions and as such should be replaced from day one of their absence – *“one way in which we may address the issue of TTOC underemployment.”*

If seniority callout were in place newly retired teachers hired onto TTOC lists would be at the bottom of the callout list.

### **Effect of the Ready recommendation**

The Ready recommendation in 2005 ruled that TTOCs would receive ‘on scale’ pay, retroactive to day one, on the fourth day of continuous work. This may have had the effect of enticing more contract teachers to retire and apply for TTOC work. This has two potential implications: creating a vacancy for other members and impacting the size of the district TTOC list.

*“In the last two years I have seen a sudden and dramatic decrease in the number of callouts”*

### **Emotional (assumptions/incorrect information)**

Many non-retired TTOCs believe that retired teachers are comfortably off. This is not a true reflection of individual circumstances.

*“I do not own a house, I receive a pension of only \$908 per month after a divorce, and my plans for life after I retired changed drastically.”*

*“I heard of a retired teacher that went to Italy. I also heard of a non-retired teacher who went to France. Hiring should not be based on travel experience but on expertise.”*

### **TTOC callout systems in BC**

There are 3 models of TTOC callout systems that we examined: Preferential, Rotational, and Seniority. The preferential callout system is widely used in BC while different forms of rotational are used in some locals in BC. The seniority-based callout system [BCTF AGM Policy 49.19 (a)] is currently not used by any district in BC.

### **Preferential callout**

The preferential callout system has contract teachers requesting or calling TTOCs. This puts contract teachers in the position of employing, evaluating and deciding which of their TTOC colleagues should be called upon to work. This often results in select TTOCs getting more work.



Those TTOCs who end up getting more work are the ones who have already established relationships with the school staff. This compels TTOCs who do not have such connections to advertise themselves through whatever means possible to get work. This unequal and non-transparent distribution of work leads to resentment, mistrust, frustration, and competition among TTOC members. BCTF AGM policy 49.19 (b) clearly advocates elimination of preferential callout from all districts.

### **Rotational callout**

Rotational callout involves calling through the available list of TTOCs before a TTOC gets called again. Depending upon the size of the list and qualifications, this may reduce the number of days worked by a TTOC (especially the 4<sup>th</sup> day). Many districts overhire TTOCs which leads to a scarcity of work for all. Contract teachers have raised the issue of continuity within the classroom with this type of callout system. Rotational callout systems, though more transparent than preferential, disregard the number of years of service contributed by TTOCs to the district. In a seniority based callout system the TTOC with the most district seniority is called first. Less senior TTOCs will receive fewer calls until they move up the list by gaining more seniority.

### **Thank you**

The task force would like to thank Carmela Allevato, Diana Broome, David Denyer, Joanne Enquist, Richard Hoover, Ritchie Kendrick, Margaret White, Kelly Shields, Rob Taylor, TTOCAC (Sue Heuman and Alex Peters), local presidents, Marion Shukin and other support staff for their expertise and work on this report.

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TTOC TASK FORCE REPORT to December EC

# Appendices

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- Resolution 204
- Call for submissions
- TTOC callout systems
- Chart on TTOC callout systems
- 2006-2010 Province Collective Agreement between Health Employers Association of BC and Nurses' Bargaining Association

Excerpt from the Annual General Meeting Minutes—March 14–17, 2009

**Resolution 204 now reads:**

That the BCTF investigate:

1. the challenges, benefits, and reasons for retired teachers returning to work as TTOC
2. the impact on employment of non-retired TTOC
3. TTOC callout systems in BC that successfully address these issues with a report back to the 2010 AGM.