

LC bargaining allowed but not guaranteed

Learning conditions contracts are legal, but depend upon good will of boards

As the teacher campaign for collective bargaining rights gains momentum, so the likelihood of improved learning conditions increases. In fact, a number of learning conditions clauses might become joint policy or even contracts this year, and certainly more than a few will be established as unilateral school board policies.

With more than a decade of experience, learning conditions contracts have been far from perfect but have worked fairly well in Burnaby, Coquitlam, Vancouver and West Vancouver.

A rather frail memorandum of understanding exists in North Vancouver but two early contracts — in Powell River

and Surrey — have been unilaterally terminated by the two school boards.

Therein lies the basic problem: these legal and binding contracts exist at the will of both parties; they are not legislatively sanctioned. They may be best compared to a one-year mortgage, which either party has the option, but not the obligation, to renew. Moreover, neither party is obliged to negotiate and sign the agreement in the first place.

This view is sustained by at least two legal decisions. The first involved a dispute over whether the article in the Vancouver contract governing maternity leave was invalid as a result of an appar-

ently conflicting section of the Maternity Protection Act. The verdict of Mr. Justice Anderson in May, 1975, was that "... the parties entered into a reasonable agreement whereby 'maternity leave' was stated to extend over a minimum stipulated period of time, while at the same time provision was made for maximum periods of 'maternity leave' in excess of the periods provided for in the act. This reasonable agreement cannot be construed as an invalid 'contracting out' of the legislation."

BCTF lawyer Des Grady noted the significance of the decision, pointing out

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Pension protest picks up speed

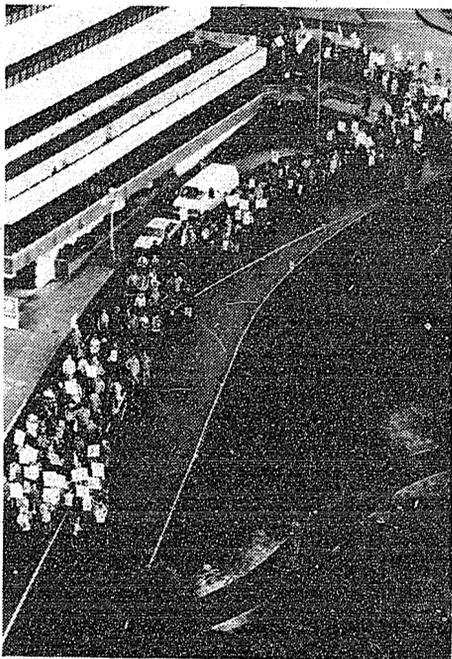
The BCTF's pensions campaign continues to gather momentum.

On December 4, the largest crowd of teachers so far in the campaign protested the pension changes at the opening of the legislative session in Victoria. On December 11, another large rally is slated for Vancouver, and a smaller one in Kitimat.

In between those was a rally on December 8, when 1,000 Okanagan-area teachers gathered for a rally in Kelowna.

All these actions have a common goal: to bring pressure upon the provincial government to repeal the sections of Bill 29 that limit the indexing of teachers' pensions to a level below inflation. Formerly, teachers' pensions were tied to the inflation rate, thus protecting the income of retired teachers.

Throughout the actions of the last few weeks, Provincial Secretary Evan Wolfe remained obstinate, refusing to reconsider his government's decision. However, Education Minister Brian Smith



Left, teachers march through downtown Victoria on their way to the legislative building. Right, Blakey listens while Wolfe talks to crowd in front of legislature.



provided some reason for optimism for teachers, by promising repeatedly to present their views to his cabinet colleagues.

Meanwhile, opposition leader Dave Barrett promised that, if his New Democratic Party is elected, "that law will be taken away and you will have the right to bargain gains freely..."

The Victoria rally, which drew more

than 3,000 teachers, came together just a few days before the opening of the legislature. Surrey teachers, after their successful demonstration in Langley on November 19, voted to follow that up by demonstrating in front of the legislature on the opening day of the current session. Burnaby teachers voted to leave their classes as well that day, and join them.

Meanwhile, Nanaimo, Port Alberni/

Ucluelet-Tofino, Campbell River and Lake Cowichan, all Vancouver Island locals, also voted to take advantage of the opening of the legislature to make themselves heard. Victoria teachers voted to take that afternoon off and join their colleagues.

The Gulf Islands, Saanich, Vancouver

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Forums are history; now it's time to act

Education Minister Brian Smith has finished his province-wide series of education forums. Now's the time to begin a deeper, more searching examination of the causes of the problems Smith has been hearing about, as a prelude to correcting them.

That was the gist of a challenge BCTF President Al Blakey threw to the minister at the final forum in Vancouver December 1.

Teachers, students and their parents are trapped in an archaic school system that needs a major overhaul, Blakey told the minister. "We're still trying to make a 19th-century system equip our young people for life in the 21st century."

What teachers, students and the general public want, Blakey said, is a "future-oriented public school system that will enable teachers to make their fullest professional contribution and that will give students an education that genuinely meets their needs."

Teachers have been calling for an

open-ended examination of the school system, one that involves the public as well as those directly involved, since 1976, he pointed out. If the new minister is willing to undertake one, as a step towards major revision of the School Act and regulations, he will have the full support and co-operation of the profession.

Blakey's remarks got the best reception

of any at the Vancouver forum. Smith's response was diplomatically non-committal, but at least he indicated an interest in continuing his education.

"I certainly don't intend to retreat to my musty office in Victoria," he said. "Where it's happening is out here and in the classroom, and that's where the minister should be going all the time... He should be talking to teachers and to parents..."

Smith has done a lot of talking, and a lot more listening, in his two-month tour. He visited 62 schools, took part in 19

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Brian Smith listens patiently to the last of hundreds of briefs presented during his two-month tour of the province.

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Letters

English Placement Test: ERIBC's point of view

I am writing in response to the Chalk Talk by Larry Kuehn, entitled "Guinea Pigs and the English Placement Test", which appeared in the November 26 Newsletter. The pejorative tone of the article suggests much more than does its content.

The primary purpose of the English Placement Test project is to assist in the placement of students in appropriate English courses at

universities and colleges. The ancillary purpose is to conduct research in the area of English usage. Research has been done by ERIBC on such test-related issues as the predictive validity of the EPT score in relation to first-year university grades in English.

On one occasion, research has also been conducted by a researcher external to ERIBC. In this instance the researcher contacted ERIBC previous

to a test administration and was directed to contact the ministry to secure permission for the use of EPT papers. The researcher contacted the ministry and subsequently obtained written authorization that was conditional on the understanding that no individual students would be identified, nor would the information be released for public use. Upon receipt of this authorization from the ministry, ERIBC released the papers which in this case were not destroyed.

The confidential nature of the EPT papers is a concern of ERIBC. We and the ministry have taken steps to insure

that the confidentiality of the student is protected. I am sure that the ethics and professionalism of university researchers complement these efforts.

The EPT project itself is aimed at affecting the welfare of pupils in a positive manner. The test provides information to students and teachers to enable them to make more effective course selection decisions. Through investigations into various aspects of English usage, improved understanding will lead to more effective instruction.

John Anderson
Head, Testing Service,
Educational Research Institute of B.C.

Puetz's views on Resolution 113

Siegfried Puetz's letter in the October 9 BCTF Newsletter left me disheartened about the poor attitude and weak reasoning of a self-proclaimed educator.

I was proud that the Kamloops District Teachers' Association had the fortitude and principle to twice present the Anti-Discrimination Resolution 113, which the Representative Assembly approved in June. It would be regrettable if Mr. Puetz's attacks on it went unanswered, although I don't expect to change his basic attitude.

The BCTF already had as policy the Goal 14.01 (7): "To strive to eliminate from the school system discrimination on the basis of sex, race, religion..." Resolution 113 simply added "sexual orientation" to the list of nine specific categories. Was "discrimination" such a difficult concept to understand before? The concept of reducing discrimination has not been changed by this resolution, only expanded in scope.

Mr. Puetz asks for an explanation of the "jargon" in Resolution 113. If any jargon is to be found, it must be all those words over two syllables. Here are some explanatory notes:

(a) **eliminate** — to take out, to remove.

(b) **discrimination** — different treatment to different persons or groups.

(c) **sexual** — pertaining to biological gender.

(d) **orientation** — direction, affinity. Resolution 113 was terribly clear, notwithstanding Mr. Puetz's failure to comprehend. When the policy mentions "religion," does it have to specify "Jewish, Lutheran, Baptist, Catholic, Moslem, etc?"

For those who are genuinely unaware of what "sexual orientation" means, it refers to heterosexuality, homosexuality, asexuality (yes, Santa Claus, there really are virgins!), or bisexuality. That's not a complicated or esoteric concept.

"Discrimination" is a broad term but it can be understood to mean any differential dealing with people in employment, housing and public services. Obviously, very few people are discriminated against as heterosexuals, so Resolution 113 was aimed mainly at the situation of homosexuals.

It is not just the lot of the teacher that is in question here. The status of women committees have sought to make us aware of sex-role stereotyping and to help us chip away at it. Other groups have tackled racial discrimination. These efforts have aimed at changing the perceptions and attitudes of students, parents, teachers, administrators and society at large.

Let's improve attitudes now, so that future citizens (including teachers) will be more free of arbitrary bias based on personal background or lifestyle. Although I'm male, caucasian and Protestant, I do not wish to return to the era when those three factors were unnatural aids to social and occupational success. Do you?

Despite Mr. Puetz's abominable comments about "sexually sick" teachers, and his homophobic support by one obviously biased individual, his arguments about teachers as sexual role-models are not convincing. Are homosexual teachers really more likely to be effective role-models than heterosexuals?

I suppose that the "sexually sick" teachers Mr. Puetz worries about are the possible few engaged in illegal acts. The justice system works assiduously in prosecuting sexual crimes; and any teacher convicted of a severe criminal offence would be hard-pressed to keep his or her job.

Mr. Puetz refers to future quotas for "sexual deviants." Where does he see quotas in hiring policies concerning racial, ethnic or religious minorities? Come now, Mr. Puetz, paranoia is unnecessary and unbecoming.

W. Stephen LeBel
Kamloops
This concludes the discussion of Resolution 113.
—Editor

Professional days and grievance sessions

Our first professional day this year was effectively given to grievances within our senior high school, with recommendations for improvement. For a staff of 10 teachers, the list was considerable, and before the morning session was over, the tally of recommendations was condensed, sound, and gave all assurance for alleviating our difficulties quickly. But there it stands.

A staff discussion followed, appraising the usefulness of professional day. Some teachers are opposed to it on grounds that it is a "waste of time." If we look only as far as the end of our noses for teacher progress in this area, they are probably right. But rest assured, brother, we have come a long way in the 28 years I have been in Richmond, and certainly, since I entered the profession 42 years ago, when "grievance sessions" by teachers were completely taboo.

Indeed, the end is not reached yet; hence our need to continue professional input even if our suggestions take forever to materialize. We have still to reach that point in social development where the producer will have a direct say in all the conditions affecting the quality and distribution of his product.

Aesthetically speaking, this means that educators, whether they are parents, board members, teachers, or students, will have in due course the controlling say over conditions of their work. The concept of employer talking down to employee will be forever in the past.

Along with others concerned in education, teachers will have their place to affect its process advantageously. Much as we have been able for years to teach socially, to assess our successes and weaknesses socially, so too there will come a time for us to control our facilities socially; and only then, will education carry on in full harmony. We are not ready yet; indeed, some of us still cringe at the very thought of "socialism."

However, in spite of these, I say again, our time is rapidly approaching. So, yes, let's continue our professional input. "So far" is better than no yardage at all; and our input as teachers is of vital importance. And, you know, judging from the committee I was with, I am sure teachers will handle their affairs very well when our time comes; even better than they are being handled now.

Ivor J. Mills
Richmond



Surrounded by empty coffee cups, Brian Smith allows himself a smile as he reaches the end of his final forum.

Smith promises changes

From page 1

student forums and 41 public or professional forums, and heard perhaps a thousand briefs and oral presentations.

He unwrapped the first fruits of his labors at a breakfast news conference in Vancouver the morning after the final forum. The promised changes:

- More power for principals to deal with intruders and "persons exhibiting disruptive behavior on school grounds." This would apply, he said, to a group such as the Daughters of the American Revolution as much as to Ku Klux Klan.

- Ministerial leadership to give teachers limited portability of their accumulated sick leave.

- More time to enable teachers to understand ministry directions on curriculum, assessment and special education. This means an additional Professional Day.

- Encouragement of parent consultative committees in all school districts.
- Extension of the enrichment program.
- More career preparation programs.
- Reform of the textbook distribution system to make sure books get delivered on time.
- Revision of the school facilities manual (the "blue book") to give local communities more discretion in construction of such facilities as libraries, gyms and special-ed accommodation.
- Revision of the government scholarship program to guarantee even the smallest school district at least one scholarship.

Smith's long-awaited statement on pensions indexing, a subject that came up at every professional forum, was brief. He noted that teachers' concern about indexing was obviously sincere and deeply rooted and he assured teachers that he would "convey those concerns directly to my cabinet colleagues and brief them on the strength of those feelings. I will do this without fail."

Letters

Retired teacher 'can't support protest'

As a retired teacher I have been invited by the local teachers' organization to support a demonstration to protest the actions of the provincial government on teachers' pensions. I am unable to give this support for a number of reasons.

The mood of teachers today is very different from that of those teachers of some nine years ago. Today's issue, exploited by a militant leadership, is magnified beyond reason, and the language of organized dissent is strident, almost to the point of hysteria. I cannot believe these noisy demonstrations reflect a genuinely

unselfish concern for the lot of retired colleagues. I can see, however, the heady excitement of the exercise of raw political power on the public stage, but dare to suggest that it is being used in the wrong issue.

No responsible government can continue to guarantee fully indexed pensions secure against the ravages of inflation. Public debt is widely recognized as a significant element in inflationary pressures, and indexed pensions without ceilings are directly contributory to such deficits. Despite the apparent inequity of treatment in this matter as compared with BCGEU

Substitute teachers in B.C. organize

The past year has seen considerable effort expended to improve the lot of substitute teachers in B.C.

Poorly paid and lacking any kind of job security, substitutes face a challenging existence. While some choose to substitute as a casual form of work which brings in extra dollars, many are doing it as a temporary measure to survive and eventually to acquire a full-time job. As a result, it has been difficult to establish a viable organization to advance the causes of substitutes.

Last year, under the leadership of Ken Schadt of Burnaby and Maxine Boag of Victoria, the Provincial Association of Substitute Teachers was formed. "We hope that improving the lot of substitute teachers will result in benefits to all teachers and students in B.C.," says Schadt, newly-elected president of PAST.

The School Act does not require that substitutes be members of the BCTF. But they can join, either as associate members for \$25 per year, or as voluntary active members, for 20 per cent of membership fee (which this year comes to \$42.80). Half of the voluntary active membership fee goes to local association to which the substitute belongs as an incentive for locals to assign higher priority to the needs of substitutes.

Voluntary active membership entitles holders to vote, hold office, and enjoy practically all privileges and services of federation membership. The only exceptions are certain economic benefits such as salary continuance, which can't be offered because of the casual nature of substitute's employment arrangements.

Associate membership privileges include the right to receive publications, exchange information, and participate in such ventures as the Teachers' Credit Union. Associate members cannot hold office or vote.

One of PAST's objectives is to achieve changes in the School Act so that membership in the BCTF is automatic for substitutes. The BCTF is also trying to bring about these changes; in the meantime, recruiting substitutes as voluntary active members is a priority in the BCTF's membership department.

Membership figures are difficult to maintain because substitutes switch from voluntary active to full active membership when they get a continuing appointment. Latest figures show that 463 teachers are voluntary active members of the BCTF, a 26 per cent increase since the same time last year.

An important victory for substitutes was the 1979 Supreme Court of B.C. ruling that enabled local associations to negotiate with their school boards for substitute pay rates. Justice Hugh Legge ruled that most substitute teachers in Greater Victoria, the district in question, were teachers as defined by the School Act and therefore came under the bargaining provisions of the act.

This year, the BCTF established as a provincial bargaining objective better pay rates for substitutes. A per diem rate of 1/250th of scale for each of the first three days on a given assignment, and 1/200th of scale for each day after that, is suggested.

Although only partial results are in, it appears that some success has been achieved. In preliminary reports from 34 of B.C.'s 79 districts, 11 show rate changes, 2 indicate a change from a dollar rate to a scale placement, and 6 achieved a reduction in the number of days a substitute must teach before being placed on scale.

—Ralph Sundby
Government division

Pension plan funding

As a retired teacher, I thank all active teachers who are supporting the present agitation to restore indexing of pensions. However, I should like to suggest some consideration of an alternative course of action which will for ever put an end to the unreal situation whereby the good money we paid into a funded pension scheme while we were working is returned with progressively emasculated money.

The idea of a funded pension is a myth that seemed to be borne out by fact during the 1920s and 1930s when

inflation was not encountered outside the banana republics. Today, however, the public is slowly learning that money has no substance — it is only a token — and that to commit one's future security to a pious hope that modern predatory government will not avail itself of the counterfeiter's art as a form of taxation is, to say the least, naive.

The present cannot live upon the past. The eggs laid by grandfather's chickens have been recycled through bodies and the earth many times. The milk we take with our breakfast cereal was being trucked from a farm only a couple of days ago. The salient truth is that present consumption depends upon present labor. The outworn economics

of Marx and Keynes that ascribe a dominant role to capital must be replaced by realistic thinking that recognizes the hegemony of labor and natural resources. According to this thinking, people who live on pensions are accepting a share of the current labor of the community around them, plus part of the natural resources consumed. The fruits of their past labor are gone for ever, although in their active days, a part went to support those who were receiving pensions at that time.

Realism today demands that the myth of pension funding be discarded. The "actuarially sound" funded pension scheme is as acceptable to sane thinking as the religion that resulted in Jonestown. The proper alternative is a scheme whereby present contributions pay for present benefits. Such a scheme accords with the demonstrated fact of economic life, that the past cannot pay for the present or the future. Such a scheme, being inflation-proof, does not demand frequent confrontation or aggressiveness in order to maintain the status quo. It is a scheme that should both interest the intelligentsia of the teaching profession and receive their support.

E. A. Bryan
Aldergrove

BCTF Newsletter

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Letters to the editor must be signed by and bear the address of the writer. The Newsletter may edit letters for brevity, clarity, legality or taste. Letters to the editor and signed articles contained herein reflect the views of the authors and do not necessarily express official policy of the BCTF. Unsigned articles are the responsibility of the editor.

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I have become aware, however, that at least some proponents of work action involving pensions are proposing that those of us who sponsor co-curricular activities withhold our services as a prelude to a general work-to-rule campaign. I have the uncomfortable feeling that my own colleagues are thereby reinforcing the view that athletic teams, bands, drama clubs, etc. are peripheral to the core concerns of the curriculum — indeed, that they are, as our president is indirectly quoted as describing them on page one of the November 20 Vancouver Sun, "non-curricular tasks."

I doubt that I am the only teacher in this situation who feels reluctance and resentment at being used in such a role. Apparently our services in these areas are not valuable enough for compensation by school boards or, for that matter, recognition as a bargaining concern of the BCTF, but at the same time this is the focus of attention to be exploited in order to achieve objectives in other areas. Am I the only one confused about these seemingly contradictory positions?

Brian Warner
Hope

DECEMBER 10, 1980/3

School taxes appear headed for increase

McGeer has gone. There can be no mistake about that. The deputy minister has changed, as has the name upon the minister's door. Gamble has signed the December 1 letter and his signature is good upon such ministerial epistles.

Pat McGeer has gone but his memory lingers on. Mind, I doubt that our predecessors who coined such a phrase perceive the double meaning when 'twas applied to this one individual. Yet such is the meaning as it resides within the expression.

He's gone, of course, and that must be clearly understood lest nothing shall come of this tale . . .

It is at this time of year, when Dickens's classic returns and among other things the annual ritual of setting next year's school board budgets enters Phase 2, that the portents of education finance may be examined.

The minister has complied with the statutory requirement, and has announced the basis for sharing the 1981 operating budgets. The firm of Curtis and Smith — or is it Smith and Curtis? — has apparently delivered a Christmas bonus to the homeowners of B.C.

Hugh Curtis, the Minister of Finance, has reduced the proportion of residential

market value deemed taxable for schools. Now, instead of 14.5 per cent, only 11 per cent of that value will be assessed for schools. Mind you, property values have escalated dramatically of late. It remains to be seen how much of this new value will be reflected onto the assessment rolls.

For example: A house with a market value of \$50,000 in 1980 had a taxable value of \$7,250 — 14.5 per cent of the market value. Let's say that house now has a market value of \$66,000. Only 11 per cent of that value is taxable, but that 11 per cent comes to \$7,260.

Brian Smith, the Minister of Education, has announced an estimate for the basic levy (the provincial education tax on property), which is collected at the district level as the local ante toward the "shared operating costs," also known as the basic education program (BEP). This year's levy is 41.2 mills (that is, \$41.20 in tax for every \$1,000 in taxable value), down a nickel per \$1,000 from last year's mill rate of 41.25.

School boards for their part have submitted provisional 1981 budgets to Victoria. Increases in expenditures average almost 16 per cent.

Here's what this all means: This year, B.C.'s total net operating budget for

education is \$1.077 billion; next year, it is estimated on the basis of the provisional budgets submitted by school boards last November 15, that figure will be \$1.250 billion.

The estimated basic education program — the part that is shareable with Victoria — comes to \$1.106 billion for 1981-82, compared to \$1.003 billion for the current year. Victoria proposes to pick up a 41.1 per cent share of the BEP in 1981-82, an improvement over the 39.7 per cent slice they are paying this year.

The estimated non-shareable chunk of school board budgets this year increase a whopping 91 per cent, from \$75.1 million this year, to \$143.6 million in 1981-82. As a result, the province's share of the total schools budget will slip, from this year's 37 per cent to 36.4 per cent next year.

So what happens to school taxes? They go up, it seems. The province pays its share of the BEP from general revenues, while the local school board pays its share through the basic mill rate. But school districts must pay the non-shareable portion of their budgets through an additional tax levy, which this year was 5.052 mills. Next year, based on the provisional budgets, it will be 9.1 mills.

The above-mentioned hypothetical

home, which cost \$50,000 last year and \$66,000 this year, will result in a gross school tax bill of \$396, minus \$380 for the homeowner's grant, for a total assessment of \$16. Last year, gross tax would have been \$366, more than offset by the homeowner's grant.

Local school boards must submit a further, "semifinal" version by February 15. This second version is never higher, and is sometimes lower, than the original. Based on the February 15 budgets, final cost sharing and tax impact are calculated, and finalization of budgets and school taxes occurs in the last 10 days of April.

If assessments are indeed significantly higher and the basic levy is not reduced further, and if there are no other adjustments to the residential tax base or the homeowners' grants, then Victoria's share of education costs would continue to decrease, as it has since 1975.

One might be reminded that with the visit of the Spirit of Christmas Present, Scrooge was partially reformed but felt beyond redemption. In our experience, the future — in which local associations go forward caroling, I mean, making budget presentations — could reveal a fully-repentant "Scrooge."

—Dennis Rankin

Learning Conditions division

Teacher bargaining rights

From page 1

that "... a working conditions agreement has been considered to be reasonable and enforceable even though its terms were not limited to salaries and bonuses as defined in the Public Schools Act."

The second case involved the Powell River learning conditions agreement which the school board obviously wished to terminate. The salary agreement, however, contained a clause providing for the contract to be continuing with an opening date of November 30 and "compulsory arbitration" of those issues not resolved by March 31, before a mutually acceptable arbitrator whose decision would be final.

Mr. Justice Munroe ruled that two of the issues in dispute, preparation time and leave of absence, were "issues over which an arbitrator would have no jurisdiction." Munroe did not, however, declare that the learning and working conditions contract was invalid. On the contrary, his brief judgment stated specifically: "I do not say that the respondent may not enter into a separate agreement with the applicants pertaining to matters other than teachers' salaries or bonuses." But in so doing, he noted, the board must "abide by the provisions of this act and the regulations" as provided by section 88(a) of the current School Act and "may not agree to arbitrate matters in breach of the provisions of the act."

The essence of the two rulings is that contracts are voluntary, limited in scope, binding during their life, and difficult to maintain when boards want them terminated, depending of course, on the processes for continuation and renewal. Clearly, because legislative sanction and process are absent, the contracts are tenuous, held together by a good-faith bargaining approach, a contract without effective resolution procedures, subject to the whims or composition of the school board.

The Burnaby salary agreement is a continuing contract with a reopening procedure following timelines established under the School Act. The Burnaby learning and working conditions contract, on the other hand, provides for a

six-month termination notice by either party, opening of specific provisions by mutual consent at any time, and a negotiation process that can only be described as weak. Notice of items for reopening must be made from February 15 to April 30 inclusive; within 20 days the parties "shall endeavor" to start negotiating to reach a mutually satisfactory agreement by May 31 unless the deadline is mutually extended. According to the contract, if things aren't working out, there is no provision for closure and the board may cancel out the whole deal on six months' notice.

This is not to suggest that good-faith bargaining does not exist in Burnaby but the reality of the situation is that the contract itself is virtually toothless. Local teachers, however, have shown considerable determination in their quest for improved conditions.

Both the minister of education and the president of the B.C. School Trustees Association have confirmed that learning and working conditions matters may be negotiated but neither has addressed the question of how this may be done effectively.

When BCTF First Vice-president Larry Kuehn told BCSTA President Gary Begin recently that most school boards won't negotiate learning and working conditions, Begin said there was "a new direction coming, and there is a new feeling among some trustees and they are prepared to sit down in the spring. I think you will see this coming spring that there will be dialogue going on throughout the province with teacher groups and boards."

That statement offers some reason for optimism but it falls far short of providing legislative assurances and procedures that will establish the right to bargain for all terms and conditions of employment, and a procedure for exercising that right.

Minister of Education Brian Smith was rather coy during his recent appearance on CKVU's Vancouver Show and ignored the topic of expanded scope of bargaining during his December 2 post-forum press conference. In his TV appearance, he noted that Burnaby had indeed negotiated issues other than salaries and bonuses and claimed that "other school districts are negotiating them. It can be done, if both parties agree. What you'd like me to say to the boards is 'Thou shalt.'"

The federation response through

Kuehn was that "We'd really rather that you changed the law so that it is clear to everyone."

What are the restrictions on what may be negotiated?

The B.C. School Trustees Association publishes a guide to the School Act which states that "a board cannot delegate any decision-making responsibilities which legally reside with the board. If the School Act directs the board to do something — set the budget, for example — the board alone is responsible. This is a very important legal principle when considering 'learning and working conditions' contracts between school boards and their employees: for example, an agreement to consult on a matter such as the pupil/teacher ratio (which seriously affects the budget) is legally in order, but an agreement on a fixed ratio is not, nor is an agreement that it will be determined by some body other than the board, such as a joint committee."

The federation will be putting forward alternative legislative models for membership consideration but the basic necessity is to change current legislation to make negotiation of learning and working conditions a right.

The general position of provincial politicians has been that they will not introduce legislation to make learning and working conditions negotiable until learning and working conditions contracts are general throughout the province. After a decade of attempting to establish agreements on a permissible basis, we're further away than we were in 1971. And as already indicated, what we do have is there because persuasion and pressure have convinced a few school boards to share their "divine right" to control learning and working conditions of teachers.

—George North

Learning Conditions division

Pension rally

From page 1

Elementary and West Vancouver sent delegations.

On the day of the rally, a snowstorm hit Campbell River, leaving teachers from that local stuck up-Island. But the participating Lower Mainland locals took over the B.C. Ferries vessels out of Tsawwassen, and began assembling at Victoria Memorial Arena at 9 a.m. There, they made up placards and waited for their colleagues until 1 p.m., when the teachers marched down Blanshard Street and onto the lawn of the legislature.

While Lieutenant-Governor Henry Bell-Irving reviewed the guard of honor, the teachers chanted slogans and waved their signs. When Premier Bill Bennett appeared at the top of the legislature steps to greet Bell-Irving, they broke into boos.

A few minutes later, Smith and Wolfe emerged and BCTF President Al Blakey gave them the microphone.

"We are just as much in favor as you are in having good pensions for teachers in British Columbia," Wolfe said. "But we must be responsible; we must be responsible. If indexing is your major concern, we're quite happy to talk about that but somebody has to pay for it, ladies and gentlemen . . ."

"We're quite happy to continue discussing the matter but we have to be responsible in terms of the funding of the pensions, in terms of the future security of that pension. I just want to say we're quite prepared to discuss the matter."

Wolfe's remarks were met with more boos. Smith got a better response when he repeated his promise, first made two days earlier at a Vancouver press conference, that "your message will be taken loudly and clearly to cabinet."

At this point, Barrett came out, and made his promise, to loud cheers.

The December 11 rally in Vancouver is expected to draw another crowd of 3,000 or more, with teachers from New Westminster, Coquitlam, Langley, Vancouver Elementary and Vancouver Secondary having voted to participate.

Meanwhile, Wolfe's office has received the first batch of "Christmas cards" from teachers. The cards have been distributed to all teachers, who were asked to send them to Wolfe to register their personal feelings on the pension issue. On December 8, about 100 cards arrived in Wolfe's mail.

—Ralph Maurer
Editorial Assistant

Vacancies

Fernie

(School District 1)

Elkford Elementary School in Fernie needs a full-time intermediate teacher. Appointment to be effective January 1. Ability to teach music is essential. Please forward applications to the District Superintendent, Box 160, Fernie V0B 1M0.