

BRITISH COLUMBIA
LABOUR RELATIONS BOARD

June 15, 2012

To Interested Parties

Dear Sirs/Mesdames:

Re: British Columbia Public School Employers' Association -and-
British Columbia Teachers' Federation
(Part 5 and Section 135 - Case No. 63467/12)

This is to advise the parties that I have decided to issue a bottom-line decision in this matter. If reasons are requested within five working days of the date of this letter, written reasons will be provided.

BCPSEA applied for a declaration that the Union has declared or authorized an unlawful strike through the passage of its April 20, 2012 revised Action Plan and the Union's directions or advice to its members concerning its implementation. BCPSEA further seeks an order that the Union refrain from declaring, authorizing or participating in an unlawful strike.

My bottom-line decision with respect to BCPSEA's application is as follows.

I find that the Union has not declared or authorized an unlawful strike by directing its members to refrain from participating in activities which occur outside of class time/instructional hours and are truly voluntary and extra-curricular. These include coaching, instructing or supervising student performances, sports teams, clubs or field trips, or attending graduation or awards ceremonies, where those activities are not related to a course or undertaken for marks.

I further find the Union has not declared or authorized an unlawful strike by directing its members to minimally participate in meetings with Administrative Officers.

However, I find that the Union has declared or authorized an unlawful strike by directing or authorizing its members to withdraw from activities which, although they occur outside of instructional hours, may nonetheless be part of their work duties. These include participating in School Based Team meetings, Individual Education Program meetings, parent-teacher interview meetings, district committee meetings, and BC Ministry of Education initiatives such as Ready Set Go and kindergarten orientation. The Union is directed to cease and desist from declaring or authorizing an unlawful strike in this manner.

The Union is to communicate this order to its members.

Yours truly,

LABOUR RELATIONS BOARD

"RITU MAHIL"

Ritu Mahil
Vice-Chair

RM/cr

Re: British Columbia Public School Employers'
Association
June 15, 2012
Page 2

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