

CUPE BC K-12 Presidents' Council
Report to Members

2013 Provincial Framework Agreement

Submitted on Behalf of Colin A. Pawson
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INTRODUCTION

On September 18, 2013 the Canadian Union of Public Employees reached a tentative Provincial Framework Agreement with the BC Public Schools Employers' Association (BCPSEA). The Framework Agreement was unanimously endorsed by the CUPE BC K-12 Provincial Bargaining Subcommittee and recommended to the Provincial Bargaining Committee and the CUPE BC K-12 Presidents' Council for endorsement. Both the Provincial Bargaining Committee and the Presidents' Council met in person the following day and voted to endorse the Agreement.

This document provides a run-down of the timeline for this round of bargaining and provides an examination of the political context, an overview of the bargaining process, and a point-by-point explanation of the tentative Provincial Framework Agreement.

CONTEXT

The tentative Provincial Framework Agreement achieved by the bargaining subcommittee came

after nearly a year of bargaining sessions marked by false starts. Bargaining began in November 2012, but talks broke off because the employer had clearly not received a mandate from the BC government to reach an agreement with your CUPE BC K-12 Presidents' Council bargaining subcommittee. The same can be said of the April 2013 bargaining session, just one month before the provincial election.

In early spring, local unions chose to strengthen their bargaining position by seeking strong strike mandates. By June 2013, the vast majority of locals were in a strike position and took limited job action to crystallize the strike mandate.

Premier Christy Clark's stunning reelection on May 14, 2013 had a profound effect on the course of provincial bargaining. CUPE K-12 members were the first workers to head to the bargaining table with the reelected Clark government.

Not only was the BC Liberal mandate renewed, but it also emboldened the Premier's campaign for a ten-year collective agreement with the BC Teachers' Federation in the name of "labour peace." The Clark government's

pending confrontation with teachers was in the background of most media discussion about CUPE's negotiations. During this time, the BCTF leadership was clear about supporting the right of CUPE education workers to a funded and negotiated settlement. The BCTF also pledged support for CUPE picket lines.

The government's impatience with the employers' bargaining agent and desire for control over bargaining prompted it to put the BC Public School Employers' Association (BCPSEA) under administration on August 12—essentially assuming direct control of bargaining without totally disbanding BCPSEA. Michael Marchbank was installed as the public administrator and Peter Cameron was appointed as chief negotiator. Immediately before bargaining resumed on September 9, BC Minister of Education Peter Fassbender made public comments that any settlement with CUPE education workers would have to be funded by local school districts, rather than the provincial government.

Under these circumstances, the initial September session of bargaining was very difficult. The government tabled offers with inadequate wage adjustments and deep cuts to sick leave benefits. Despite the hard-line bargaining tactics used by the employer, the CUPE bargaining subcommittee benefitted from the strong local strike mandates and unity among the subcommittee members (which included a representative from non-CUPE unions).

STRIKE AVERSION CAMPAIGN

Media Buy

A strike aversion campaign was launched in late August with the generous support of an allotment from CUPE National. The campaign included an extensive buy of advertising in radio, television, and print media across BC highlighting the important work of education workers keeping schools clean safe and inclusive.

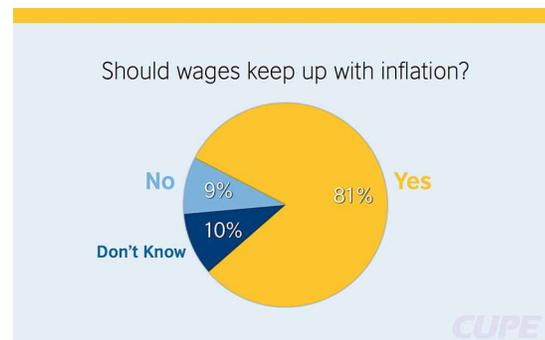
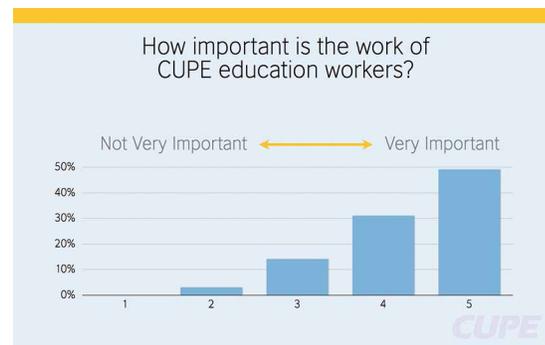
To listen to the radio advertisement, visit:
http://bcschools.cupe.ca/updir/bcschools/CUPE_EdWorkers_Whatdoyousee.mp3

To view the TV advertisement, visit:
<http://bcschools.cupe.ca/www/news/education-workers-tv-ad>

Opinion Polling

The strike aversion campaign also included detailed public opinion research. Conducted by the polling firm Ipsos, a survey was conducted online during August 30–September 4, 2013 with more than 800 British Columbians from across the province, accurate to within +/- 3.9%.

Results from the public opinion polling demonstrate two things. First, the survey shows that the vast majority of British Columbians (80%) believe the work that CUPE education workers do is “important” or “very important.” Second, an overwhelming majority (81%) of respondents said that wages should keep pace with inflation. Taken together, the results show that the BC government is out of step with the public and their desire to see valued public employees compensated fairly:



WHERE DID WE END UP?

The subcommittee ultimately reached a tentative Provincial Framework Agreement that enshrined a 3.5% end-rate wage increase and a pay-direct card for up-front drug costs (BlueNet and Blue RX card). CUPE locals with existing drug cards and/or PharmaCare formulary as part of their extended health plan retain their same coverage, subject to local negotiations.

The subcommittee also forced all sick leave cuts off of the table.

WHERE DO WE GO FROM HERE?

The September 18, 2013 Provincial Framework Agreement was reviewed and recommended by the CUPE BC K-12 Presidents' Council at its meeting on September 19, 2013. The Agreement forms the basis for local bargaining this fall, and bargaining will take place in each school district separately.

The local settlement together with the Provincial Framework Agreement (PFA) must be considered for ratification by the membership of each CUPE local before Friday, December 20, 2013.

PROVINCIAL FRAMEWORK AGREEMENT WITH EXPLANATORY COMMENTS

1. Term

July 1, 2012 to June 30, 2014

The term of the PFA and local collective agreements will be two years. The local collective agreements, once ratified, will run from July 1, 2012 to June 30, 2014. The provincial employer tried to get the bargaining committee to consider a longer term, but there was no obvious benefit for CUPE members so it was rejected. The two year term means that we will back at the bargaining table sooner than later, and we will be in sync with the broader public sector bargaining time frame.



2. Wage Increases

Wages will increase by 3.5%. Increases will be effective on the following dates:

- July 1, 2013 – 1.0%
- February 1, 2014 – 2.0%
- May 1, 2014 – 0.5%

In the last round of bargaining, CUPE members reluctantly endorsed agreements with no wage increases. But members were clear that this round had to be different. And it was. With a wage lift of 3.5% by the end of the term, CUPE members now have an agreement in place that keeps pace with inflation and sits in the middle of other public sector agreements negotiated with the BC government.

The lack of new provincial funding for the financial settlement will create concerns for local Board of Education employers. CUPE continues to press for full funding for the settlement and a review of the public education funding formula. Boards of Education have been instructed by government to create “savings plans” to “pay” for the settlement. Your Provincial Bargaining Subcommittee made suggestions for potential savings in the public school system. CUPE will continue to advocate for these savings with local school boards.

Under government’s cooperative gains approach, government has stated that employers must not reduce service levels to the public in order to fund compensation increases and they must not transfer the costs of existing services to the public to pay for compensation increases. Recently, we understand that the Ministry and Boards are starting to discuss the idea of core and non-core services in public education. CUPE rejects this approach. Our members provide vital services that keep students learning and Boards running. Our work is not an option or a frill.

3. The Support Staff Education and Adjustment Committee (SSEAC)

The Parties agree to renew their commitment to the Support Staff Education and Adjustment Committee (SSEAC). The Parties remain committed to the exploration of the following:

- a. a focus on best practices to integrate skill development for support staff employees with district goals and student needs
- b. a study of the potential for regionalization of wages
- c. an exploration of the potential for a standardized extended health and dental benefit plan
- d. recommendations to address issues associated with hours of work and service delivery
- e. a review of practices in districts having modified school calendars and the resulting impact on support staff
- f. skills enhancement for support staff





Since 2007, the Support Staff Education & Adjustment Committee (SSEAC) has given CUPE a provincial voice for CUPE Education worker issues. This joint committee has provided skills enhancement funds, labour market adjustments and worked to ensure that both provincial labour relations matters can be discussed and resolved. The provincial parties are CUPE, non-CUPE support staff unions and the BC Public School Employers' Association (BCPSEA). CUPE representatives are selected by our Provincial Bargaining Committee.

This round, as in the last one, CUPE and the provincial employer agreed that certain matters should be the subject of discussion at SSEAC. The issues include:

- *professional development and skills enhancement*
- *wage regionalization, including appropriate classification groups, appropriate regions, and costs*
- *opportunities for sector-wide benefit improvements and economies of scale through a provincial extended health and dental plan*
- *hours of work and dealing with the negative effects of modified school calendars.*

4. Recognition & Respect for Education Assistants

- a. The Parties agree to establish a Committee charged with the responsibility of investigating and making recommendations regarding possibilities for the creation of whole Education Assistant jobs, and for the deployment of Education Assistant staff in accordance with recognized best practices.
- b. The Parties agree the Committee will engage with the Ministry of Education around the implementation of a system of recognized credentials and qualifications to regulate the employment of Education Assistants.
- c. The Parties agree the Committee will convene its initial meeting within six weeks of the ratification of support staff collective agreements.
- d. The Parties agree the Committee will be resourced with a fixed budget drawn from SSEAC funds to accomplish its work.
- e. The Parties agree that the Committee will complete its work in time to report back to

the Parties for the next round of support staff bargaining.

Items previously agreed to (see attached):

- Agreed Understanding of the term Education Assistant
- Letter to the Ministry of Education requesting term Education Assistant be made applicable to legislation and regulations.

CUPE continues to advocate on behalf of our 12,500 EA members. We seek full-time work for the majority of EAs. We know that EA members need more time to do the work they love, improved access to training and upgrading opportunities and provincial standards in terms of credentials and qualifications.

We advanced the idea of whole jobs: both in terms of full-time hours and more consultation and collaboration time. We know that part-time hours for full-time work just doesn't cut it in today's classroom. Some Boards get this. Most don't. The employer has agreed to sit down with us and figure this out.

The Ministry, Boards and CUPE will start work on a long overdue initiative around EA qualifications. CUPE education leaders placed this front and centre on the bargaining table to ensure the conversation gets started, and to ensure CUPE EA members are part of any discussion around these important issues.

Upgrading the outdated term "Teacher Assistant" to "Education Assistant" both in collective agreements and the School Act is long overdue. It is a small step but necessary as we continue to highlight the work EAs do everyday.

5. Illness and Injury Leave, Costs and Replacement Policies

Eligibility for sick leave or indemnity payments requires participation in the Joint Early Intervention Service (JEIS) according to the JEIS policies of the PEBT.

The provincial and local parties agree to investigate the use and cost of sick leave and Board staff replacement policies with a view to recommending best practices to the parties and the PEBT.

Your subcommittee knew that drastic changes to accrued sick leave plans and retirement benefits would not be supported by CUPE members. We worked hard and convinced the employer to drop this major concession. We did agree that all members would benefit from participation in the successful Joint Early Intervention Service (JEIS), even if they are not transitioning to Long Term Disability.

Participation in JEIS will now be required to access sick leave or indemnity payments. Adjudication of sick leave or indemnity payments continues according to the process in your collective agreement. JEIS does not adjudicate sick leave or indemnity, but if you do not participate, you will not be able to access sick leave or indemnity payments..

As the employer had raised concerns about the use and cost of sick leave, we made sure to broaden the discussion to include staff replacement policies used by Boards. Many times, replacement policies do not provide anything other than workload pressures for



workers who remain on the job. We have agreed to sit down with employers to review this and other issues related to sick leave and staff replacement policies and determine best practices.

6. Drug Plan

- a. The prescription drug provisions of the PEBT extended health plans will be amended, subject to paragraph (b), to provide coverage in accordance with the BlueRX Formulary and implementation of the BlueNet pay direct card.
- b. Bargaining units with existing drug card coverage and/or those using the PharmaCare formulary are not covered by (a). The provincial parties urge the local parties to seek ways, through local negotiations, to move towards this new provincial standard.

As part of the PFA, CUPE members in most locals will receive a BlueNet drug coverage card. The

BlueNet card means that you will not have to submit receipts to Pacific Blue Cross. You simply pay your portion to the pharmacy, and Blue Cross takes care of the rest. CUPE members have asked for this coverage for many rounds of bargaining.

We were able to work with the employer to deliver the drug card by adjusting the drug formulary coverage in your extended health plan. All extended health plans have a drug formulary: a listing or database of drugs that are covered by the plan. To add the drug card with no change to the deductible or other cost to you, we agreed to implement the Pacific Blue Cross BlueRX formulary. This formulary includes a number of changes that will be fully explained in a separate information package. The plan includes a number of factors which reduce pharmaceutical costs based on:

- *Generic substitution (widely in use in hospitals and our current plan)*
- *Lowest-cost treatment alternative*





- *Limits on dispensing fees and drug mark-up based on BC averages*

The plan includes the use of certification by your doctor for certain medications or treatments through a Pharmacare Special Authority or Pacific Blue Cross prior approval form.

Your subcommittee considered a lot of information about this plan and the experience of the BCTF, its locals and its members as we made the decision to add the BlueNET card and change the formulary coverage. Considering our members' average wage and the necessity of drug coverage, we determined that the advantage of the card—with no change to the plan deductible—was worth it.

The BCTF did report that, early on, a number of their members' issues were resolved by Blue Cross. Concerns have dwindled and now the plan is on track. The Presidents' Council leadership and staff are already meeting with Pacific Blue Cross to ensure that our transition goes smoothly and that CUPE members get the support they need during the transition.

7. Letter of Understanding

The parties agree to amend and renew the December 14, 2011 Letter of Understanding, including:

Dedicated Funding

Dedicated funding in the amount \$100,000 to facilitate the next round of provincial bargaining.

Public Education Benefits Trust (PEBT)

The Parties agree to include the Settlers Statement on Accepted Policy and Practices of the PEBT as contained in the 2011 Letter of Understanding as an attachment to their local collective agreements.

Demographic, Classification and Wage Information

The undertakings with respect to providing information contained in the 2011 Letter of Understanding are renewed.

Item 7 covers off funding for the next round of provincial bargaining, PEBT policies and Demographics, Classification and Wage Information. Members may notice that the provincial bargaining contribution from government is \$100,000 for the next round compared to the \$200,000 that appears in the 2011 settlement. The 2011 amount was split between the employer and CUPE. The 2013 PFA amount is solely for CUPE costs.

8. Enabling Shared Services

The Parties and representatives of the Ministry of Education will examine and discuss any impediments arising from, and the options to facilitate, the introduction of shared services.

As in the last round, the employer continues to press for collective agreement changes that would override contracting out and seniority provisions to enable shared services. This round, CUPE and the employer agreed that further discussion was needed to better understand government intentions with respect to shared services initiatives.

CONCLUSION

With the CUPE BC K-12 Presidents' Council vote to endorse the Tentative Provincial

Framework Agreement, members in CUPE's 57 K-12 Locals will soon have the opportunity to ratify their respective agreements in each School District. Many School Districts have publicly stated that savings can be found to support the 3.5% wage adjustment bargained at the provincial table under the BC Government's Cooperative Gains mandate. The deadline for ratification is December 20th, 2013

CUPE continues to call for increased support from the BC Government to fully fund public education in the province. Looking to the future, CUPE education workers are invited to attend a conference hosted by CUPE BC beginning on November 27th, 2013. The conference The Future of Public Education: Telling Our Story, will engage members in a broad discussion on how to continue working towards a quality, accessible public education system in BC. To find out how to attend this important conference, visit CUPE BC's website at www.cupe.bc.ca for more information.

In solidarity,



Colin Pawson
Chair, CUPE BC K-12 Presidents' Council

