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**TEACHER COLLECTIVE BARGAINING IN B.C.  
PERSPECTIVES ON THE VANCOUVER SCHOOL DISTRICT**

by

David William Eberwein  
B.Sc., University of Calgary, 1986  
B.Ed., University of Calgary, 1988

THESIS SUBMITTED IN PARTIAL FULFILMENT OF  
THE REQUIREMENTS FOR THE DEGREE OF  
MASTER OF ARTS

in the Faculty  
of  
Education

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SIMON FRASER UNIVERSITY  
July 1995

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**Teacher Collective Bargaining in B.C.**

**Perspectives on the Vancouver School District**

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## **Abstract**

This thesis explores collective bargaining between teachers and school boards in B.C. by using Vancouver as an example of how local collective bargaining has failed. To achieve this understanding three content areas are presented. First, a history of teacher collective bargaining within B.C. is discussed. Second, a case study of the Vancouver Teachers' Federation strike of 1993 is analyzed with emphasis being placed on the perceptions of persons who are knowledgeable in collective bargaining or who participated in the actual bargaining process in Vancouver. And third, this thesis discusses the possibility of including a more collaborative bargaining approach within the recently mandated system of provincial bargaining.

A qualitative case study of the VTF strike in 1993 was selected to probe perceptions into collective bargaining. Nine audio-taped interviews were conducted along a semi-structured format including: one British Columbia Teachers' Federation respondent; two Ministry of Education respondents; and six Vancouver School Board respondents. The Vancouver Teachers' Federation chose not to participate in this study.

The findings reveal that local collective bargaining has both advantages and disadvantages. Advantages include the ability to address local issues when bargaining, promoting a better understanding between negotiating parties, and allowing greater local support for issues. Many more disadvantages were noted including the adversarial bargaining relationship, the relationship between student gains versus teacher gains during bargaining, the expense of the process, inadequate

and uncertain provincial funding, mistrust between negotiating parties, and the whip-sawing effect.

This study has shown that the system of local collective bargaining is in need of repair. The current system has, through several rounds of negotiations, shown that the groups involved in bargaining do not trust each other or the process in which they find themselves. Changing the level of negotiations from a district level to a provincial level does not, in itself, provide for better collective bargaining. The provincial government, in conjunction with teachers and school boards, needs to also consider improving the bargaining relationship between the negotiating parties.

## **Acknowledgements**

I want to extend a thank-you to several people and organizations for their support. I wish to thank the BCTF and the BCSTA for making available to me the many documents needed to complete this thesis. To Derek Passaglia I offer my thanks for his advice and use of his tape recorder. To both Dr. Michael Manley-Casimir and Dr. Bob Rogow, members of my committee, thank-you for all of your direction and advice throughout the duration of this thesis. To my parents, Art and Ann Eberwein, thank you for always believing in me and encouraging me onwards. And finally, to my wife and best friend, Patti, I owe you the most for your continual love, support, guidance, help and tolerance throughout my entire Masters program but especially my thesis. I could not have done this without you. I love you very much.



## **Dedication**

This thesis is dedicated to my son, Zachary, whose giggles and hugs have brought enormous joy and new inspiration into my life.

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## **Chapter 1**

### **Background and Statement of the Problem**

#### **Introduction**

Collective bargaining between teachers and school boards exists today as a result of the passages of Bills 19 and 20 during the spring of 1987 in the British Columbia legislature. This legislation expanded teachers' bargaining rights, while at the same time giving school boards new found autonomy in setting district policy. Teachers have seized this opportunity to bargain for better working and learning conditions in their classrooms. Many school boards, having their ability to assess local taxes removed by the legislation, claim they are unable to afford these changes. As a result several school districts have experienced labour unrest resulting in work to rule campaigns, lock-outs, and strikes through the first two rounds of negotiations.

This latest round of bargaining created unrest in several areas of the province, of which Vancouver is one. When their previous contract expired on June 30, 1992, the Vancouver Teachers' Federation and the Vancouver School District became embroiled in a bargaining impasse that resulted in teachers striking for over three weeks in May and June 1993 until the Labour Minister, the Right Honourable Moe Sihota, and the B.C. Government legislated them back to work imposing upon both sides a binding settlement to end their dispute.

Presently, all 75 school districts (including Vancouver) negotiate separate

teacher contracts through a system of collective bargaining. The B.C. government has, however, introduced new legislation that would end this system of local bargaining, replacing it with a provincial model.

Teacher collective bargaining had its beginnings in an industrial model of labour / management negotiations and has often been described as an "antagonistic" approach to settling contracts where accusations, mistrust, and withdrawal of services are seen as some of the methods through which solutions to contract impasses are resolved. Bargaining within an environment of open hostility and accusations cannot be the best way of solving the educational problems we face today. I believe there is a better way to accomplish the goals of teachers, school boards and the provincial government. Alternative models to collective bargaining exist with some school districts in the United States using a more collaborative process of negotiations involving committees of teachers and administrators working together to solve the problems of fiscal management and educational priorities. This alternative system of negotiations has proven effective in reducing hostility, mistrust and work stoppages opening up a new, more cooperative relationship between teachers and their employers.

This thesis presents a synopsis of the problems of the current model of localized collective bargaining and offer ideas for the future which may lead to a less antagonistic and collaborative system of negotiations.

## **Statement of the Problem**

The purpose of this thesis is to examine collective bargaining between teachers and school boards in B.C. using the Vancouver district's teacher strike in 1993 as a focal point in the discussion. This case study approach presents the issues in the 1993 Vancouver dispute illustrating the limitations of the present collective bargaining process. This broad aim contains three more specific purposes.

First, a history of collective bargaining in B.C. is conducted to better understand how the present system of collective bargaining came into being. I have traced the evolution of collective bargaining from its pre-Confederation roots, through its early formation in the labour movement of the twentieth century, to its present day form. Provincial legislation and commission reports are reviewed including Bill 19 (Teaching Profession Act, 1987), Bill 20 (Industrial Relations reform Act, 1987), Bill 31 (The Educational Programs Continuation Act, 1993), the Korbin Commission Report on Government Services (1993), and Bill 52 (The Public Education Labour Relations Act, 1994).

A second purpose of this thesis was to present a case study of the 1993 bargaining impasse between the Vancouver Teachers' Federation and the Vancouver School District. The analysis focused on analyzing the perceptions of negotiators and other knowledgeable observers on collective bargaining in a district localized bargaining structure. At issue were the perceived restrictions, or limitations, that curtail progress towards a satisfactory conclusion for both parties. This case study demonstrates how collective bargaining under the present model failed in this



instance.

A third purpose of this thesis was to discuss the possibility of including a more collaborative and cooperative bargaining approach within the mandated system of provincial bargaining. Specifically, it is hypothesized that aspects of some collaborative models of negotiations may have some merit in terms of their possible applications to B.C. Recommendations are suggested proposing changes that should be considered as the province moves towards provincial bargaining.

### **Method of the Investigation**

To study the Vancouver district's current contract impasse between the teachers and the school board a series of interviews were conducted. These included representatives from the British Columbia Teachers' Federation (BCTF), the Vancouver School Board (VSB), and the Ministry of Education. An analysis was done concerning interviewee perceptions on collective bargaining at the local level, and their thoughts on more collaborative models within a provincial bargaining structure.

The Vancouver School Board granted formal approval for this research on October 12, 1994. However, the VTF declined to participate. After several telephone conversations and written correspondence with both union presidents, the Vancouver Elementary School Teachers' Association (VESTA) and the Vancouver Secondary Teachers' Association (VSTA) executives declined to participate in this study. After subsequently meeting with the VSTA executive on December 1 to further explain the goals and merits of this research, the VTF again declined to participate. It was decided

upon by both myself and my senior supervisor, that the study should proceed, unfortunately without the VTF perspectives being heard. The immediate result of the VTF rejection was to limit the data gathered on the teachers' perspectives. This, however, in itself does not make the other interviews any less important in helping to understand the collective bargaining process.

An extensive literature review addresses the history of collective bargaining in B.C. and any recent legislation that shapes the actual structure of the collective bargaining process. This sets the background for an analysis of current local bargaining and casts a historical perspective on the merits and possibilities of a more collaborative approach to teacher bargaining in B.C.

### **Limitations**

Several limitations in this study need to be noted. Firstly, my role will be one of interviewer, researcher, and analyst. I acknowledge that being a teacher myself, with ambitions of going into administration, introduces the possibility of my biases and beliefs affecting the study. It is my opinion that the present system of collective bargaining is counterproductive to achieving educational reform. As it appears to me, the current system of negotiations inadvertently finds itself alienating the teaching profession from the public who see the disruptions of services as only hurting the students, not providing the students with a better level of education. I believe that a better model of negotiations is possible between teachers and school boards. I limited the effects of my perspective by analyzing the interview transcripts as objectively as

possible with any editorializing on its contents restricted to Chapter Five. I remained open to the belief that the present model of negotiations may be the most appropriate for the existing conditions in B.C. and that no other system would have major advantages over what currently is in place.

Secondly, by presenting a single case study of the Vancouver School District the thesis is limited to one particular dispute within the province and does not reflect the experience of all seventy-five school districts. However, the thesis uses this one case study as a starting point to examine the possibility of incorporating aspects of collaboration and cooperation into the B.C. system of negotiations.

And thirdly, an obvious limitation of the study is the refusal of the VTF to participate in the interview process. Although the data collected are now missing a substantial component it is still felt that much can be gained from a confidential interviewing process. Organizations that did participate included the VSB, the BCTF, and past members of the Ministry of Education. Thus, although the researcher regrets the lack of participation by the VTF, there still exists a broad selection of viewpoints from which to draw conclusions.

## **Organization of the Thesis**

The thesis consists of five chapters. Chapter One presents the scope and depth of the thesis. This chapter outlines an analysis of the current impasse in the Vancouver school system, offers a brief summary of the history of collective bargaining in B.C. and gives examples of other, more collaborative models of teacher-school board negotiations. A statement of limitations and an overview of the chapter organization in the thesis is also discussed.

Chapter Two presents a literature review of collective bargaining within B.C. from its beginnings in B.C. before Confederation leading up to its present status within the province. An examination of the political culture of British Columbia helps the reader to place an appropriate perspective on collective bargaining in the province.

Chapter Three describes the method of the investigation. It outlines the rationale used in deciding upon a qualitative, case study approach to the Vancouver teachers' dispute, the methods used in collecting the relevant literature, how the data was collected including the interviewee selection criteria and the scope of the interviews, how the researcher attempted to secure VTF participation, and finally how the data were analyzed.

Chapter Four presents an analysis of the interviews conducted drawing upon how the various perspectives from those interviewed show that trust and understanding are lacking between the parties involved. Interview subjects were questioned on their perspectives of local bargaining and the VTF strike of 1993. The data are presented showing what inherent problems currently plague the collective

bargaining system and what strengths any future system should try to retain.

Chapter Five examines several issues. First, it explores what significance this thesis presents to the understanding of collective bargaining. Second, it suggests directions that future research may take from the results presented here. Third, the issue of collaboration in bargaining is explored with comments from the interview subjects on the possibility of its place in provincial bargaining. Finally, this researcher presents a final commentary on collective bargaining in B.C.--where it has been, where it currently is, and what possible future directions it should try to take.

**Chapter 2**  
**Review of Related Literature**  
**on**  
**Teacher Collective Bargaining in B.C.**  
**1867 - 1994**

**Introduction**

This chapter presents a historical review of the bargaining relationship between teachers and school boards in the province of British Columbia. It has three distinct, yet related, purposes. First, it presents collective bargaining between teachers and school boards from a chronological perspective by exploring how the current system of negotiations was modelled, in part, from the trade union movement of the early twentieth century.

Second, this chapter explains the current legislation and structures that shape how present day negotiations between teachers and school boards are performed. Legislation from 1987 to the present is explained. Included within this is the recently released Korbin Commission report on the public sector, with its implications on present and future legislation affecting teachers and school boards.

Third, this chapter discusses the notion of future change to the collective bargaining process between teachers and their employers including the recent government move to provincial bargaining. Several authors are quoted, including Judi Korbin, as to the steps necessary when proposing changes and having them

successfully implemented. Relationships between the parties seem to be the most important of all the criteria when attempting to change the bargaining structure or process. It is found to be critical to ensure that all parties are consulted if they are to be affected by the proposed changes.

Collective bargaining has been a right of the teaching profession for many decades in B.C.. Up until 1988, teachers were only been able to bargain for their salaries and benefits. After 1988, they enjoyed full collective bargaining rights, being able to negotiate a much larger range of items that included working and learning conditions, in addition to their salaries and benefits. In one form or another the collective bargaining process appears to be a part of the education system likely to be around in the future.

Collective bargaining has sustained numerous blows to its credibility with strikes and lock-outs two of the many problems cited by the education system itself as well as the public at large. The process of collective bargaining has been described as adversarial in nature (Tyler-Wood, Smith, and Barker, 1990), often impeding progress towards a better education system. By reviewing the history of collective bargaining a better understanding of the current system of negotiations is possible. Only by understanding the past is one able to place a correct perspective on the present, and thereby formulate realistic options for the future.

## History of Teacher Unions and Collective Bargaining in B.C.

### Birth of Teacher Unionism: Industrial and Craft Models

Teacher unionism was patterned largely after collective bargaining in the industrial sector of the economy where unions played a reactive role to the decisions of management. In the early years of bargaining, teacher unions played essentially the same reactive role as their industrial counterparts, insisting that it was management's job to set policy and manage; the union's job was to negotiate and then police protections against abuses of that authority (Bacharach and Shedd, 1988). It was this early model of collective bargaining which gave central school district administrators their authority and power. It helped them to control subordinate managers and teachers as well as insulated them from "controlling" school boards by claiming a need to present a "unified front" in the face of increasing union pressure (Bacharach and Shedd, 1988).

Trade unionism, developing in the early parts of the twentieth century, had as one of its aims to negotiate and then police protections against abuses of authority by management. Management's control over discipline concerned itself primarily with worker loyalty and obedience to directives. Contracts between unionized employees and their employers contained language specifying obedience and the procedures, such as dismissal, that would result from any insubordination. Employee grievance procedures were established so that the workers had some way of informing both their unions and top management of any problems existing in the shops. The key to labour-management peace was the union's promise not to call any strikes, or other work



stoppages, during the length of the contract. Workers would voluntarily accept directions from their supervisors and, in return, certain benefits and guarantees were written into their collective agreements. These benefits were the price management had to pay to secure worker loyalty and obedience.

School districts similarly developed along a centralized model. By centralizing control a bureaucratic structure develops in which a specifically established structure emerges to achieve explicit goals and carry out administrative assignments (Hoy and Miskel, 1991, p. 411). In other words, an unequal distribution of power and authority will emerge within the school system. Structural characteristics such as rules and regulations, and a well defined division of labour are consciously designed to effectively attain these goals. The bureaucracy employs the use of authority through these means to achieve rational decision making and maximize the efficiency of the school district. Teacher unions originally developed to protect the interests of teachers within this hierarchy (Bacharach and Shedd, 1988).

This developing labour-management relationship helped to establish the principle that management had the right to manage its workers. In essence, teacher unions began their history along the same lines as trade unions found in factories (Bacharach and Shedd, 1988).

Teachers soon became frustrated with the "reactive" approach that industrial unions typically followed, however, and began to demand a more active role in the debate over how school systems should be managed (Bacharach and Shedd, 1988). A more pro-active, participative and professional model of unionism was desired, more similar to what was known as craft unionism. Craft unionism was based on principles

different from the industrial model. Where industrial unions conceded control over hiring, training, immediate supervision and the work process itself to management, craft unions did not. Craft unions were based on the principles that the union, itself, was responsible for member training and certification, immediate supervisors were members of the union, and that the union would control the work process through its unilateral specification of work rules. The industrial model of unionism and negotiations did not seem to make much sense to teachers.

Teachers were viewing themselves in two different, and conflicting roles. In one role they were expected to carry out the directives of management, yet at other times, they were expected to become independent professionals making educational decisions within their classrooms. Teachers began to see the need for significant input into the decisions affecting their work. Yet, hemmed in by the industrial sector precedent of unionism, teacher unions often found themselves unable to affect those school and district decisions that had the greatest impact on their working lives (Bacharach and Shedd, 1988). It was partly because of this feeling of lack of empowerment that teachers and their unions were to force changes in the political processes of collective bargaining throughout the twentieth century.

Although teacher unionism in British Columbia had its significant beginnings in the early parts of the twentieth century, its roots can be traced prior to Canadian Confederation. The following sections provide a historical chronology of B.C. teacher unionism and how it shaped present day teacher / school board negotiations.

## Schooling, Teacher Salaries and Bargaining: Pre-Confederation to World War One

Prior to 1866, what is now British Columbia, was composed of two distinct colonies--the colony of Vancouver Island and the colony of British Columbia. In 1866 both colonies united to form the colony of British Columbia (Skolrood, 1967). Formal schooling began many years before this with The Hudson Bay Company opening the first school in Victoria in 1849 for children of the company officers. The first common school was to follow in 1852, opening also in Victoria, having as its first teacher Mr. Charles Bailie. His annual salary of £50 and a house came directly from the Governor of the colony.

During the next few years many other schools, including private schools, public fee-charging schools, and free schools opened on Vancouver Island and the Lower Mainland. Vancouver's first public school opened on July 27, 1870 on the north side of Burrard Inlet at "Moody Mills". A second school opened in the Granville community in 1872 (Skolrood, 1967).

Legislation governing schools was first passed on May 15, 1865 with the Common School Act. This act provided for a highly centralized system of education. It made provisions for a General Board of Education, a Superintendent of Education who acted as Secretary for the Board, and for local three-man boards all appointed by the Governor. It stated that no fees were to be collected from students and teachers' salaries (\$500 per annum) were to be paid by the Colonial Treasury (Skolrood, 1967).

Upon entrance into Confederation in 1871 the newly formed province of British Columbia was given the responsibility for education. In 1872 a Public Schools Act was passed enacting legislation for a province-wide, free, non-sectarian public school

system. An appointed superintendent of schools was given the power to license, appoint and inspect teachers, set their salaries and determine holidays, amongst other duties. Government grants were given to help defray the cost of teacher salaries (Skolrood, 1967).

In 1879 control of the schools was placed under direct control of the Lieutenant-Governor-in-Council. A year later legislation required school districts to refund one-third of the cost of teacher salaries to the province, at which point the province would pay the entire amount of teacher salaries. It was also at this time that school trustees were allowed to impose student fees on high school students. It wasn't until legislation enacted in 1901 and 1905 came into being that school districts were classified according to their overall student attendance. Only now was there a greater equity achieved in the total funding of the schools (Skolrood, 1967).

Teacher bargaining was still on an individual basis, with teachers at the mercy of their local school board.. Every teacher had to separately negotiate with his/her board. This resulted in a wide variety of salaries within a district, with teachers unable to formally grieve any concerns they may have. However, there is little evidence to suggest that teachers, prior to World War One, were unhappy with their condition. Teachers were, on the whole, content to look for organizational leadership from Education Department officials, heads of universities, and even, in some instances, from Supreme Court justices and church bishops. It wasn't until after the war that they began to feel that they had good reason to seek rectification of perceived unfairness through a united effort (Skolrood, 1967).

## Post WWI: Birth of Teacher Unions

By 1914 teachers were beginning to note the need for a teachers' organization, free from Departmental control, directed by teachers and dedicated to the improvement of teaching. Apart from purely economic reasons and wartime demands, perhaps the largest influence in encouraging teachers to organize was the lack of opportunity for teacher initiatives in the existing educational framework. There was virtually no teacher participation in either the management of the schools or in the formulation of educational policy (Skolrood, 1967).

By 1916 several school districts, including Vancouver, had local teachers' associations which were used to disseminate educational information and discuss local problems. However, they had little influence on local or provincial authorities (Skolrood, 1967).

On October 28, 1916 the first meeting of a Federation of Associated Teachers in British Columbia was called. The result of that meeting led to the first Annual General Meeting of the newly formed British Columbia Teachers' Federation (BCTF) on January 4, 1917 in Vancouver (Skolrood, 1967, p.52). It passed only one significant resolution:

That it be an instruction to the Executive to gather data and later to arrange for a delegation of teachers to confer with the Council of Public Instruction on educational matters.

The BCTF began as an affiliation of local associations. Desiring to retain some of their independence, while at the same time realizing that a provincial body could exert a greater force to teacher efforts, it was decided to use the term "federation" rather than "union". The term union, it was felt, might offend segments of the public.

Furthermore, teachers disliked the term because it denoted a sense of unprofessionalism (Skolrood, 1967).

The BCTF began to argue for improved salaries based on two main tenets:

1. Teachers' remuneration always tended to be far behind other professionals with similar training and experience.
2. Low salaries and poor working conditions would not attract the type of persons required for teaching.

Coincidentally, these two arguments have subsequently remained as the cornerstone of teachers' demands for improvements in salary ever since.

Teachers' first use of a strike to back up demands occurred in Victoria in 1919. Virtually all of the district's teachers (178) withdrew their services for two days, forcing the government to hear delegations from both the teachers and the school board. The Department of Education mediated the dispute, awarding to the teachers many of their demands. Following the settlement, in March of 1919, the government amended the Public Schools Act to include an arbitration procedure for the settlement of any salary disputes that, otherwise, would not have been settled (Skolrood, 1967).

The first district to have a real salary scale was Vancouver in 1929 ( Johnson, 1964). Gradually, other urban municipalities also incorporated a graduated pay scale for teachers. With the Great Depression of the 1930's there was very little improvement of teacher salaries over the next few years. The BCTF was influential in having the government pass into law the Teachers' Pension Act (1929) which marked for the first time a pension plan for teachers in the province (Skolrood, 1967). In 1932 the government set "minimum" salary standards for the province, which led to many of the school districts using them as "maximums" lowering teacher salaries to these

levels to conserve funds (Johnson, 1964). Teacher salaries were to improve over the next few years, but at a very slow rate.

In 1937, the provincial government passed legislation providing for compulsory salary arbitration in salary disputes. Testing this arbitration procedure were Langley teachers who in 1939 chose to use the new arbitration act. When the school trustees refused to implement the arbitrated decision it also chose to fire the teachers who protested. An appeal by the teachers resulted in their reinstatement, only to have the school board move them to new positions--in effect a demotion. A final appeal by the teachers to the Council of Public Instruction resulted in the firing of the entire school board and the appointment of an official trustee ( Johnson, 1964).

### A Strong BCTF and Collective Bargaining

The issue of education funding and teachers salaries was to come under even more scrutiny in November of 1944 when the government established the Cameron Commission. Its mandate was to investigate and study the financial basis of the school system with the aim of making suggestions for fiscal reform. The result was a series of recommendations that were fully implemented by the government (Skolrood, 1967). They included:

1. The amalgamation of smaller districts, to result in only 75.
2. The institution of a uniform tax rate throughout each district.
3. The introduction of separate salary scales for teachers in each district.
4. The contribution by the provincial government of just over half of the necessary funds to run the schools, with each district making up the rest.

By January of 1947, 53 of the 75 districts had negotiated a teacher salary scale. As the 1950's approached the BCTF saw that many of the salary scales were similar and had fears that a uniform provincial salary scale was emerging. Should provincial salary scales become a reality, the Federation worried that teachers would be placed in the same position as government employees in being denied local collective bargaining rights. The BCTF placed strong emphasis upon local autonomy and decentralization in salary matters. Also feared were individual teachers seeking their own salary rates separate from the agreed upon salary scales. Speaking to the dangers of this individualism was T. M. Chalmers, Chairman of the BCTF Council on Professional Ethics:

The principle of collective bargaining is a precious right by which maximum benefits can be obtained for the greatest number. Teachers who are tempted by individual bargaining to extract a few more dollars out of a school board are invited to recall the position of all teachers in the days when it was "every man for himself". They are respectfully reminded that we can only avoid a return to such conditions if we are prepared to stand firmly behind the groups elected to carry out negotiations. We cannot hold the respect of any public body, if we are to display such little respect for ourselves. (Chalmers, 1947, p. 253)

By 1963 the BCTF was willing to admit that zonal bargaining, where two or more school districts would offer their teachers similar salary increases, had some merit and that many of their original fears were probably unfounded. The decision for either local or zonal bargaining was left up to the discretion of local teacher associations. The BCTF would act as a central office offering up-to-date provincial statistical information and published periodic reports (Skolrood, 1967).

When new legislation was written in 1958 it provided for compulsory conciliation and arbitration within a fixed period of time, with new agreements to be



finalized by the December 31 prior to the existing contract expiring. The BCTF claimed that these rigid deadlines actually impeded successful negotiations as they tended to result in the two conciliators often present acting as advocates for each side rather than as mediators (Skolrood, 1967).

The 1961 Report of the Royal Commission on Education proposed a provincial system of salary bargaining between the BCTF and the British Columbia School Trustees Association (BCSTA). The Report suggested that from these negotiations a "master agreement" would emerge--a settlement applicable to all teachers throughout the province. It would be signed on a district level, allowing only for minimal changes (Skolrood, 1967). The BCTF reacted quite vigorously to the proposed changes (Gooding, 1961, p. 5):

1. Collective bargaining in the true sense should always be between employer and employees and, therefore, any salary negotiations at the provincial level should be only in terms of a recommendation to local school boards and to local teachers' associations.
2. Compulsory arbitration as a method of establishing salary scales is wrong in principle and, while we have had to accept it on a local basis, we are unalterably opposed to its application on a provincial basis.

The government did not proceed with its Commission's proposal to implement a province wide agreement. The Federation had managed to avert a province-wide agreement for its members. However, the battle for a provincial contract was by no means over.

## The 1960's: Increased Confrontations

The post-war period witnessed substantial salary gains for teachers. As the economic status of teachers improved a number of confrontational issues arose between the BCTF and the BCSTA. To reduce costs and provide uniformity in negotiations trustees began demanding a provincial salary scale along with a system of merit pay that would distinguish the good from the mediocre teacher. The BCTF was successful in averting both of these demands (Skolrood, 1967).

It was in the early 1960's that teacher unionism began to incorporate a more proactive approach to bargaining in which educational issues, beyond salaries and benefits, were beginning to make their way into the minds of teachers. In 1963 and 1964 the BCTF began an informal campaign to widen the scope of teacher bargaining beyond that of just salaries. To the Federation, issues like class size and teacher workload were matters worthy of consideration in negotiations as they affected the quality of instruction to students (Wotherspoon, 1989). As such, the Federation began shifting their lobbying efforts from the provincial government, which controlled the legislation affecting schools, to the association levels, where local unions could put pressure on their school boards to have teachers involved in educational decision making. They wanted to ensure the right of teachers to negotiate, and if necessary arbitrate, all working conditions (Aitchison, 1964; "Some Decisions," 1964).

The school trustees saw the same bargaining relationship quite differently. They saw themselves as employers empowered to set rules, regulations and policies governing teachers' non-salary benefits and working conditions. They reasoned that the already adversarial nature of the bargaining relationship prevented a true

educational partnership from forming between teachers and themselves (Wotherspoon, 1989). Their official policy on salaries was that teachers were employees restricted to bargaining salaries (BCSTA, 1964). This dispute over what was to be bargained for at the negotiating table generated a new found solidarity within the BCTF and its members (Wotherspoon, 1989).

The Federation began arguing against the current Public Schools Act which, they contended, constituted a "denial of teachers' basic right to collective bargaining." (Wotherspoon, 1989). They protested against the move to a regional or zonal bargaining system, and demanded that more teachers be hired to reduce teacher workload. The BCTF also began discussions amongst its member associations on the option of going on strike in 1966.

The Vancouver Secondary Teachers' Association resolution that strike action be employed to pursue contract demands was narrowly defeated at the Federation's Annual General Meeting, but a second resolution to eliminate compulsory arbitration and to provide teachers with the right to strike was adopted (Wotherspoon, 1989). Also highlighted at this AGM and the one in 1967 was the need for teachers to be more actively involved in the setting of educational policy (Robertson, 1967). With a structure of guidelines and procedures in place to coordinate the total provincial education system, British Columbia had for the first time a provincial teaching force that now appeared ready, if necessary, to do battle over education (Wotherspoon, 1989).

In 1967 the government of British Columbia changed how school districts would be run. Bill 86 was introduced into the legislature forcing major changes to school

financing. The government froze spending levels for an indefinite time period and prohibited school boards from spending more than 110% of the 'basic program' as outlined by the government (Kilian, 1985).

The following year the government decided to divert funds from the teacher pension fund into the construction of the dams being built on the Columbia and Peace rivers. The BCTF was outraged. In a show of opposition to government education policies it organized an 'Apple Campaign' in which three dollars was levied from every teacher member in the province for a publicity campaign. It hoped to raise the awareness of education in the province and hopefully defeat the Social Credit government in the next election. The government saw this as an intrusion into politics by a non-political group. However, organized labour rallied behind the teachers' efforts, and the government did not get far in its complaints. Tensions between teachers and the government were beginning to heat up (Kilian, 1985). The government still won the next election, but the teachers were not through with their actions.

In 1971 teachers across the province held an unusual and illegal one day strike in an effort to improve pension benefits. The strike appeared to be successful as 97% of the teachers supported it. Bill Bennett and his Social Credit government were defeated at the polls in 1972 with the actions by the teachers, over the previous few years, often cited as a major reason for their demise (Kilian, 1985).

As B.C. teachers entered the 1970's they were the highest paid teachers in Canada, but also had the largest class sizes, except for Newfoundland. This mix of best and worst has been accounted for by the very limited scope of teacher bargaining

rights which were restricted to salaries and bonuses (Kuehn, 1988). This produced good paycheques but resulted in the lack of any effective mechanism for teachers to express their concerns over learning and working conditions.

In the late 1970's the rate at which school boards were spending money was beginning to outstrip the revenues they received from the government. By 1981 provincial funding could not even cover the inflationary costs from the year before. Boards were forced to raise local taxes on homes and businesses (Kilian, 1985).

As the seventies drew to a close school boards were becoming increasingly resistant to teacher lobbying for better working conditions. The BCTF began pushing for teachers to fight for full collective bargaining rights including the legal right to strike. However, a majority of teachers still felt that striking was "unprofessional" and when pressed by a 1981 BCTF referendum on whether or not the Federation should seek the legal right to strike, the answer was 40% Yes and 60% No (Kuehn, 1988).

Teachers soon reversed their opposition to striking after the provincial government implemented extremely unpopular legislation in 1982. As Crawford Kilian (1985), a teacher and former school board member describes it, the "School Wars" began in 1982 with provincially legislated wage controls on all public sector workers, including teachers. It gave directions to the school boards to make significant cuts in their 1982 budgets, regardless of existing contractual arrangements.

## 1982: The Year Restraint Came

February 18, 1982 was a very important day for both the provincial government and the education system. Premier Bill Bennett went on province wide television to announce his government's restraint program (Kilian, 1985). The restraint program included several pieces of legislation that directly affected the education system including the Public Service Restraint Act, the Education Interim Finance Act, and the School Services (Interim) Act--all in place by April 30.

The School Services (Interim) Act, also known as Bill 89, closed the schools for six days during the 1982 / 83 school year effectively cutting teachers' salaries by 3%. School boards were now upset because the collective agreements they had signed with their teachers could no longer be honoured as lower salaries had now been imposed by the government. It was the first time that the provincial government had set upper limits on school district budgets. Prior to this legislation the government had required boards to have a minimum spending level, but they were now imposing a maximum spending level.

Also announced in the spring of 1982 was the Compensation Stabilization Act (Kilian, 1985) with a commission, headed by Ed Peck, established to oversee public sector contracts. Every board must still go through the procedures of negotiating salaries and benefits with its teachers annually or biannually reaching agreement by November 15, but now they must have their agreements approved by Mr. Peck. Failure to meet the November deadline meant going to arbitration and accepting the settlement proposed by Mr. Peck. If a school district and its teachers could agree upon a contract, Ed Peck could still unilaterally reject it if he felt the compensation was too

rich, in effect forcing boards and teachers to start all over again at the bargaining table.

The act stipulated that public salaries must be based on the employer's ability to pay, which in the case of school boards had now been defined by the amount of money given to them by the province. Teachers argued that the process was a farce (Kilian, 1985). Any negotiated settlement could be overturned by Mr. Peck, effectively negating all of the bargaining that both the teachers and school boards had gone through. In addition, any salary increases awarded to teachers would have to be tied into increases in productivity. No one knew how this applied to education and much time was taken trying to figure it out.

Then on July 30 Education Minister Brian Smith called a meeting of all the superintendents and board chairpersons. He announced that funding for schools would be cut for the fall of 1982 and the boards must somehow find savings by September 1. The Vancouver School District unsuccessfully took the government to court, and was indeed forced to cut an additional four million dollars from its budget (Kilian, 1985).

Soon after this announcement there was a cabinet shuffle. Brian Smith was out as Minister of Education, and Bill Vander Zalm was in. On an August 30 radio talk-line show Mr. Vander Zalm claimed, "I don't believe we're getting good value [for the money spent on education]. I think generally the people out there are very frustrated with it and much disappointed with the product we have at the end of Grade 12." In contrast to this very negative statement he sent teachers a letter a few weeks later saying, "We have a good education system in B.C. and a lot of dedicated people, such as you and your colleagues, have made it what it is and what it will continue to be."

Vander Zalm soon began to lose the respect of many in the education field because of the misinformation he would spread and the teacher-bashing he would lead (Kilian, 1985).

### 1983 to 1987: The Battle Continued

1982 was a year to remember for the education system in British Columbia. Crawford Kilian (1985) claims it to be the turning point in the 'School Wars' in the province. However, the battle over education would continue for several more years.

On May 5, 1983 Bill Bennett and the Socreds won the provincial election and soon after introduced three new bills affecting education. Bill 3, the Public Sector Restraint Act stated that public sector employers could fire employees without cause, and principals, vice-principals and supervisory staff were to be classified as senior management in effect splitting them away from the BCTF. Bill 6, the Education Interim Finance Amendment Act, gave the Minister of Education the power to supervise budgets and spending by school boards. And finally, Bill 11, the Compensation Stabilization Act (1983) amended the 1982 act to include making an employer's ability to pay salaries the "paramount consideration" in determining contract settlements. Salaries could be raised or lowered by up to 5% if necessary.

In October 1983, the BCTF held its annual Representative Assembly with delegates from throughout the province. The executive called for a vote to strike, "...as part of action against the legislation and budget." (Kilian, 1985). In contrast to the 1981 vote on striking, this time the motion passed 59.45% to 40.55% in favour of strike action. November 8 was set as the day by the BCTF as the strike deadline. The



provincial government threatened the teachers with the loss of their jobs and their teaching certificates if they walked off the job. The strike went on with close to 90% of teachers walking off the job (Kilian, 1985). There appeared to be more public support than anger towards the teachers. Teachers were able to demonstrate that striking could indeed be used to gather attention for their concerns.

With school boards unable to go to their local taxpayers for increased revenues, any teacher salary increases would have to be found within the existing budgets. They could be gained by laying off some teachers to pay for the salary increases of the others. Ironically, the teachers laid off would have to be the most junior on staff, who happen to make the least salary, which would thus have the smallest impact on the budget. Salary negotiations were very difficult for another reason as well. Victoria would not release the final budgets for school boards until the spring, whereas the school boards were obligated to negotiate settlements by the previous fall. School boards now lacked virtually all authority in collective bargaining negotiations (Kilian, 1985). Try as they might, settling future teacher salary amounts became a guessing game for the school boards, as there was no guarantee of the money available from the government until almost half a year later, and that was only for one year. Multi-year teacher settlements were even more difficult to predict as provincial grants were decided every year, not in two or three year blocks of time.

The Vancouver School Board (VSB) was in a much worse financial situation than many other school districts (Kilian, 1985). The student population in Vancouver is extremely varied and as such requires many more types of educational services (Kilian, 1985). Approximately 45% of the students are E.S.L. (English as a Second

Language). There is also a disproportionately higher number of handicapped children in the Vancouver area because of the available medical facilities to treat them.

Vancouver also has a fairly large population who must deal with financial hardship.

These all make tremendous demands on the school system in terms of resources and money. On November 17, 1984 school board elections were held. Elected trustees were determined to hold the line against any more budget cuts as they felt that any more cuts would severely weaken an already stretched Vancouver school system.

In January of 1985, Vancouver and other Lower Mainland school districts met to discuss their budgetary problems. Trustees, parents and teachers urged their respective boards to submit 'needs' budgets to the province for approval, as they saw their present budgetary allotments by the province as insufficient (Kilian, 1985). Needs budgets addressed the perceived budget amounts 'needed' to continue all of a district's educational programs. These amounts were in excess of the education grants awarded to many of the districts.

School board annual budgets must be submitted to the province by March 15 of every year. This year was a bit different however. The government was moving to a fiscal year beginning in July, and required all boards to also submit an interim budget for the period of January 1 to July 1. The interim budget was to be submitted by February 15. The VSB submitted its budget on February 11, four days before the deadline. On February 12 the government introduced Bill 48. It allowed school boards the option of going to a local referendum to acquire increased funds. Not one board in the province took this option as they determined there were more problems than solutions with the legislation (Kilian, 1985).

By March 15 thirty-five of the province's seventy-five districts submitted 'needs' budgets. Vancouver was one of these boards. Their submission was \$14 million over the limit imposed by the government. On March 20, Education Minister Jack Heinrich announced a budget review advisory team whose purpose was to examine the budgets of these non-complying boards.

Finance Minister Hugh Curtis reminded boards that they must employ a certain minimum number of teachers to be awarded their full education grants. If boards chose not to do so, for example by laying off teachers to pay for budget items, he would reduce their grants by a proportionate amount. He also, for the time being, removed all arbitration to settling bargaining disputes (Kilian, 1985).

By April 30 all school boards were to have filed a budget within ministry guidelines. Failure to do so would result in them breaching the School Act. As punishment, school trustees could be fined \$2000, fired, or jailed for up to six months. The government could also let the boards run out of money and take the blame for their own poor planning (Kilian, 1985).

The VSB did not comply with the government request of filing a ministry guideline budget and on May 6, 1985 all nine school trustees were fired by Jack Heinrich and replaced by a government appointee, Allan Stables. Interestingly, only the VSB was fired--other non-complying boards like Burnaby, Coquitlam, and Cowichan were not.

Perhaps Vancouver was chosen as the sacrificial school board in this fight over budgets because of its rather prominent position in the province. Vancouver is a big-city district with many resources, at its disposal. Money is but one resource --

community relations is just as important if opinions over budgets were to be challenged. The VSB had sufficient size to warrant a community relations department capable of disseminating information on a large enough scale. Other districts would also voice concerns, but not to the same level as Vancouver (Kilian, 1985).

However, Jack Heinrich had already told school trustees to stop complaining as they were unlikely to get any additional funding. Further to this matter, Mr. Heinrich had a letter to the editor published in the Vancouver Sun attacking the Vancouver School Superintendent over his complaining that there was insufficient money for the Vancouver school system (Heinrich, 1984). Perhaps the VSB was the only board fired, because as the provincial government may have seen it, by killing the "loudest whiner" in the province, other districts may quickly begin to toe the line.

Legislation tabled over the next few years continued to shape and define how education looks today. The battle within the education system was by no means done.

### **1987: Local Collective Bargaining Began**

#### **Bills 19 and 20: How They Shaped Education**

On April 2, 1987 the B.C. government introduced Bill 19 (The Industrial Relations Reform Act) and Bill 20 (The Teaching Profession Act) which would change how teachers and their boards operated. Both pieces of legislation were introduced simultaneously because they affected each other.

Prior to 1988 teachers bargained only for salaries and bonuses. These pre-1988 negotiations were at the local board level, although an option was present to

bargain on a zonal basis. The bargaining duration was limited by a deadline for resolution (November 15) at which time mandatory interest arbitration would be invoked. Working and learning conditions were typically addressed in board policy, not in the collective agreements. Boards could raise revenue through local taxation and teacher strikes were illegal (British Columbia School Trustees Association [BCSTA], 1992a). This was all to change with the implementation of Bills 19 and 20, which occurred on January 1, 1988.

Bill 19 was the Industrial Relations Reform Act bringing teachers under control of the Industrial Relations Act (Government of B.C., 1987a). This act governed all labour relations in the province, including teachers should they choose to form a union (Fris, 1987). The Industrial Relations Council was created. Its function would be to oversee all matters relating to collective bargaining such as appointing mediators and fact finders, ban or suspend illegal strikes and lockouts, appoint an arbitrator, and name a special mediator who could impose a binding agreement between the parties.

Bill 20 was the Teaching Profession Act (Government of B.C., 1987b) and it addressed four main items (Fris, 1987). First, it gave teachers in each district an option to form a union with the right to strike, or an association with no right to strike. Second, it established the College of Teachers, which would govern teacher qualifications and certification and matters of professional conduct. Third, it recognized principals and vice-principals as part of management (Administrative Officers) and no longer considered them teachers assigned to an administrative posting. And fourth, Bill 20 indicated that teacher dismissals must be for cause. Education Minister Tony Brummet summarized the act by saying that it provided teachers with more choices about their

profession. He claimed that it responded to the concerns of educators and school boards (Harrison, 1989).

If teachers chose to unionize they would bargain under the Industrial Relations Act which would give them the right to strike along with all of the other collective bargaining rights enjoyed by other trade unions. Their boards would have the corresponding option of locking them out if a bargaining impasse occurred. If teachers chose not to unionize, but instead formed an association, they would then bargain under the School Act having increased bargaining rights, but with no option of striking. They could negotiate hours of service, leaves or absence, layoffs, sick leaves, and class size. Only arbitration would be available to resolve disputes. The result of this option given to teachers was that all seventy-five teacher union locals decided to unionize and bargain under the Industrial Relations Act. Their right to strike was now legal under the laws of British Columbia.

Effective January 1, 1988 teacher bargaining was brought under the Industrial Relations Act and together with prior amendments to the School Act (enacted in the legislature on October 15, 1987 and September 1, 1989) full scope bargaining now existed in British Columbia between its teachers and school boards (BCSTA, 1992b). Teachers were now free to bargain for learning and working conditions in addition to their already held bargaining rights of salaries and benefits (BCSTA, 1992a).

School boards also had a broadening of their powers. More decisions could now occur at the local level rather than at the provincial level. They included such things as allowing boards to determine the number of supervisory personnel they had, set learning and working conditions with their staff, determine leaves of absence,

organize dismissal procedures, determine building usage, develop special education programs, and control certain aspects of textbook usage (BCSTA, 1992a).

### Reaction to Bills 19 and 20

The BCSTA expressed both praise and concern for the legislation. On the positive side it noted that it gave teachers the ability to control their own professional matters through The College of Teachers. Teachers had full scope bargaining and the boards now had much more say in the decisions influencing their districts (Fris, 1987). They were concerned over the classification of principals and vice-principals as *Administrative Officers*. Also in question was the viability such a system would have without employee participation in the development of the bills, and their cooperation once it was implemented. The teachers must feel that this imposed system was fair and workable (Fris, 1987). However, the teachers did not feel this way (Kilian, 1985). On April 28, 1987 teachers held a one day walk-out protesting Bills 19 and 20. Approximately 80-90% of Vancouver district teachers participated (Kilian, 1985).

The BCTF also had many concerns with the bills with some of them including a lack of consultation (Harrison, 1989), no fixed timelines for bargaining, administrators being removed from teacher organizations, lack of individual autonomy over instructional methods, no end to wage controls, lack of control over teacher pensions, no maintenance of appeal rights under suspension, and the lack of choice of arbitration or strike (Fris, 1987).

With regards to the last issue, in districts where teachers chose not to unionize, they would be granted increased bargaining rights, but by choosing the association

model would be allowed only the option of arbitration to settle any salary or bonuses disputes. Since they would not be unionized they could not strike. Conversely, if teachers in a district chose to unionize they would have complete collective bargaining rights with the same options as any other trade union in the province, including the right to strike (Fris, 1987). The BCTF opposed this lack of choice for teachers. They argued that teachers were being forced into the union proposal to achieve greater bargaining rights, but were now losing the provision of arbitration to settle any disputes. Every one of the teacher locals chose the union model and, to date, have bargained three times within its mandates.

Reaction by the BCTF to the creation of the College of Teachers was also quite strong. A BCTF analysis was quick to see the college as merely an agency for the regulation and discipline of teachers and that it would not advocate or represent teacher concerns. Indeed, they saw the College as a government agency having the powers to regulate and discipline teachers and impose professional development. They were concerned that there would now exist a second structure, in competition with the Federation, for the right to represent teachers in the province (Harrison, 1989). In essence, in their view, it "deprofessionalized" the BCTF. Nevertheless, the BCTF fielded teacher-endorsed candidates for election to the college council, all of whom were elected to the council. By doing so the Federation believed it had the best chance of limiting the breadth of college decisions affecting teachers' interests (Harrison, 1989).

Since introduction of the bills in 1987 there have been several strikes within the province. The Vancouver teachers had their last dispute with the VSB, a strike lasting



from May 5 to May 28, ended by the implementation of Bill 31, the Educational Programs Continuation Act on June 6, 1993 (Government of B.C., 1993). The Minister of Labour, Moe Sihota, tabled the legislation giving the government a mechanism for implementing compulsory arbitration to settle collective agreements where the parties continued to be at an impasse, thereby minimizing strikes and lockouts.

### **Collective Bargaining and the Future**

#### **BCSTA on the Future of Collective Bargaining**

At its 1991 annual general meeting the BCSTA passed four resolutions referring to collective bargaining (BCSTA, 1993a, p. 1):

Resolution 21: ...the position that the current system of local teacher bargaining is unsatisfactory.

Resolution 22: ...the principle that any teacher bargaining system in B.C. should include a process that allows for meaningful input from every school board.

Resolution 23: ...mutual advantages for all boards of a teacher bargaining system which maintains the integrity of boards as employers with important shared goals and objectives.

Probably the most significant of all the resolutions would be the next one, as it culminated the deliberations at the A.G.M. (BCSTA, 1993a, p. 1):

Resolution 24: that the BCSTA Board of Directors initiate a process towards achieving a better teacher bargaining system and that the process involve a collaborative effort of consultation involving the Ministry of Education and Ministry Responsible for Multiculturalism and Human Rights, B.C. Teachers' Federation, and BCSTA.

At its 1992 annual general meeting the BCSTA passed the following motion, " that BCSTA policy support some form of bargaining of collective agreements with teachers on a province wide basis." (BCSTA, 1993b)

It appeared that the BCSTA was unhappy with the current state of bargaining in B.C. All of the passed legislation has not made collective bargaining any more palatable to the trustees. Bastien's research (1992) indicates that there is a definite perceived inequity in the bargaining power between teachers and school boards. Through his surveys, Bastien postulates that not only do the school boards view the teacher associations as having more bargaining power in the negotiation process, but the perceived difference in the amount of bargaining power held by the negotiating parties was considerable and probably greater than previously realized. The school boards desired a change to the process of collective bargaining appearing to think that some form of collective bargaining on a provincial level was preferable to the local bargaining then in place.

#### BCSTA Perspective on Bargaining in B.C.

Of the seventy-five school boards in the province sixty-five of them belong to the BCSTA. Only ten are part of the newly formed Council of School Districts (Korbin,

1993). The following comments pertain to the sixty-five BCSTA members.

An issues and options paper, known as the Redbook because of its cover, explored the collective bargaining situation in B.C. from the perspectives of the school board (BCSTA, 1992b). The trustees claim that 80-90% of a district's budget goes towards compensation of its employees. Even if collective bargaining never existed a considerable amount of a district's budget would still be used for compensation. The BCSTA estimates that collective bargaining has perhaps contributed 5% to the compensation package of teachers.

Learning and working conditions were similarly not invented by collective bargaining. The administrative personnel of the school district would still have processes and criteria to determine such things as class size, preparation time, inclusion guidelines, school-based decision making, evaluation procedures, and workload limits (BCSTA, 1992b).

Because of these facts the BCSTA believes that it would be inappropriate for the issues in education to be decided by a collective bargaining system (BCSTA, 1992b). In other words, the school system should not have to change to accommodate the perceived needs of a collective bargaining process. A bargaining process should be developed to respond to the needs of the educational community. As such, any future changes to the bargaining system with teachers should be developed around the needs of the education system, not the other way around.

A survey was conducted by the BCSTA on its member boards to consider their experiences on collective bargaining with teachers (BCSTA, 1992c). School trustees were asked to describe how the present bargaining process met their needs. What

were the problems and highlights of the process? School districts were grouped according to location and size. Vancouver was grouped with the districts 20,000 plus full time students, and with those districts in the Lower Mainland/Fraser Valley area. With regards to the issues that were the most difficult to resolve during negotiations responding districts listed class size, mainstreaming/integration, and posting/filling of job vacancies. They described the process of bargaining and their relationship to teachers as unsatisfying and competitive yet at the same time friendly and with an acceptable outcome. Forty-four percent indicated a preference for some type of provincial or collective bargaining. A representative comment was that open communication, honesty, and straight facts must be the exchange between teachers and their boards.

However, no single alternative to the present system of collective bargaining was revealed by the Redbook survey which heard responses from 43 of the 65 BCSTA member boards (BCSTA, 1993b). When looking at what happens in the other provinces it was seen that collective bargaining with teachers across Canada takes three main forms. Each province bargains in a slightly different format but they can be grouped into three main types (BCSTA, 1993a):

- Local district bargaining (4 provinces): Alberta, Manitoba, Ontario, British Columbia
- Two-tiered bargaining (3 provinces): Saskatchewan, Quebec, Nova Scotia  
(local / provincial)
- Provincial bargaining (3 provinces): New Brunswick, Prince Edward Island, Newfoundland

By and large all of the provinces are satisfied with their particular system (BCSTA, 1993a). All provinces admitted that there is always a need for some 'fine-tuning', but for the most part are happy with their teacher bargaining process. The BCSTA claims this means that any bargaining system can be made to work. It is the actual processes and relationships between the parties that determine the success of bargaining, not the actual policies or structures that organize it (BCSTA, 1993a). Other authors also comment that the negotiation model is less the key to effect negotiations than is the actual atmosphere in which the negotiations take place (Cohee, 1991; Franco, 1992). As Tyler-Wood, Smith, and Barker (1990) claim, "Emotions often cloud the negotiating process."

Although it seems to believe that relationships and processes are the essential components to successful bargaining, the BCSTA does believe that a better structure is also needed in British Columbia. They believe that some form of provincial bargaining is better. They suggest a three tiered bargaining model (Korbin, 1993, p. F15):

First Tier: Broad public sector policy issues involving the government, employees and all unions should be bargained provincially.

Second Tier: Economic issues, specific to teachers, such as salaries, benefits, and pensions should also be bargained at a provincial table.

Third Tier: Local issues that are unique for each district should be bargained locally.

## The Korbin Commission

The present Mike Harcourt government formed a commission to look at a variety of issues in the public sector, including education bargaining. Its emphasis was to be along four main points: First, to look at government policy implementation and fiscal planning; Second, to clarify the lines of governance authority and accountability; Third, to rationalize the bargaining process; and Fourth, to improve the relationships between employers and employees (BCSTA, 1992a). Judi Korbin was assigned as its commissioner. Its full name was the Commission of Inquiry into the Public Service and Public Sector, more commonly known as the Korbin Commission.

In June, 1993 Judi Korbin's final report was published. Volume 1 reported on the Public Service in B.C. (covering almost 40,000 public servants), while Volume 2 reported on the Public Sector in B.C. (covering over 260,000 workers in health, community social services, education (K-12), colleges and institutes, universities, crown corporations and agencies, and the municipalities). The Korbin Commission received input from a variety of sources on the topic of public education. Of interest to this paper are the opinions of the school trustees and the teachers, represented by the BCSTA and the Council of School Districts, and the BCTF respectively.

The Commission found that the power of the parties in educational collective bargaining was not equal (Korbin, 1993). There exists a perceived inequity of power between school boards and local unions. The BCTF is a powerful organization that can force boards into accepting agreements beyond the funding levels that they receive. Since school boards have not been able to raise funds locally since 1987, a situation presently exists where the trustees are accountable to the electorate, yet

about 90% of their funding comes directly from the province. This puts them in a very difficult position when bargaining with teachers. The commission also found that boards and teachers are involved in almost constant bargaining. The expiry of one set of negotiations leads right into the next set. The commission suggested that the government give funding over a two or three year period so that a greater sense of stability to the school district can be given so that longer range planning can be done.

With regard to the idea of a more centralized collective bargaining process to the provincial level, the commission has found that the necessary "levelling-up" of teacher salaries alone would cost approximately \$26 million in the first and every subsequent year (Korbin, 1993). As such, the commission did not support a move towards a centralized model of collective bargaining at this time, as tremendous restructuring of existing bargaining relationships would be necessary, along with the immediate cost implications. The commission concluded that it would probably not be achievable in B.C. at this time without intense conflict between the parties.

On the issue of strikes and binding arbitration the commission found that there was very little support from all of the submissions it received for a no strike/binding arbitration option (Korbin, 1993). The reasons for this were threefold: First, systematic compulsory arbitration removed control for decision making in collective bargaining to a neutral third party who, by definition, would have no continuing responsibility or accountability for the result; second, the knowledge that arbitration is there often causes the parties to frame their negotiations for that event and not bargain to a settlement; and third, the right to strike was just awarded to teachers in 1987.

Judi Korbin (1993) stated the need for a comprehensive review of school district

boundaries. A study should be conducted to determine if school district boundaries can be realigned to improve efficiency and effectiveness, perhaps in time for the 1994/95 school year. Suggested school district functions that could be considered for amalgamation are accounting, purchasing and personnel administration such as payroll (Korbin, 1993).

The Korbin Commission also recommended the formation of the Public Sector Employers Council (PSEC). This council would provide the government and the various public sectors with a forum to develop consistent and fair compensation and employment practices within the framework of the official mandates of the Treasury Board. It would link accountability of those who manage public sector employees to those who provide the funding. There would be fifteen seats at its table. Of these, one would be held by a K-12 education representative, seven from the government, with the remainder being composed of the other public sector areas.

Acting on many of these recommendations the government introduced Bill 78, the Public Sector Employers' Act. It established PSEC, as the commission had suggested. It also established a new employers organization in the public schools aimed at coordinating collective bargaining objectives and to help PSEC carry out its "strategic directions" (Yorke, 1993). All school boards and the government must belong. School boards may also relinquish their legal bargaining authority by voluntarily applying for accreditation--in effect relinquishing teacher bargaining to some centralized accredited agent. Coincidentally, the Minister of Labour is also awarded new powers by being able to impose this central bargaining agent on school boards if he/she deemed it necessary.



## The Winds of Change are Blowing

There is a definite wind blowing trying to change the direction of the educational collective bargaining system in B.C. There appears to be a strong momentum to find a "better" system of bargaining between school boards and teachers in the province. Each educational partner has a vested interest in the final product, which is a better educational system.

The BCSTA has made several comments as to the future of collective bargaining in the province (BCSTA, 1993a, p. 10):

A teacher bargaining system should have as its objective harmonious employee relations that directly support the learners in our schools so that they can develop to their individual potentials, and contribute to a healthy society and a prosperous and sustainable economy.

This bargaining process should model the values and behaviors that the education system wishes its learners to develop.

...We believe that a collaborative, problem solving approach will increase the likelihood that any solutions will reflect the actual needs of the education system.

The BCSTA also believes that a thorough knowledge of all of the elements in collective bargaining should be required before deciding upon and embarking upon remedial action (BCSTA, 1993a). Its Resolution 24, passed at its 1991 A.G.M., reflects this goal.

Teachers are also aware of the momentum building towards a new bargaining strategy. The BCTF is aware of the legislation and the goals of the BCSTA. The BCTF is going to monitor how school boards respond to Bill 78. It does not want to surrender legal bargaining authority to another level (Yorke, 1993) and it opposes the Minister of

Labour's new powers of being able to impose a central bargaining agent. Probably strongest of all the BCTF's opposition is the possible move to a more centralized, or provincial, form of collective bargaining. The BCTF truly believes in the local bargaining system being better able to respond to local needs of the community (Korbin, 1993). Perhaps the BCTF also believes that its influence, or relative power, in the negotiating process is substantially larger in the local bargaining network. It may fear a move to a single table of negotiations where the perceived inequity of negotiating power will no longer exist to the same degree. They also openly challenge the role local school boards and trustees will have if bargaining were to be placed at the provincial level.

On May 31, 1994 Finance Minister Elizabeth Cull introduced Bill 52, the Public Education Labour Relations Act (PELR Act). In effect, provincial bargaining between teachers and their boards had now commenced. The Federation immediately stated its opposition to the loss of full, local collective bargaining, but to no avail. The Act has several details affecting bargaining (BTA Provincial Bargaining Alert, 1994, p. 1):

- The PELR Act overrides and negates all contradictory provisions in the Labour Code.
- The BCTF is the exclusive bargaining agent for teachers, while the Education Employers' Association is the agent for the school boards.
- Any local agreements will be sub-agreements within the provincial contract.
- All cost items will be negotiated provincially, including but not limited to salaries, benefits, workload, class size, time worked and paid leave.
- The right to strike will be on a province-wide basis only.

Teacher opposition to the legislation is in its primary stages, with strong opposition from both the BCTF and many of the local associations. The next few

months will most likely lead to many difficult negotiations between teachers and their employers. What is interesting is who the teachers will be viewing as their employers --the school boards with whom they have negotiated for over one hundred years, or the provincial government with whom they originally negotiated with at the beginning of *Confederation*?

### Final Words on Collective Bargaining

According to Judy Korbin (1993) the BCSTA and the BCTF are finding themselves in a relationship that is as yet not fully developed. An article by Bacharach and Shedd (1991) (cited in Korbin, 1993), states that teacher/school board bargaining has not had the time to fully mature yet. As the two sides get used to each other the relationship will grow and the strife present today should diminish. Dr. B. Downie also acknowledges the personalities of the parties (Korbin, 1993) by saying, "the attitudes of the parties, more than any other single factor (including political and economic variables) determine the success and efficacy of the parties negotiations."

The Korbin Commission stresses the legitimacy of including all parties in the restructuring of bargaining. Any changes to the bargaining structure would have to involve all parties in consultation:

The commission is cognizant of the fact that changes to bargaining for school boards and teachers were imposed on the parties in 1987, through legislation, with little consultation with the participants who would have to make the process work.

For those who seek an easy solution to collective bargaining in K-12, the commission offers the reminder that the present system of teacher bargaining was introduced without real input from the educational community. A restructuring process born out of the frustration with the current model that does not offer all parties an opportunity for meaningful input is not a guarantee for success. (p. F25)

Teachers are demanding a voice in setting educational policy (Williams, 1990). They want to be involved in the sharing of traditional management decisions, which is echoed by the call for teacher empowerment in the school systems. They want a share in the responsibility for the educational mandate and the decisions made which affect curriculum, school organization, and the profession itself (Williams, 1990). This corresponds to the BCTF argument that provincial bargaining would reduce local flexibility and autonomy of both management and workers, and would also restrict the scope of worker participation (Korbin, 1993). Teachers want to become involved in the management of their schools.

The current process of collective bargaining appears to have built into it an adversarial approach to negotiations. Regardless of whether collective bargaining is innately adversarial or not, the present process sometimes leads to conflicts involving both sides at the table (Tyler-Wood et al., 1990). Strikes, work stoppages, work to rule campaigns, and lockouts can all occur in British Columbia as permitted by current legislation. As was seen by the latest Vancouver dispute during the spring of 1993, strikes are still being used to resolve collective bargaining impasses.

School districts which were forced into compulsory mediation and fact-finding missions did indeed reduce the length of the negotiation period, but mediation has been shown to have little if any effect in reducing the number of severely protracted negotiations (Whitman, 1983). Teachers and school boards will still be involved in

lengthy negotiations.

What appears to be at the heart of the matter are the goal incompatibilities of the parties involved (Kochan, Huber, and Cummings, 1975). Their incongruous goals are often found to be significantly correlated with conflict. Threats of layoffs, work stoppages, lock-outs, accusations, and the like seem to permeate the proceedings. The adversarial nature of collective bargaining results in conflict.

Morabito (1991) states that there needs to exist certain key elements to have a successful collaborative bargaining process. These include open communication, an exchange of information, a trusting atmosphere, recognition of common goals, invention of options, acceptance by each side to the legitimacy of the other, and a recognition that each side is a part of a common community. The process seems to result in less hostility and a faster agreement between the parties. An enhanced relationship results. Franco (1990) writes that collaboration means dealing with situations before they become problems. As a result, management/labour relationships are viewed in a more positive light.

A 1975 article written by Dr. Clyde Summers addresses the question of public sector bargaining (Korbin, 1993):

The major decisions made in public employee bargaining not only are political but, in my view, must be and ought to be political. The notion that we can or should insulate public employee bargaining from the political process either by arbitration or by some magic formula is a delusion of reality and a denigration of democratic government. (p. C8)

Understanding the collective bargaining system is much more than conceptualizing the actual structure of the bargaining sessions. As has been commented on by numerous authors listed above, it must also include an

understanding of the beliefs, expectations, attitudes, and perceptions of the negotiating parties. Commenting on the present system of collective negotiations, or proposing alternative models of negotiations for the future, requires an intimate knowledge of how collective bargaining came into being and what factors affect its processes. This thesis attempts to probe into such understanding. By attempting to understand the perceived problems inherent in the current model of negotiations, a series of comments will come forth proposing alternatives. A reminder that there has been dissatisfaction with the present system of teacher bargaining which was introduced without any significant input from the educational community, suggests that any restructuring of the current bargaining process that does not offer all parties an opportunity for meaningful input will have difficulty achieving its goals.

## Conclusion

Over the past several decades many pieces of legislation have been enacted to direct the bargaining of teachers and school boards with many of these strongly criticized by both teachers and school boards. For example, teachers have held province wide job actions to show their dislike for governmental policies including the 'Apple Campaign' of 1968 directed by the BCTF and the province wide strike held on November 8, 1983. School boards, also upset by legislation, displayed their unhappiness. In 1985 several school boards submitted 'needs' budgets to the provincial government complaining of underfunding with the result of the Vancouver school board being fired.

The provincial government has had a significant impact on teacher/school board relationships. Specifically, several bills have dramatically changed the way teachers and school boards collectively bargain. Bills 19 and 20, introduced in 1987, allowed teachers to form their own unions with full collective bargaining rights including the option of striking. School boards also had a broadening of their powers with increased numbers of decisions being made at the local level rather than at the provincial level. Interestingly, both of these "gains" by each party were somewhat eagerly received. The teachers had, for quite some time, wanted full collective bargaining rights, and the school boards had wanted greater control over the decisions affecting education at the local level. Bills 19 and 20 helped to answer some of these concerns.

The BCTF and the BCSTA have had different views on the future of collective bargaining in the province. Responding to the need to develop a better understanding of how all of the parties were involved in collective bargaining in the province the government established the Korbin Commission.

Its findings, based on the many submissions received by the commission, supported the notion that the current method of collective bargaining in the province was unsatisfactory. In its conclusions it came to no clear directions for the future of collective bargaining. However, it did state that the affected parties should be working together in a cooperative forum (Korbin, 1993, p. F27):

The commission is urging government as well as all other parties in education to move quickly to create an improved and more effective and coherent framework for managing the human resource aspects of the K-12 system so as to minimize the kinds of disruptions experienced by students in 1993 as well as in previous bargaining rounds.

The public interest would be well served if government, management, and the teachers participated in developing and took responsibility for improvements to their bargaining system. Given the current positions of the trustees and the BCTF on collective bargaining issues, it may require the leadership of government to inspire the parties to achieve appropriate solutions.

Many of the commission's suggestions were implemented by the government. It enacted Bill 78, the Public Sector Employers' Act, which established the Public Sector Employers Council (PSEC) as the commission had suggested. It also established a new employers organization in the public schools aimed at coordinating collective bargaining objectives and to help PSEC carry out its strategic directions.

However, during the Korbin Commission's inquiry into the public sector, the BCSTA voiced concerns over local bargaining. They began to speak for a provincial



model of negotiation, in effect stripping themselves of local control over large monetary items with teachers. This is in apparent opposition to their request a few years earlier when full collective bargaining was implemented at the local level. Perhaps this seeming contradiction of opinion comes from the incompatible realities of contractually determining cost items and having no control over the amount of revenue they receive. They may have decided to relinquish control over large monetary issues, since they saw little hope of acquiring direct fiscal control over their resources.

Contrary to the Korbin Commission's suggestion of significant input from both teachers and school boards, the provincial government has also unilaterally introduced Bill 52, the Public Education Labour Relations Act, which will completely change how teacher collective bargaining will be conducted in the province. There was never any direct input from either the BCSTA or the BCTF in the formation of this legislation. The provincial government decided upon a course of action affecting the collective bargaining between teachers and their school districts without seeking their contributions.

This could simply result in their indifferent acceptance, but more likely will result in open resentment of the unilateral interference on the part of the provincial government. For example, the BCTF has already voiced its concerns over the proposed legislation complaining that Bill 52 will remove local control of education entrenching an expensive and centralized bargaining structure in Victoria that will not respond to local needs (BTA Provincial Bargaining Alert, 1994).

The government has decided that both the BCTF (the exclusive bargaining agent for all teachers) and the E.E.A. (Education Employers' Association--the exclusive bargaining agent for all school boards) will now decide on what is to be negotiated provincially and locally (BTA Provincial Bargaining Alert, 1994).

Although it appears that both bargaining parties are having input into the mechanism, it is really a forced participation. Neither side participated in the discussion over the format of the proposed legislation, but instead are now forced to agree on what is to be discussed provincially and locally.

Although the Korbin Commission did not suggest this method of negotiations, it was acutely aware of the fact that all of the parties affected by any changes should have an active role in setting policy. Many authors have concurred (Williams, 1990; Morabito, 1991; Franco, 1990). Teachers as well as administration, need to have an active role in setting educational policy. Finding a collective bargaining system that responds to the needs of the parties necessarily means including all of the parties in its formation (Korbin, 1993). This was not done when Bill 52 was introduced.

Finding a workable system of negotiations is in the best interests of everyone. Teachers, school boards and their administrators, the public at large, and especially the students will all be affected to some degree. Perhaps more important than the actual process of the negotiations is determining what the problems with the current system are, what is needed to correct them, and what is the best way of implementing any corrections.

As a final thought to the future of collective bargaining it seems appropriate to quote the Korbin Commission's findings one last time (Korbin, 1993):

All those who have responsibility for the delivery of education... [including] trustees, teachers and administrators, among others - must review the impact that labour disputes have had on the public at large and explore alternatives to the current practices, relationships and structures, without delay, in the context of providing quality education for students.

The challenge is profound.

## Chapter 3

### Method of the Investigation

#### **Research Methods Rationale**

When deciding upon a particular type of investigative method there are two considerations to be made. They are the types of research methods available and the particular characteristics of the study being proposed.

When looking at the first criterion of research types there are an array of methods to consider when searching for answers to a problem. They can be broadly classified into two groups, namely quantitative and qualitative methods.

Quantitative methods stress the assumption of a single, objective reality which can be measured using numbers and statistics (Hammersley and Atkinson, 1992, p. 4). Experimentation and survey research characterize this type of method. Proponents of quantitative methodology argue in the logic of experimentation where *variables are manipulated in order to establish causal relationships between factors*. In essence, theory is tested by experimental manipulation of the variables. There is a belief in universal laws that define relationships between these variables across various circumstances. Within this is the concept of the scientific method which attempts to eliminate the effects of the observer or experimenter on the data. By doing so the proponents of quantitative research believe this allows for the replication of the study so that an assessment of its reliability can be made (Hammersley and Atkinson,

1992, p. 5).

Qualitative methods, on the other hand, assume that multiple realities of the same world exist, not a single reality unaffected by human intervention. Human perceptions of events and circumstances shape how people view the world. As such there can be multiple versions of the same phenomenon, each correct from its own perspective. Qualitative methods stress that, as far as possible, the social world should be studied in its 'natural state', undisturbed by the researcher (Hammersley and Atkinson, 1992, p. 6). Unlike quantitative research, qualitative doctrine assumes that research should be carried out in ways which recognize and are sensitive to the nature of the setting. It argues that the social world cannot be understood in terms of causal relationships or by universal laws, but instead by human interpretations of these events. The same physical stimuli may mean different things to different people and perhaps to the same person at different times.

The second criterion used in determining a research method is determining the characteristics of the study being done. This thesis has as its focus the analysis of collective bargaining between teachers and school boards. Within this broad objective are three specific purposes. First, the history of collective bargaining is presented to gain an understanding of how the present system of negotiations evolved. Second, this thesis presents a case study of the 1993 bargaining impasse between the Vancouver Teachers' Federation and the Vancouver School District. And third, this thesis looks towards the future where collective bargaining will soon be in a provincial forum. It will focus on the interview subjects' own perspectives on provincial bargaining and the possibilities of a more collaborative approach being used in

negotiations.

In proposing a thesis on collective bargaining it became apparent that the perceptions of the people involved was paramount to its understanding. Each person or organization has a unique perspective on teacher bargaining. A multiple view of collective bargaining emerges when these various opinions are recorded.

When comparing the characteristics of quantitative and qualitative research designs with the components of this thesis it was decided that a qualitative case study is the most appropriate method to examine the collective bargaining process. Specifically, the case study approach is used to study the Vancouver District's contract impasse with its teachers. By using this approach the thesis gains insight into the dispute by discovering the various views of each participant interviewed. An inductive analysis of the information collected is done comparing and contrasting this study with other data collected through the literature review.

## **Research Design**

### **Documentation / Literature Review**

Various documents have been obtained from the BCSTA, the BCTF and the provincial government indicating how the bargaining process has been perceived. These have included such things as policy papers, reaction papers, and convention summaries from both the BCSTA and the BCTF, whereas government documents have included various Bills (Industrial Relations Reform Act, 1987, Teaching Profession Act, and Educational Programs Continuation Act), and the Korbins

Commission Report.

A chronology of collective bargaining is presented from its beginnings before Confederation, through to the current legislation shaping how teachers and their school boards negotiate.

### Interview Selection

Interview selection involved purposive sampling. Organizations who participated included past or present members of the Vancouver School Board (six respondents), the British Columbia Teachers' Federation (one respondent), and representatives from the Ministry of Education (two respondents). Persons selected for interviews were to also include representatives from the Vancouver Teachers' Federation but they chose not to participate in this study. An explanation of this rejection, and other non-participation by possible interview subjects, is described later in this chapter under 'Problem of Field Work'.

The interviews were conducted in locations designed to accommodate the needs of the interviewees as this has hopefully helped to strengthen the rapport between the researcher and the interview subjects.

Interview respondents were not identified by any system other than as management respondents (VSB interviewees), BCTF respondent (BCTF interviewee), and Ministry respondents (Ministry of Education interviewees). Any further classification would increase the opportunity for identification. In addition, all respondents were addressed in the masculine tense regardless of whether they were a man or a woman. They were not addressed as respondent #1, respondent #2,

etcetera, as it may be possible to track an individual respondent's numbered comments and possibly identify him from them. Their confidentiality is of great importance to this study as the assurance of such has hopefully enabled a more open and honest communication between the researcher and the interviewees.

It was important to gain as wide a view of the bargaining process as possible to fully understand the contextual elements inherent in teacher - school board negotiations. Emphasis was given to those persons involved in the negotiation process itself, persons involved in the actual structuring of local collective bargaining, as well as persons who may have been considered 'scapegoats' or 'black sheep' in the negotiation process as they may have views that are substantially different in scope than those people who are more accepted, or 'mainstream', in their views.

A set of criteria was developed to determine who was to be interviewed.

Selection was based on the persons having knowledge in one or more areas:

1. how local collective bargaining evolved in B.C.
2. the Vancouver teachers' strike of 1993
3. the provincial government imposed, arbitrated settlement in June 1993 to end the VTF strike
4. the arbitration process as a resolution mechanism
5. collective bargaining's future in B.C. as the system moves to a provincial model of negotiations.

(Again, it should be noted that the VTF declined to participate in this study. As such, any comments attributed to their perspectives are those of persons not directly affiliated with the VTF.)

To ensure the accuracy and completeness of the information I returned to my interview base with a completed interview transcription for confirmation of my records.



### Problem of Field Work: Securing Participation in the Study

The Vancouver Teachers' Federation officially declined to participate in this study on December 8, 1994. However, efforts to secure their participation began in September of that same year and continued for the next three months.

As a condition of conducting research within the Vancouver School District I solicited permission to conduct my interviews from the Vancouver School Board (VSB). Upon receiving confirmation of my study from Simon Fraser University the VSB granted formal permission on October 12, 1994 in a letter from the Supervisor of Educational Research. This letter contained the names of six VTF members whom it was suggested that I contact for interviews.

Within three days the President of VSTA (Vancouver Secondary Teachers' Association), Ellen Smith, contacted me demanding that I secure permission from the VTF as well. Explaining the purpose of my study to Ms. Smith I then asked if it was acceptable to proceed with the interviewee solicitation. Ms. Smith claimed that she was unable to grant that permission, but that she would pass along my request to Christina Schut (President VESTA-Vancouver Elementary School Teachers' Association) and other Executive members. I faxed both Ms. Smith and Ms. Schut a letter on November 8 outlining my request and my availability to speak directly to their two executive committees. A letter dated November 29 was returned from Ms. Schut claiming that the VESTA Executive Committee had formally rejected my application at their November 24 meeting.

A further attempt by myself to secure VTF participation was requested with Ms. Smith who, along with other VSTA Executive members, granted me permission to

speaking to their Executive Committee meeting on December 1. I was given ten minutes to explain my study and field any questions. After this presentation I was escorted out of the building and was told to await their response. On December 8, I received a letter outlining the Executive's final rejection of my study. Their reasons are quoted directly from their letter:

1. We see no benefit for the Vancouver Teachers' Federation in your proposed research. Our members, including the negotiating team, have already responded to two different evaluative questionnaires on the whole issue of negotiations and the 1993 job action.
2. The study is not timely in that the whole structure of local bargaining is being examined in the light of legislation which mandates provincial bargaining.
3. The Vancouver situation is an inappropriate study vehicle in that it is an atypical federation of two locals, VESTA and VSTA. In this respect it is unique among the 76 locals in the province.
4. Vancouver District 39 was an anomaly in that only four out of the nine trustees, because of conflict of interest, participated in making decisions about negotiations and the strike.

What was interesting for this researcher was that the reasons given in this letter against conducting my research seem to directly support my reasons for conducting it. It was because local bargaining was being abandoned for provincial bargaining, and Vancouver had experienced problems in negotiating, that this study was being conducted. Nevertheless, upon consultation with my Senior Supervisor it was decided that this study should proceed even without the participation of the VTF.

As a result of the VTF refusal to participate only one BCTF respondent felt comfortable proceeding with the interview, although several more had originally agreed to participate.

## Interview Format

The interviews were developed along a semi-structured format to ensure a certain direction to the questioning. However, as the interviews proceeded they were allowed to follow a more unstructured approach. This hopefully opened up more avenues of discovery and again promoted the idea of trustworthiness between interviewer and interviewee. By allowing the persons interviewed to take the interview in a direction comfortable for them, it may have resulted in a broader range of issues being explored possibly providing a more complete picture of collective bargaining. Interviewing was terminated once I believed the information being collected no longer supplied new data.

## Instrumentation & Data Collection

Vancouver was chosen as the location of the case study for a variety of reasons. First, Vancouver is in close proximity to my work in Burnaby and my home in North Vancouver, and as such allowed for relatively easy access to most of the interviewees. Second, the bargaining impasse between the school district and its teachers was covered extensively in the media and thus provided for readily available press reports. Third, Vancouver was the first district affected by Bill 31 which forced the two sides into a binding arbitration agreement. Fourth, I specifically did not choose the Burnaby School District which also had a job action in 1993 for fear of any possible conflict of interest due to my position as a teacher in that district. And finally, the Vancouver bargaining impasse served as an example of how the present model of collective bargaining appears ineffective in settling educational policy decisions between

teachers and school boards. It is in this district that strikes have occurred in the last two rounds of bargaining and where provincial legislation was needed to end the last teachers' strike.

I am the lone researcher in this study. A tape recorder was used to electronically record the interviews. Immediately following each taped interview, I recorded my perspectives on the interview. Included were my opinions on the mood of the interview, the apparent openness on the part of the interview subject, and the data received in the interview. In one case, these included ideas for subsequent data collection using a follow-up questionnaire to a management respondent.

I also employed the use of field notes to capture any data deemed important yet missed by the audio tape recorder.

### Interview Questions

Interviews focused on the current Vancouver district's contractual impasse. The questions posed were broad and open-ended designed to elicit the subjective experiences of the people involved, or who were close observers, in the dispute. They ascertained people's perceptions on a number of experiences. Interview questions were formatted around the following four main themes and question outlines:

- A. Structure of Collective Bargaining
- B. Bargaining Agendas and Perspectives
- C. 1993 VTF Strike
- D. The Future of Collective Bargaining

A. Structure of Collective Bargaining

1. With regards to localized teacher collective bargaining that was mandated in 1987, describe as you understand them, the rules that existed which shaped how the bargaining was done.
  - a) In retrospect, were these rules helpful / hurtful in making an agreement?

B. Bargaining Agendas and Perspectives

2. What were your roles in the bargaining process (negotiator / advisor / observer)?
  - a) At what dates did you occupy these roles?
3. What are the main objectives in the process of bargaining, from your perspectives?
4. During the round of negotiations, were there any bargaining agenda(s) from each side that were difficult to achieve ? What made them so?
5. Do you believe that there were hidden agendas by the other side?
  - a) Why do you think these agendas were not openly stated?
  - b) What do you feel might bring about a more honest / upfront bargaining session?
6. Does localized collective bargaining work? In other words, is it a system that promotes successful negotiations, or does it somehow impede progress to a mutually satisfiable resolution?

7. To what extent do you think the other side's bargaining team was restricted by their clientele in capitulating on a certain point, to achieve a bargaining resolution?

C. 1993 VTF Strike

8. What, specifically, brought about the teacher strike of May 1993?  
i.e. What were the antecedent conditions to the strike?
9. What do you think caused the strike to be quite prolonged, in the end, resulting in the provincial government enacting Bill 31, The Educational Programs Continuation Act, which forced striking teachers back to their classrooms?
10. Is it better to settle or go to arbitration?
11. Was the implementation of Bill 31 the correct measure for the government to take? Should it have taken any action at all?
12. Were there any concerns on your part with Vince Ready and his arbitrated decision on June 24, 1993? In your opinion, did he adequately address the needs of both sides?
13. Fill in the blank: The main problem in local teacher collective bargaining is \_\_\_\_\_

D. The Future of Collective Bargaining

14. Summarizing so far, what disadvantages / advantages do you see in the status quo (ie. local bargaining)?

a) Do you see a more collaborative model working in BC? More specifically, how do you see a more collaborative model affecting the disadvantages / advantages that you've identified above? Explain.

15. How do you see collective bargaining being shaped in the future? (considering the Korbin Commission Report on Government Services (1993), and Bill 52 (1994) which paves the way for a province-wide bargaining framework)

The interviews presented an unstructured and semi-structured format (Merton, 1990) allowing the respondents to answer more freely than if a structured interview format was used. This permitted a greater flexibility in how the interviews proceeded and in what responses the interviewees gave. However, a concern of this researcher was whether or not interviewees would be forthright in their responses. It is assumed that because the local collective bargaining process is very political in nature, respondents may have been reluctant to freely give their honest opinions, for fear of political repercussions. To help identify this possibility, the taking of field notes was done to capture any indications of this that the researcher may have had during the interview. After having completed all of the interviews the researcher noted no apparent reluctance on the part of the interview subjects. Quite the opposite was noticed, whereby the interviewees seemed genuinely at ease with the interview situation, many of whom stated that they felt very comfortable with the precautions being taken within the study to preserve their anonymity.

The interviews themselves were audio recorded and then transcribed verbatim. In the event that a particular interviewee did not want to be electronically recorded I

was willing to rely on written notes only, however, this option was never exercised. Transcription of the electronically recorded audiotapes allowed for a complete analysis of the data and any additional reflection by the researcher.

### Data Analysis

The interviews, having been audio-taped were personally transcribed by the researcher allowing for the possibility of themes and concepts to emerge while typing. This researcher found that most of the transcripts showed clear groupings of ideas or statements made by the respondents. Before any coding was conducted, however, transcripts were mailed out to each respondent giving them two weeks to respond to its content. Once all concerns from the respondents were addressed by the researcher coding began on the material.

Preliminary coding on the transcripts took the form of placing descriptive words, or phrases, which seemed to categorize the material beside highlighted quotations. Concern over appropriate titles and subtitles was minimal at this time as it was deemed to be more important to simply label the data in some way.

Examples of this preliminary coding can be taken from several interview samples. As a point of discussion, the examples chosen here reflect all three respondent areas (Management, Ministry, and BCTF). Comments are taken from different points in the interview and thus show a diversity of preliminary codes. This diversity exists as evidence of how different preliminary coding can represent similar themes:



Management respondent #1:

You can develop a contract that meets the needs of Vancouver, in our case, we have inner city, we have 2400 special ed kids, and we can kind of accommodate all those things--the fact that we have a transient population and a difficult one; and a definite west side/east side and all that kind of stuff, and we can work on those kind of things and for the first round of negotiations we negotiated our own contract. Unfortunately, what happened is that the VTF got dumped on big time, and I know that because the Union officials told us after--because they didn't get what other teacher unions got. They didn't get solid class size, they didn't get a professional autonomy clause, they didn't get the right to administer medication, and a whole list.

Preliminary coding: Local Bargaining-Round 1

Management respondent #2:

OK. At the beginning, the first time, first of all there's no point in being naive to think that each local is coming up with an individual package. It's kind of dictated by the BCTF and it was remarkable the problems that they were having in Surrey were almost identical to what they were having in Vancouver. Almost the clauses that appeared as demands from the teachers were almost verbatim. They were identical almost.

Preliminary coding: Local Bargaining Structure--local bargaining is provincial bargaining

Management respondent #3:

There's no doubt they [BCTF] had a very well orchestrated system of keeping people in contact, and keeping them on side and not allowing people to agree to something that would set a precedent that would have a negative impact on the other districts.

Preliminary coding: Rules--BCTF involvement & School Boards

Ministry respondent #1:

All the local unions cede to the BCTF this centralized bargaining capacity. The BCSTA because of the independence of their school boards, could never get their act together. Every time somebody would suggest doing that, people would say, "No, we're going to do it on our own." And the BCTF would go and pick off somebody, and pick off somebody else, and that was the pattern.

Preliminary coding: BCSTA at fault

BCTF respondent:

We had a whip-saw effect and it worked both ways.

I think it swings. I think the power was on our side the first round. I think it evened out in the second round and in the third round the school boards had the power. It's all a matter of climate, environment, and everything else.

The advantages were for this--we had a whip-saw effect and it worked both ways. First round and second round we had a positive whip-saw and the third round we had a negative whip-saw. So, it can cut both ways, but I think by and large it had worked to our advantage over the years and decades prior to collective bargaining.

Preliminary coding: Advantages--whip-saw

Quotations were then placed on 4 x 6 index cards with the following information:

the quotation; the respondent's name; the preliminary coding; and the page reference to the original typed transcript. To code all nine interviews over three hundred index cards were utilized which were then placed into a single pile. The floor of a room was used to group these cards into smaller piles with similar themes. Sorting took two weeks as themes which seemed likely were sometimes dissolved, removing cards from these piles and sorting them into new piles. When the context of a particular card

was unclear it became a simple task to note the page reference and then return to the original transcript for clarification.

The index cards began to form distinct patterns of responses. For example, the above examples show a similar theme of BCTF involvement in local bargaining. These five index cards, along with twenty other cards formed the category "Whip-sawing Effect", which was listed under the main theme of "Local Bargaining Disadvantages". Note that the researcher had the BCTF respondent's comments coded as an advantage. This perception of an advantage for the teachers was duly noted and described in Chapter Four as a sub-grouping to the Whip-sawing Effect.

In some instances the interview questions themselves suggested the structure of the coding, but more often the interview responses determined how the information was to be grouped. This process of using the data as a guide to its analysis resulted in seven main groupings of themes with several subsections to each. The main groups are: A) Local Bargaining Pre-1987; B) Local Collective Bargaining Post-1987; C) Bargaining Agendas in Vancouver; D) VTF Strike of 1993; E) Arbitration as a Resolution Mechanism; F) Local Bargaining Advantages; and G) Local Bargaining Disadvantages. These groupings were chosen because they best represented the themes discussed in the interviews and allowed for a somewhat chronological presentation of the data.

When placing quoted material into Chapter Four the quotations were often shortened for clarity omitting much of the extraneous language. This was done to help the reader better follow the information presented.

## Logistics

By acting as the sole researcher and analyst I gained a more complete perspective from the data than if others were involved in its acquisition and analysis. Also, the budget available for this study was extremely limited as it was funded entirely out of the personal resources of the researcher. The effects of this were limiting the study to a single researcher and keeping data acquisition as confined to the Lower Mainland as possible.

An audit is possible as I will have all of my documents available. To respect the interview subjects right to confidentiality all reference to them will be in the male tense and their specific job descriptions will not be noted.

Travel was limited to the Lower Mainland with the exceptions of two interviews which were conducted in the Victoria area.

## Trustworthiness

Repeated meetings with the interviewees were not necessary to establish a trusting atmosphere as trust seemed quite evident at the initial interviewing time. Common acquaintances and referrals from others helped to establish a rapport between myself and the interview subjects.

By obtaining several interviews I hoped to confirm the credibility and reliability of the information received in the interviews. This triangulation of information has hopefully strengthened the reliability of the data as events and opinions were often shared by more than one respondent.

It was important to return to my interview subjects to verify the information that I

have. This also ensured the completeness of my interviews and established a trusting relationship. Several of the interview subjects decided at this time to give more information to the researcher to more fully represent their viewpoints.

### **Limitations**

The limitations to this study were noted in Chapter 1 and can be found on pages 5 and 6.

## **Chapter 4**

### **Results**

#### **Introduction**

The seven main groups of responses collected from the data analysis are expanded upon in this chapter. As mentioned in Chapter Three these main groups are: A) Local Bargaining Pre-1987; B) Local Collective Bargaining Post-1987; C) Bargaining Agendas in Vancouver; D) VTF Strike of 1993; E) Arbitration as a Resolution Mechanism; F) Local Bargaining Advantages; and G) Local Bargaining Disadvantages. The seven sections of this chapter reflect these groupings.

Each section is organized into an Introduction, data with supporting quotations, and a Summary. The Introduction is written in the future tense providing the reader with an opportunity to preview the information in that section before it is presented. The Introductions outline the material to be presented and what evidence can be expected to support it. The data itself is then presented with supporting citations from the interviews. It is in this section where sub-groupings are found. Each section then concludes with a summary section providing the reader with a synopsis of the data.

## **Section A - Local Bargaining: Pre-1987**

Teacher bargaining in B.C. prior to 1987 was restricted solely to salaries and associated benefits. There were no formal contracts specifying learning and working conditions between the school boards and their teachers, although Vancouver was one of a very few boards that had a learning and working conditions agreement. This agreement was not enforceable because by law the only agreement that could form a binding contract was one containing salaries and benefits. Nevertheless, the VSB and VTF chose to have such an agreement, and as many of the respondents will note it was, by and large, respected.

Provincial government restraint by the Bennett government punctuated this period of time. Its effect on education was certainly felt at the bargaining table as teachers and school boards began to wrestle with limited funding. As respondents will attest to, there was a mood of hostility surrounding these negotiations. Teachers and their school boards were distrusting of each other and were quick to lose their patience with the process.

Arbitration was the only dispute resolution mechanism available when negotiations failed, prior to 1987, as strikes were not permissible. This process, as viewed by the BCTF and the VSB, had the problem of perceived unfairness resulting in a mood of frustration and hostility.

However, the mood was not all negative. As will be stated in this section, the VTF and the VSB were able to agree on a learning and working conditions agreement in addition to their own binding contract on salaries and benefits. The frustrations at

the bargaining table did not seem to extend to this agreement. The respondents will say that there was an aura of cooperation and fair play.

The removal of local taxation from the school boards was one of the last major initiatives by the provincial government before implementation of local collective bargaining. A ministry respondent will note that the government saw it as a necessary step to control costs in education.

### Restraint of the Early 1980's

Two of the respondents noted that the restraint program introduced by the Bennett government in the early 1980's was extremely difficult to education. A Ministry respondent noted, "Public sector restraint hit in '83/'84 in a big way. No one in education ever believed this would happen, but it did." The reasons for its implementation goes beyond the scope of this paper, yet a management respondent gave his own interpretation. In it he claims that the government introduced restraint in education because of the apparent success of binding arbitration and its awarding of significant gains to the teachers:

The restraint program that Bennett introduced in the early 80's was the success of the bargaining arrangement that shoved stuff to binding arbitration.... Teachers were able to show...what the going rates were, the percentage increases [other areas of the economy were receiving].... I think in many ways it set education back because what it did is create a climate of hostility and I think that often happens when there's a shortage of money and people start looking for where to cut.

Whatever the reasons for restraint, this era was frequently referred to as a time of hostility and bad feelings between teachers and their school boards. Management, BCTF and Ministry respondents referred to this time as a "background of dissension



and turmoil" (Management respondent), "the educational wars...in B.C." (Ministry respondent) and, "There was just no trust" (BCTF respondent). Clearly, feelings between teachers and school boards were at best collegial, and at worst, hostile and distrustful.

### Arbitration as a Dispute Resolution Mechanism

The parties also did not see arbitration, as it existed prior to 1987, as necessarily fair to each side. Conflicting views among the parties were evident. A Ministry respondent noted that compulsory arbitration was extremely frustrating to school boards because it put them at a disadvantage:

They'd [school boards] establish an appropriate local tax...[and then] go into bargaining with teachers. Teachers would hold out collectively throughout the province to try and get a high settlement some place if they could. This would trigger settlements across the province. For any disputes they'd go straight to compulsory arbitration, in which arbitrators would essentially look at the pattern of settlements that already existed and just impose them.

On the other hand, the BCTF respondent spoke of pre-1987 arbitrations as essentially worthless in the eyes of teachers. He claimed that the times teachers would seek an arbitrated settlement they would either be refused the request or they would subsequently lose an awarded settlement in court. "We would take them (school boards) to arbitration and arbitrators would refuse to rule, and the very few that did rule and give us something were struck down in the courts." The arbitration process did not seem to be a favourable method of settlement amongst the respondents.

## Vancouver's Learning and Working Conditions Agreement

One positive result of the discussions at the bargaining table was the ability of the Vancouver School Board and its teachers to negotiate a successful learning and working conditions agreement prior to 1987. As pointed out by both the BCTF and the VSB this agreement, although not enforceable by law, was respected by both groups. Both groups believed in the spirit of the nonbinding agreement specifying such issues as class size goals and other working conditions. Two of the VSB respondents spoke of the good will from the board's perspective:

The Vancouver school district accorded the teachers the same kind of rights in terms of bargaining as they did later on. The VSB did basically respect it [the agreement], yes. I think the board did try to meet its obligations under the terms of that agreement.

The BCTF respondent spoke of a similar attitude by both parties, yet noted the evident lack of accountability by the board if the teachers felt the agreement was not being honoured. "The local contract was binding on the parties but the difference was we didn't have the union security that we have today under the Labour Code."

Although the sides respected the agreement in principle, and to the best of their abilities lived up to the spirit of the agreement, there was still the concern expressed by the BCTF respondent that there was little recourse available to teachers should they want to grieve a particular situation.

## Removing Local Taxation

The issue that seemed to solidify any negative emotions that may have existed between the teachers and their boards was the provincial government's removal of the

right of local school boards to tax their constituents. The reason for this action is recalled by one of the Ministry respondents who described the provincial government's rationale:

The government had thought it had run the system down into a leaner, meaner situation [during the Bennett restraint era] and within two years the boards had essentially reestablished everything they had back in the early eighties.... Local taxes started to take off. The government was convinced that between local collective bargaining and the ability to tax, the costs were just going to go right out of sight and they'd be back on the griddle again for not supporting education properly.

The issue, then, was one of fiscal control by the provincial government with bargaining still being done at the local level. The school boards now had no input into how much money they were to receive to run their schools, yet were still responsible for negotiating contracts with their teachers. Teachers became frustrated with the apparent unwillingness of the school boards to respond to their demands for compensation, and school boards were feeling stuck between trying to negotiate a contract with its teachers on the one hand, yet having no control on how much money the board was to be given on the other.

It was a situation that changed with the introduction of full collective bargaining rights for teachers in 1987. Teachers would then be given full bargaining rights which included for the first time the right to bargain items other than salaries and benefits. It also provided teachers with the right to strike--an option never before available to them under the law.

## Summary

The pre-1987 era of teacher bargaining was one of increasing frustration on the parts of both the teachers and the school boards. The teachers were upset with the Bennett restraint era which limited their salary gains and when this restraint era was officially over school boards were then faced with a restrictive budget from the provincial government over which they had little control. Set against this was an increasingly negative bargaining mood between the teachers and the school boards.

The mood at the bargaining table was to continue to change in 1987 when teachers were given the right of full collective bargaining under implementation of Bills 19 and 20. Teachers were looking to make great strides in their contracts, yet with the government keeping a restrictive grip on budgets the school boards and teachers were heading into an era of increasing frustration. Teacher expectations were high, but soon to be met with a limited budget. With frustration levels running quite high prior to 1987 the teachers and school boards were headed for an even rougher ride post 1987. As told by a management respondent, "We had this whole background of dissension and turmoil that came about as a result of the restraint programs.... The atmosphere I don't think was great."

## **Section B - Local Collective Bargaining: Post-1987**

Full collective bargaining rights were made available to teachers in 1987, the year that Bills 19 and 20 were introduced into the provincial legislature. It marked for the first time in B.C. history that teachers were given the opportunity from provincial legislation to collectively bargain not only their salaries and benefits, but now also their working and learning conditions. Teachers were given the right to strike, which was an option already available to many other teachers across the country.

Bills 19 and 20 provided teachers with an opportunity to form either a union, with full collective bargaining rights and the right to strike, or an association, with limited bargaining rights and no legal right to strike. As many respondents will give comment to, the choice being given to teachers was stacked highly in favour of the union model. The respondents will claim that the association option was really not an option for most people because it offered them no effective dispute resolution mechanism. Teachers, as it turned out, voted overwhelmingly to form local unions.

The reasons for the introduction of Bills 19 and 20 will also be touched upon. One Ministry respondent will claim that then Premier Bill Vander Zalm and his government were confident that teachers would win a Charter of Rights challenge that had begun arguing that B.C. teachers should have the option of striking, something that many other teachers across Canada had. Also, this particular Ministry respondent will state that Vander Zalm wanted to appease the teachers whom he often criticized when he was Minister of Education in Bill Bennett's government.

As will be shown, the introduction of Bills 19 and 20 brought with it a new

bargaining agenda to the negotiating table. Full collective bargaining, in the eyes of the management respondents and a Ministry respondent, will show that teachers began to bargain like many other unions in the province bargained. Their strategies involved bargaining one item at a time and confirming bargaining strategy with the BCTF. As will be mentioned by several management respondents the teachers were now bargaining more items than they were prior to 1987. The BCTF respondent will claim that teacher locals simply carried on from where they left off prior to 1987, with very little changing in the sense of bargaining strategies or protocol.

Finally, this section on local bargaining post-1987 will show that the BCTF has a definite influence over the negotiations of the local unions around the province. Various perspectives will show that the extent of this influence is different depending on the affiliation of the respondent. Management respondents will attest to the overwhelming influence of the BCTF over local union decision making, while the BCTF respondent will assert that local unions have complete autonomy and are only guided by the BCTF in their choices over contract negotiations.

#### Teachers and Boards on the Choice of a Union Rather than an Association

When Bills 19 and 20 were introduced they gave teachers the option of becoming an association or a union. The association model would give teachers limited bargaining over just salaries and benefits, no right to strike, and arbitration as a dispute resolution mechanism if both sides agreed to seek arbitration. The union model would give teachers full collective bargaining and the right to strike.

Respondents were, for the most part, strikingly similar in their responses as to

why the teachers voted overwhelmingly in favour of the union model. All 75 teacher locals in the province voted in favour of unionism. A Ministry respondent claimed, "The BCTF weren't happy with it (the choice between union and association), because they obviously wanted to go to the unionized collective bargaining route." To this respondent, teachers really had no option as the choice being given to them by the government did not really provide two enticing alternatives. Choosing the association model meant choosing an option without the right to strike, which according to the other Ministry respondent was of great importance to the BCTF. "It was the BCTF who was pressing for it. It was clearly an agenda of the BCTF."

The BCTF were also interested in accepting the union model and campaigned vigorously throughout the province. Its respondent commented,

I believe we [the leadership of the BCTF] advocated and strongly supported the union model. I also think that there wasn't a choice when you look at the choice of being a union and being an association. There really wasn't a choice at all, because the association model didn't have any dispute resolution mechanism other than arbitration and that was only if the school board agreed to go to arbitration. You had no way of resolving your disputes.

Management respondents were also quite clear on the choice being presented to teachers. Teachers had only one satisfactory alternative--that of forming local unions to bargain for their contracts. One management respondent spoke to the option provided by Premier Bill Vander Zalm's government:

Of all the dumb moves that Vander Zalm made, and he made many of them--is that when [he] set up the option of teachers going union or non-union it was not an option. It was the most ridiculous thing that was ever presented. "Join a union, get all the protection of the union, or actually be out there adrift in a rubber boat and having people snipe at you with rifles." Teachers basically got pushed into the union model because who's a big enough fool to cut off their own head? So, naturally, the teachers voted en masse to go to the union.

### The Rationale of Bills 19 and 20

When Bill Vander Zalm's government introduced Bills 19 and 20 into the provincial legislature he introduced a bargaining option that had never before been available to B.C. teachers. The rationale behind its introduction was spoken to by a Ministry respondent who claimed that it was the provincial government's fear of losing a Charter of Rights challenge in the courts by the teachers that provoked the government into action. This, and the possibility that Vander Zalm was attempting to appease teachers from the time when he was Minister of Education. It was then that he had annoyed teachers on several occasions. As an example, Mr. Vander Zalm had spoken unflatteringly of B.C.'s education system on an August 30, 1982 radio talk show when he stated, "I don't believe we're getting good value [for the money spent on education]. I think generally the people out there are very frustrated with it and much disappointed with the product we have at the end of Grade 12." (Kilian, 1985). As claimed by a Ministry respondent,

The bringing in of [Bill] 20 was related to a number of issues in my estimation. The first one was that the BCTF had launched a Charter challenge on the right to strike. They had begun an examination of discovery, and had gone through at least ten days of preliminary examination.



The government seemed worried that it might lose a court challenge by the teachers. Many other teachers across the country had the right to strike. According to this particular respondent, it seemed that the government would not win an argument in the courts that declined teachers the right to strike. The respondent continued,

When Vander Zalm came in he had been the former Minister of Education, and had really alienated a lot of teachers. And with the Charter challenge for the right to strike on the table combined with his desire to make peace, he looked and saw that this was something he could do that would maybe show his good will towards the teachers' profession.

### The Process of Collective Bargaining

When teachers were given full collective bargaining they were, for the first time, able to bring items to the negotiating table that were never before negotiable and, once agreed upon, the contract was binding on both parties. Respondents were, for the most part, similar in their views on the actual process of teacher bargaining. They acknowledged the massive increase of items available for bargaining that were brought to the negotiating table, and the standard labour legislation of Bills 19 and 20 that shaped the bargaining. As noted by a Ministry respondent,

Teachers simply became the same kind of bargainers as all the other unions did and particularly the public sector unions and so it was pretty standard legislation for the day. There wasn't anything particularly unique about it at all.

The BCTF respondent commented similarly on the normality of the negotiations stating, "The Act largely doesn't, I don't think, have a great bearing on our collective agreement."

Management respondents characterized teacher negotiators as working in

conjunction with the BCTF to seek advice and support during negotiations.

Management saw the BCTF as having a certain degree of controlling influence over their locals. As one management respondent summarized,

We [VSB and VTF] had no history of bargaining other than this gentle persons' agreement, so the teachers [VTF], when they were given this full collective bargaining, they just brought everything and of course, every district faced almost the same wording from the demands that were placed on the table. They [the teachers] had instant communication back to the BCTF headquarters with their fax, modem, and e-mail. So, they had all the resources at BCTF to support them...

Management respondents also noted that the VTF would present one item at a time and expect a response from the board, even though the board felt unable to respond until they understood the impact of all of the items. The same respondent remarked on the comments of the VSB's chief negotiator,

Vaughan Bowser would say, "You're giving us your items one at a time. The first thing we'll do is you tell us the item, why you've got it in, what you think it's going to do, why you think you need it, that sort of thing, then after we've conferenced we'll talk about what we think of it and we'll ask questions, but we're not going to sign anything off until we've seen your full package until we know the cost of all the items.

Another management respondent gave the board's perspective on the item by item strategy, claiming that it restricted the board's ability to respond to union demands because of its uncertainty of what was coming next:

They were going item by item and the board was in a situation where they couldn't respond to item one because they didn't have a clue what item number two was and it just went on and on and on. And they (VTF) insisted on going item by item by item.

One management respondent gave a more metaphorical analysis of the teachers bargaining strategy,

I don't think the rules themselves were either helpful or hurtful. I mean, they were the same as the rules would be for most other groups. It seemed to me that it was like the teachers were like kids let loose in a candy factory. I mean, I think the last bargaining session they had about 150 items. I think the costing of one special need item alone was about 30 million dollars... [In total] it was about 200 million bucks... what they were asking for .

The lone BCTF respondent noted that the bargaining structure was quite similar to the pre-1987 era of bargaining, yet he did note that teachers were now able to bring much more to the negotiating table. He stated,

In terms of the structure it didn't change from around the province from one local to another. I don't think that structure was changed in any great way when Bills 19 and 20 came in but what was changed was our ability to bargain all terms and conditions of employment and the right to strike.

This respondent also believed that the BCTF did not have the same overriding authority as envisioned by the management respondents, yet agreed with the assumption that the BCTF still plays an active role in the negotiating of local agreements. "Obviously, they're influenced by the large organization." However, he also believed in the autonomy of the separate locals:

They [local teachers unions] have absolute autonomy.... The bottom line has always been if they want to decide something they do it.... I'm not saying the Federation doesn't have input but the bottom line is they are the decision makers.

We do a lot of the work here in terms of the preparatory work. I advise them on building membership support, waging a campaign, what priorities they might want to assess. I assess their collective agreement.... I go through and analyze it and say, "Look. This weakness is here that I think you need to address.

## Summary

When teachers chose the option of forming a union in 1987 it gave them full collective bargaining rights allowing them to collectively bargain not only their salaries and benefits, but basically all of their working and learning conditions. As all respondents noted many teachers saw the option of forming a union as the logical option. It gave them the right to strike which they had wanted and were beginning to press for with their Charter of Rights challenge.

The rationale behind the introduction of Bills 19 and 20 was mentioned briefly by a Ministry respondent. He claimed that the provincial government under Bill Vander Zalm was sure that they would lose a court challenge by the BCTF to give teachers the right to strike. He also noted that Vander Zalm wanted to appease the teachers whom he often criticized when he was Minister of Education in Bill Bennett's government.

Management respondents characterized the post-1987 bargaining as a time when teachers routinely would offer to negotiate only one item at a time, frustrating management in its desire to understand the full impact of all of the teacher demands before responding to them. The BCTF countered that the process of the negotiations had really not changed from the introduction of Bills 19 and 20. It was simply that there were more items to be negotiated.

The amount of BCTF involvement in negotiations was also examined. Management respondents were confident in their assumptions that the BCTF played an important role in the local negotiations. They believed that the BCTF acts as a coordinating body influencing specific contract language so that the locals have

limited local autonomy. The BCTF respondent countered that the locals are autonomous, yet acknowledges that the BCTF does indeed act as an advisor.

### **Section C - Bargaining Agendas in Vancouver**

The Vancouver School District and the VTF strike of 1993 will be more closely examined in the following two sections. In this section of Bargaining Agendas in Vancouver, a closer look at the perceived bargaining agendas of the VTF and VSB will be explored. The reader is reminded that there will be no VTF respondents and as such any agendas attributed to them are from the BCTF respondent, the management respondents, or the Ministry respondents.

According to the management respondents the VSB agendas can be grouped into four major areas. One of these is simply to secure a contract between themselves and the VTF. Embedded within this are three other goals of remembering to put the affairs of the children first, living within the restraints of the district's budget, and finally maintaining control over management decisions within the schools.

Respondents attributed several agendas to the VTF. The first round of negotiations saw the VTF wanting to hold onto language in it's previous contract and it's learning and working conditions agreement. Maintaining union solidarity during the initial round and building a good contract was also a top priority. A respondent from each of the Ministry, management, and BCTF will attest to this.

The second round of negotiations saw the VTF in need of significantly improving its contract as it felt it's first round settlement was of a lower quality than

many other districts. Both the BCTF respondent and a management respondent will claim that the VTF was determined to win a better contract during this second round. Management respondents will contend that to do this an agenda of the VTF was to procrastinate in settling a contract so that other districts would settle allowing the VTF to use these other settlements as bargaining leverage for themselves.

The issue of a VTF demand for more money will be addressed by the management respondents who will claim that the VTF is well prepared to defend the demands it puts forth. A claim by the management respondents will show that the VTF is unconcerned about how the VSB is to find the money, the claim being that it is the VSB's responsibility to do so. One management respondent will assert that the VTF is more concerned about their members welfare than about their students' welfare.

On the topic of management rights respondents from all three areas believe that the VTF does indeed want to have some input into the control of traditional management rights in the schools. However, there is a difference between the perspectives of the respondents views with regards to the degree of control the teachers want to take from management.

A viewpoint will be expressed on the apparent lack of similar priorities between the VTF executive and its members. The BCTF respondent will note that the possibility exists but that it is unlikely. Two management respondents are split in their views. One of them will claim that the executive and its members are not out of touch with each other, while the other respondent is confident that the executive is manipulating its membership.

The interviews also probed respondent opinions on any possible hidden

agendas by the VSB or VTF. Reactions will be shown to be mixed, with three management respondents claiming that hidden agendas exist on the parts of both the VSB and the VTF, while two management respondents and the BCTF respondent claim that none exist.

### VSB Agendas

The interview subjects identified four main VSB agendas during negotiations with the VTF. The VSB had, as its primary focus, the securing of an agreement. Within this aim there was consensus that the needs of the district's children were paramount as was the ability to pay for any settlement. A fourth agenda was the preservation of management authority in the schools which many of the management respondents and one of the Ministry respondents mentioned.

#### Securing a contract with the VTF.

Four of the management respondents claim that a primary focus of the VSB is to secure a negotiated contract with the VTF. One respondent referred to the priority of the VSB in getting through the negotiations, saying, "First of all, they wanted to get through it and get a contract." Another management respondent elaborated on this opinion by claiming, "To some great extent the VSB has been in a respond mode for virtually all of the negotiations.... It's almost as if they want to see what the teachers want and how they can give what the teachers want..." Another management respondent deflected any ideas that the VSB had an agenda other than to get an agreement, by stating, "I think the school board really didn't have an agenda to get

things done quickly or slowly, but rather to try to get something that it felt it could live with in the context of financing provided by the provincial government." The final management respondent claimed that getting a settlement was always much preferable than having a teachers strike, when he said, "My objective is to get a collective agreement that, first of all, would preferably avoid a strike."

#### Children are a priority.

A point made by every management respondent interviewed was the idea that any contract signed with the VTF would have to take into consideration its effects on the school children. The comments were all very similar in their content. "[The contract must] allow administrators and the school board to organize schools in the best way that they can for kids." Other management respondents claimed that what is most important is the " impact on children in the school.", and, "the board wanted to be able to manage the system for the benefit of the kids."

#### Bargaining within a budget.

In addition to the aim of keeping children as a priority was a theme spoken to by six of the management respondents--the lack of economic flexibility on the part of the board. As school district budgets come almost entirely from the provincial government these respondents noted that the cost of the VTF bargaining agendas and the board's ability to pay were not the same. The negotiations would always have the overriding concern of money. "What plays through all of this is the board's ability to pay.... I would say the number one factor in this whole time period has been money. Virtually



everything the teachers put on the table cost money." A management respondent summarized the VSB's agendas of children and money by asserting, "What the school board negotiators were striving to do was, yes, look after the interests of children, but within the budget restraints."

#### Controlling eroding management authority.

A third aim of the VSB was to control the erosion of management rights to the teachers. The fear of the loss of these rights was highlighted by a Ministry respondent who claimed, "Managers throughout the system are very concerned about the erosion of management rights. And clearly, a lot of management rights have been bargained away." Four management respondents spoke of "...allowing administrators the final say in school based matters", or settling a contract "at minimum cost to management." The board's agenda was to maintain management autonomy and management rights in certain areas.

#### VTF Agendas

Several agendas were ascribed to the VTF in its bargaining with the VSB. During the first post-1987 negotiations respondents from all three groups noted that maintaining and enhancing teacher solidarity was a primary focus of the BCTF and thus the VTF. During the second round it became apparent that the BCTF was attempting to consolidate the good contract settlements in some B.C. districts to include the whole province, including the VTF which did not receive a good settlement in round one. Another agenda was the VTF's determined goal of acquiring what they

considered to be a fair contract settlement. Controlling management rights was an issue raised by both management and the BCTF. Finally, the issue of hidden agendas was mentioned by both management and the BCTF.

### Teacher solidarity in round one.

A respondent from management, the BCTF, and the Ministry of Education all agreed on the VTF's and the BCTF's solidarity and strength in negotiating the first round contract in 1987. All three respondents assert that it was an important objective of all locals to remain solid and determined in their approach to reaching a first collective agreement with their school boards. Vancouver was no exception. As the BCTF respondent noted, "A big part of that round was preserving what we had and cementing it into a first collective agreement.... People were strong. People wanted it." A management respondent commented similarly:

So, when they finally achieved unionization it seems to me that those that were the more militant in the organization who were running it said, we've got to basically coalesce this group. And I think the first strike we had was an effort to bring people together.

The Ministry respondent directed his comments towards the BCTF in general commenting on how it was a strategy of theirs to try to get good contracts from the inexperienced school districts to put pressure on others like Vancouver:

The first round the BCTF went after some districts that were relatively inexperienced. They made some big wins.... They were playing their role vigorously and successfully.

### Consolidating contracts in round two.

Bargaining in the second round was essentially a time of consolidating the gains of some of the more successful teacher locals from the first round. As claimed by respondents in all three areas, including the BCTF, districts such as Vancouver, "who did not do well in the first round" needed to improve their collective agreements in round two. A Ministry respondent commented, "The second round they (BCTF) consolidated those big wins into virtually all the provincial agreements in terms of salaries and benefits." A management respondent concurred, saying, "Second time around they came in and said we want this because seven out of nine Metro districts have it. We want this because fifty out of seventy-five B.C. school districts have it. We [speaking of the VTF] were made to look bad by not having it." The BCTF respondent did not deny this agenda. In fact, he stated that it was indeed an objective supported by the BCTF. As explained by the BCTF respondent the VTF did not do well, partly because of the language that was imported from their learning and working conditions agreement--an agreement which, for example, specified class size goals which were larger than other teacher locals class size limits:

Second round...there were locals that had to catch up...because they didn't do as well [in the first round]. In Vancouver's case, Vancouver did not do well in the first round. It's partly the phenomenon that happens when you've done well in the past before you had collective bargaining. [Vancouver] was a victim of their own success. They had bargained these numbers [class size goals] a long time ago when they didn't have the right to strike.... Those numbers ended up being imported in their collective agreement.

Management respondents claimed that the BCTF influence bargaining strategy in such a way as to protract contract negotiations until a good settlement somewhere

else in the province could be used as leverage by the VTF against the VSB. "The teachers would hang on and hang on and hang on.... They were often, as seen to us, as waiting for some of the smaller districts to capitulate as often was the case. There was no incentive on the teachers to settle fast.... We didn't control the pace of bargaining anyhow--that was controlled by teachers." Another management respondent concurred, saying,

I know to a very great extent Vancouver is helped by holding off and waiting and letting settlements happen in the Lower Mainland and then using them against the Vancouver School Board to say, "Well, they are getting it. How can you justify not giving it to us?"

#### Adequate compensation and priorities.

On the issue of money and compensation for teachers the management respondents were quite certain of the VTF demands. According to comments from three of the management respondents the VTF came well prepared to defend their demands:

...certainly has its facts well prepared when it comes to the bargaining table as to gross nation product--all of the factors that would suggest that a certain amount of money is a reasonable bargaining percentage to ask for.

...the teachers saying, "We want 7% and we don't give a damn.", which is one of the things that they virtually said, not quite that word. "What happens to the other [bargaining] groups is up to you. You're the board, you find the money."

Cut your administration costs--control the board office spending.

A fourth management respondent claimed that teacher demands for compensation were ahead of student needs:

Teacher priorities will be ahead of student priorities. They obviously want quality education for students--they're not against that--but, when it comes to a crunch between teacher priority and student priority, teachers are given first priority.

Controlling / limiting management authority.

The VTF has as one of its agendas the issue of management rights, that along with money, was also mentioned as a VSB agenda. It was described as a VTF agenda by all three interview areas--management, Ministry, and BCTF. The management respondents describe management rights as an issue eagerly pursued by the teachers and cautiously watched by the school board:

As far as the BCTF and VTF are concerned power items were extremely important. It was extremely clear that they were kind of pushing towards no administrators in schools--just run by committees. That came across over and over again--even though what they were asking for was contrary to what's in the School Act--didn't seem to matter at all. ...collective bargaining as the union's attempt to minimize the amount of judgement that management, in the form of administration and the school board, can exercise. It's a matter of control. I see it as a power grab.

A Ministry respondent related the issue of unions reaching for more control as a result of them being unable to secure the amount of money they want. If they are unable to get what they see as an adequate monetary compensation, then they will want to reach for more control within the schools. "One of the reasons that not enough money is a problem is they're switching to management rights."

The BCTF respondent did not deny that teacher locals have as one of their aims to control the managing authority of administrators. He claims that it is a primary goal of bargaining in that, " Obviously, our overall thrust is to fetter management rights--to make sure that the rules are fair and that the rules are known to everybody, and they

are applied equally to everyone." What was not mentioned by this respondent was the goal of stripping management authority, a claim made by the management respondents.

### Hidden Agendas by the VSB and the VTF

Finally, the issue of hidden agendas was discussed by several respondents. There was no clear opinion as to whether or not negotiators from either side entered into negotiations with ulterior motives. Respondents from management contradicted each other. There were claims of openness on the part of the VTF:

I don't think so. I think it was all quite up front and quite explicit.  
I don't know that they [VTF] had hidden agendas or not. I think most of their agendas were out in the open.

However, there were other management respondents who claimed that the VTF negotiators were manipulative:

I think there were hidden agendas in the context of when the union puts issues on the table that would erode management rights.  
...power...I felt that was a partially hidden agenda.

The BCTF respondent was adamant in his assertion that the VTF and all other locals bargain honestly:

We have always bargained up front. No one has a hidden agenda. We lay out our language and our objectives.

On the issue of VSB honestly and frankness, there were conflicting opinions again. Two management respondents were quoted as saying that the VSB is probably not always as honest as they could be:

I think the school board may have some hidden agendas as well. I can't put my finger on one right now, but I don't think the school board comes in totally clean in that regard either. I felt that probably from the board's side there is a little bit of manipulation.

A management respondent mentioned candidly that it was next to impossible for the board to have any hidden agendas as the board's private meetings were soon known to the teachers as there must have been an information leak from one of the board members:

Everything that was discussed at board meetings, private board meetings, was known by the teachers before the sun rose the next morning. The reason it was known is because we always had a number of COPE members on the board and in the last round of negotiations one of those COPE members was Gary Onstad and very much involved in the BCTF.... I can't prove it, but we would go to a meeting, like the board would give direction to Vaughan, on a late night private session and we would go the next day or a day later and present it to the teachers. It didn't appear to come as a surprise. So, we always knew whatever would likely be leaked.

The lone BCTF respondent, who was quoted as saying that the VTF did not have any hidden agendas, was also confident that the VSB did not have any either. "I don't know that I would say the other side has a hidden agenda. I would say no."

As shown, there are respondents that are quite certain of their convictions of hidden agendas, just as there are persons who state that they are of the opinion that both groups are honest. There is no clear indication from the responses given as to whether or not negotiations are completely honest. A management respondent summarized his feelings about the apparent honesty from both groups. He wants to believe in the process, yet doubts the intentions of both groups when he said, "I think that it's hard to believe that both sides are cleanly honest putting all the cards on the table."

## Summary

According to the management respondents the VSB has four main agendas when negotiating with the VTF--to secure a contract between themselves and the VTF, considering the effects of the contract on the children, living within the budgetary restraints of the district, and finally maintaining control over management decisions within the schools. Management respondents noted that the VTF has as one of its aims to strip decision making from the administrators and place it in the hands of teachers. The BCTF respondent responded that teacher locals are indeed interested in fettering management authority, but he did not confirm or deny the unions' desire to actually strip authority away from management.

The agendas ascribed to the VTF were many. When considering the first round of negotiations all three groups of respondents saw the VTF wanting to maintain solidarity amongst teachers. Both the BCTF respondent and a management respondent claimed that the VTF was determined to win a better contract during the second round of negotiations. Management referred to the VTF as procrastinating in an attempt to use these other settlements within the province as bargaining leverage.

Management respondents accused the VTF of requesting what they believed to be appropriate compensation for teaching even at the expense of other affected individuals including students.

On the topic of management rights respondents from all three areas believed that the VTF does indeed want to have some say in the control of traditional management rights in the schools. Management and Ministry respondents see teachers negotiating for the transfer of traditional management decisions from



administrators to teachers, while the BCTF respondent views the teacher unions as simply trying to make certain that managers are fair and that teachers are aware of their rights.

The interviews also probed respondent opinions on any possible hidden agendas by the VSB or VTF. Reactions were shown to be mixed, with three management respondents claiming that hidden agendas exist on the parts of both the VSB and the VTF, while two management respondents and the BCTF respondent claim that none exist. No clear trend on hidden agendas was evident.

#### **Section D - VTF Strike of 1993**

The primary focus of the Vancouver case study is an analysis of the VTF strike in 1993. It is through an analysis of this work disruption that a better perspective on the bargaining relationship between the VTF and the VSB will be gained. The areas to be probed include a statement of when the actual removal of services began, the issues precipitating the strike of 1993 including the major issues of the strike, the perceived roadblocks to a mutually satisfiable solution, the ability of either group to capitulate on certain points to reach resolution, and the introduction of Bill 31 by the provincial government to end the strike.

The first section will deal with the events which precipitated the strike by the teachers. As will be discussed in this section the actual withdrawal of teacher services began in December of 1992 when the teachers began their selective disruption of services with a refusal to process paper work. The BCTF respondent will state that

teachers felt the VSB was refusing to negotiate in as expeditious a manner as they felt they should be. Two management respondents will also attest to this perception by the teachers. One of these two management respondents will also state that he believed negotiations were moving too slowly, although he did not place the responsibility for this on the VSB. A final precipitator to the full withdrawal of services in May 1993 was the teacher perception of a lack of a collective agreement that the school board specified to them in a letter. The BCTF respondent will indicate that this essentially meant that this amounted to a bargaining tactic by the VSB forcing them into a full VTF strike. A management respondent will claim that the letter was more symbolic than anything else.

Respondents will be asked about their perceptions of the main bargaining issues of the full teacher strike that happened in May 1993. Respondents from both the BCTF and management will announce that the issue of integration of special needs children into the regular classroom was probably the event which thrust teachers onto the picket line in May.

Roadblocks to achieving a collective agreement will be examined. Four areas will be discussed. First, the issue of management rights will be discussed. Management respondents will attest to this as a major area of concern for the VSB and its aim of maintaining a certain level of management authority in the schools. Secondly, it will be seen that neither side was willing to concede on the issue of special needs integration, the main precipitator to the full teacher strike. Third, the question of money will be explored. Four of the management respondents will claim that the VSB was unable to financially compensate teachers to the degree they

wanted without seriously disrupting the district budget. And fourth, the whole issue of politics in bargaining will be explored. A management respondent will claim that the VSB hoped that the weak 51% strike vote mandate would itself help end any teachers' strike that would materialize. Finally, special mediator Brian Foley will be described by three of the management respondents as someone who is politically motivated when mediating a dispute and not responsive to the economic conditions confronting the VSB.

The limitations of the bargaining groups in capitulating on a certain unresolved issue to achieve resolution will be briefly mentioned. All respondents, with the exception of one Ministry respondent, felt familiar enough with the strike of 1993 to comment on the perceived abilities of the VSB and VTF to capitulate on a bargaining roadblock. The BCTF respondent will indicate that the VSB was very restricted in its ability to capitulate, while management respondents will state just the opposite. Respondents will be shown to be split on their opinions on VTF restrictions to capitulate. However, the majority of management respondents will claim that the VTF checked with the BCTF before deciding on any particular contract clause with the VSB.

Resolution to this dispute came with the introduction of Bill 31 by the provincial government. Respondents will be queried as to their perceived reasons and the appropriateness of its implementation. Four points will be elaborated on including the role of the media and public reaction to the VTF strike, the unwillingness of either the VTF or the VSB to make significant concessions in their contract proposals, the reasons as to why Bill 31 should not have been imposed, and the opinions of the final arbitrated settlement imposed by Interest Arbitrator Vince Ready.

### Precipitation of the VTF Strike in 1993

The gradual removal of services by the teachers can be traced back to December 3rd, 1992 when teachers voted to withhold the processing of certain forms such as attendance and board initiated surveys--commonly referred to as a paper work strike. As stated by a management respondent,

Well, actually, the strike began in November 1992 [really December 3, 1992] if you want to look back at the withdrawal of services and job action. Refusing to supervise...refusing to write the second term report card and participation in meetings ground to a halt. So, really the business of the school was at risk for some time during the 1992-1993 school year.

The rationale behind the strike action was explained by the BCTF respondent who claimed that the VTF was trying to garner support for the 51% support it had from the strike vote. The VTF was originally upset over the VSB's refusal to settle the issue of the school year length. However, according to the BCTF respondent it became settled before the vote in December, prompting this respondent to question the inappropriate timing of the vote. He claimed,

Basically we were trying to build membership support for a real strike because the vote was 51%. The vote should not have been called when it was called because what happened was, well, it wasn't too early except that the major issue that we had was the regular work year and it got settled and because it got settled I think we should have said, "O.K., we won't have the strike vote right now. We'll wait. We don't need it right now."

The issue mentioned by management respondents as the prime motivator for job action was the protracted pace of negotiations. As stated by one management respondent,

Bargaining was not going as rapidly as they [the teachers] hoped it would. The teachers' views of this were that the board was dragging their heels. And so to tighten the pressure on the board they then went in to a paper strike--you know, we're not going to do report cards, we're not going to hand in papers to the office, we're not going to go to meetings, we're not going to supervise.

Another management respondent noted a similar perception of stalled negotiations, however, he did not cast exclusive blame on the VSB. His comments only suggested that the slow pace was due to a strategy of waiting:

To be quite honest, I'd found myself many days sitting there wondering if we were ever going to get anywhere. There were very few things signed off and I know they had met for hours and hours. There were some small details that both sides found easy to resolve, but the big ones...it was like there was a strategy to wait and to kind of keep it in abeyance.

An event mentioned by the BCTF respondent as an issue that helped to precipitate a full strike was a letter written by the VSB to the VTF claiming that since it was in a legal strike situation their previous collective agreement was no longer in effect. As described by the BCTF respondent, this was an attempt by the VSB to test the will of the VTF's 51% strike mandate:

It was the Vancouver School Board writing to us and telling us that our contract was not in place any more. That we wouldn't be able to process grievances. It was a tactic on their part. They wanted us to go on strike. We had a 51% strike vote--and I think they didn't think it was going to happen.... We went on strike at that point because we had no collective agreement. That meant they could fire a teacher tomorrow and we couldn't do anything about it.

A management respondent denied the threat of removing teachers from the payroll. In a written statement he claimed,

They had struck (ie. withdrawn some services, which puts them legally "on strike"), so we responded by informing them the Agreement was over. It had the effect of reducing grievances (we didn't accept any), but was more symbolic than anything.

However, the issue mentioned by both management and the BCTF respondents that apparently was the motivator to push teachers into a full strike was the issue of special needs integration into the regular classroom. As described by a management respondent, "The big one was the integration of special needs education children.... The reduction of class size if these children were to be placed in the class."

Elaborating on this idea, another management respondent concurred by saying, "The whole issue of integration and inclusion of handicapped kids...this was a pretty scary issue to teachers. Where there had been efforts made to integrate the children under the previous contract it ended up in perceived lack of support and resources to make anything happen." This sentiment is supported by the BCTF respondent who also claimed, "A big issue, big issue. Yes. We've had arbitration on it ever since."

### Roadblocks to an Agreement

Management respondents and the BCTF respondent had views on the reasons why the VTF strike lasted for over three weeks from May 5 to May 28, 1993. In the end the VTF and the VSB were unable to reach agreement themselves forcing the government to end the strike with its implementation of Bill 31, the Educational Programs Continuation Act. Respondents reflected on the reasons for the strike's length. Four main reasons emerged: the concern over management rights; integration of special needs children; budget limitations; and, the overriding influence of politics in the negotiations.

On the issue of management rights as a roadblock to negotiating success, all

five management respondents spoke of the school board concern. Comments included the following:

Some of the issues were ones that took away the right of the elected trustees to determine what was happening in their schools and by that I mean the concept of management rights.

Another respondent felt:

The teachers' union certainly wants to get more things in the contract. In fact, it had things on the table that would give them more control over what went on in the district and particularly in the schools--staff committees and so on. They would have wanted to be more directive in other words have terms in it like "staff committee must agree to this", or so on, rather than "will be consulted on." They [school board] saw a real possibility of the erosion of management rights.

A further statement was:

The whole seniority thing for hiring was a big issue.

The transfer and job posting and so on was one of the things we held on right to the end. There were a few things, like seniority, that were still on the table that the board was not prepared to give in on. It was control issues...

Integration of special needs children remained a contentious issue between the school board and the VTF as evidenced by a management respondent, who claimed, "They [VTF] were putting a lot of things on the table concerning the integration of special needs children. What they [VTF] wanted went much further than what they actually got in the settlement that was finally achieved."

Budgetary considerations was the most commonly mentioned roadblock by all of the management respondents and the BCTF respondent. As admitted to by the BCTF respondent, "I think always the questions that teachers have are resource based. They cost a great deal of money. I think those are always difficult."

Management respondent comments were of a similar vein:

The simple fact was that the teachers were asking for things that the board did not have the money to pay for. They just flatly didn't have the dough.

Another respondent said:

I think the board was saying, "We don't have the ability to pay," and there were three trustees who just refused to agree.

Two other opinions included:

I think some of the issues are incredibly expensive, and

I know that the trustees refused to give in as far as this monstrous budget that they have to handle. They were being fiscally responsible.

A final statement on budgetary considerations was,

And really, by that time the pattern had been set. It was 2 and 2 [percent pay raises in the first and second years of the contract]. Well, our board would not authorize anything other than 0 and 0 because they said 2 and 2 to us with a 200 million dollar teachers' payroll, a little smaller than that, will that's about 3 to 4 million dollars a year of teachers that we're going to have to lay off. That's not good for education.

However, it was the issue of politics which surfaced as the overriding reason why the VSB and the VTF could not come to a mutually satisfiable negotiated settlement on their own. When describing the political forum in which negotiating takes place respondents noted how it was the perceptions of the persons involved in the actual negotiations which shaped how well bargaining would progress. A management respondent described the reasons for the three week strike this way: "I think a combination of things, some of them political, some of them legal, some of them just the economics of the time." Another management respondent believed that the VSB was relying on the weak strike mandate of only 51% to help end the dispute,



I think it had a lot to do with the extremely weak mandate on which it was called in the first place. Vancouver was 51% to pull the teachers out on strike, which does not leave the employer to think there was all that much strength out there.

When Brian Foley was appointed as a special mediator in the dispute the settlement package that he put together was not very well received by the VSB. In fact, the trustees rejected the package as the basis of a settlement. As stated by a management respondent, "Brian Foley sold out the board." The teachers were angered by the VSB's refusal to sign the mediated deal. Another management respondent commented on the VTF's very political response,

Brian came in with a kind of "split the baby" recommendations (sic). When we [VSB] rejected Foley, the teachers...came out and stormed the board meeting. They came in with "sign-or-resign" buttons. They wanted the Foley settlement even though it was 0-2-2 [wage increase], they wanted it.

Whether or not it was because of the settlement actually proposed by Brian Foley, a management respondent volunteered his opinions on the mediator himself. In his thoughts, the management respondent noted Foley's inconsistency between the VTF and VSB, and hence his own mistrust of this particular mediator,

He was quite a charismatic individual. I always had the feeling that he'd come in and say one thing to the board's negotiating team and spin-off and say something different to the union negotiating group. It was confusing. You never really knew what he was selling or prepared to give on.

### Capitulating to Reach an Agreement

Respondents were queried on their perceptions of whether or not either group, the VTF or the VSB, were politically able to capitulate on a certain bargaining point to reach a resolution to the bargaining dispute. Reactions were mixed, with no clear consensus coming from the respondents. On the issue of VSB capitulations reactions

were split. Of the four respondents who voiced an opinion, two of them (management and BCTF) felt that the school board was unable to capitulate to achieve resolution, while two other respondents (management and Ministry) believed that the VSB was under no pressure from outside groups and could have ceded to the VTF if they needed to.

However, on the issue of VTF capitulations, most respondents including the majority of the management respondents and the BCTF respondent, believed that the VTF had no political restrictions in conceding on a point in the negotiations. Management respondents gave comments such as, "As I understand it the membership [VTF] was told that, 'You have to have faith in us [VTF executive] and believe in us,' and I think they did." Another management respondent had a stronger opinion of the VTF executive's autonomy at the bargaining table when he said, "The executive...are experts at manning the microphones at meetings and intimidating people with show of hands votes, so I don't think the membership has too much to say at all." Two respondents, a management and BCTF respondent, were very blunt in their responses to the VTF's ability to capitulate. As to the notion that the VTF could not have capitulated because of political pressure, their responses were a very confident, "No."

Contradicting this view of local union autonomy was a Ministry respondent, who believed that the VTF was charged with the responsibility to continually check with the BCTF on any proposed contract language before signing it off. He believed that the local teacher unions were under great pressure from the BCTF not to sign certain, inferior language for fear of setting an unfavourable precedent:

Most of them would never have come to any agreement without checking with Burrard Street [BCTF] first on any point. If they were within the bargaining targets of the BCTF they were flying, but if they were getting anywhere around the edges of that there was great pressure put on them from Burrard Street not to settle, to hold out, to do other things, to wait for some other settlement, to stall, to do any number of things possible.

He noted that very few districts ever went against BCTF recommendations, saying, "There were a few instances, maybe five or six times, where a local might have settled for something over the objections of the BCTF."

### Ending the VTF Strike with Bill 31

The introduction of Bill 31 (June 6, 1993), the Educational Programs Continuation Act, effectively ended the VTF strike by forcing the teachers back to work and assigning interest arbitrator Vince Ready to impose a settlement. Respondents were questioned as to the possible reasons for the timing of this legislation and the need for legislation itself. Their reactions were grouped into four areas which include the media and public reaction to the VTF strike, the reluctance of either side to capitulate on outstanding issues to reach resolution, the implementation of Bill 31, and the arbitrated decision of Vince Ready.

Three of the management respondents and a Ministry respondent noted the large role that public opinion played which may have caused the government to implement Bill 31. Comments on the perception of Vancouver being surrounded by the media and the health of public education being in jeopardy include:

"We were probably closest to the media.";

"I feel for the health of the public system it was essential to do it.";

"I think in terms of the relationship with the public it was the only measure they had to take."; and

"They [provincial government] did it because of... a huge outcry from the community, that education is motherhood to most people. You can't deny children access to the service."

A theme expressed by both management and the BCTF was of a strong reluctance of both the VTF and VSB to capitulate on their points of disagreement. Perceptions were stated that supported the notion that the teachers and the school board were unwilling to capitulate on the issues which precipitated and prolonged the strike. Two management respondents indicated the VSB's reluctance:

"There were three trustees that weren't willing to give in at all.", and

"Our trustees were not going to capitulate. It [strike] would have run on to the end of the school year I think. Our trustees were resolute."

The BCTF respondent was also certain of the VTF's reluctance to capitulate. He emphasized VTF's desire to remain on strike once the VSB rejected the earlier mediated settlement of Brian Foley:

When someone gets in an experienced person like Brian Foley, [who] makes recommendations that should settle the strike, plus we had settlements around the province that were in line with that, there was no way--we were on strike and we had to stay on strike until we had a deal. It's just as simple as that. I mean, we weren't going to give in.

Both sides appeared locked in to their respective positions. On June 6, 1993, Bill 31 was enacted forcing striking teachers back to work and an arbitrated settlement onto to both groups. Opinions were divided on the correctness of Bill 31's implementation. Of the three management respondents commenting on this issue, two of them did not feel it was an appropriate measure to take:

I'm of the opinion that the government probably shouldn't have taken that action or any action. I think it should have been a situation that was allowed to play itself out.

I think the binding arbitration part without them [provincial government] being able to foot the bill was grossly unfair. For them on one hand to set the district budget to say, "This is all the money you've got to run the system next year", and then to have a variable over which they aren't controlling or which they're actually siding to allow that particular variable to have a significant increase and not be willing to foot the bill makes it intolerable.

The BCTF respondent also voiced his concern over its implementation, however, he commented that its inappropriateness was not due to the lack of provincial funding, rather it was an intrusion into the free collective bargaining process:

What they did was they took away the worker's right to strike. They put the workers back to work--punished the wrong side. They should have, just by law, put in place those recommendations [by Brian Foley] and not ordered people back to work. I thought it was a real fundamental intrusion into free collective bargaining.

A management respondent, who had previously commented that he believed the strike would run through to the end of the year, thought the implementation of Bill 31 was the correct thing to do. He liked the approach taken by Vince Ready and the reasonableness of his settlement:

They did a smart thing in that they picked Ready who is a common sense guy and he came in, I think, with a reasonable settlement. So, in retrospect, I think they [government] did the right thing.

This last respondent stood alone in his praise of Vince Ready. Three other management respondents as well as the BCTF respondent were unhappy with the arbitrated settlement and the arbitrator himself. Management voices commented on the ambiguity of the settlement, his apparent lack of understanding of the VSB's financial condition, and his own political agenda:

I think in the collective agreement itself there were still a number of things that are very ambiguous.

Another respondent suggested:

He kind of didn't listen to the board. He brought in things that hadn't been negotiated--things that weren't on the table--compensation for retiring teachers, there'll be a fax in every elementary school. He came up with a settlement that ignored ability to pay completely.

A final opinion was:

He had his own agenda--to keep up his good name and get a speedy settlement, to make sure that he will be called again.

The BCTF respondent also was unhappy with the Vince Ready settlement, but for reasons quite different than management reasons:

I was really upset at a couple of things. He introduced contract stripping proposals, and it's generally accepted that in arbitrations you don't strip contracts. He stripped union representation. He put in language that allows the administrative officer and the teachers to have a chat before there is any proper notice of investigation. I have to say he favoured them.

## Summary

The VTF strike of 1993 really began in December 1992 when the VTF began its paper and supervision strike. Events which precipitated the strike were discussed. Teachers felt that the VSB was refusing to negotiate as quickly as they should be--in essence dragging their heels. Two management respondents also acknowledged this perception by the teachers, however, one of these two management respondents did not place the blame for the slow pace on the VSB. A final precipitator to the full withdrawal of services in May 1993 was the announcement by the VSB that the teachers were no longer working under the terms of the previous collective agreement.

because of their job actions. The BCTF respondent indicated that this essentially was a bargaining tactic by the VSB which caused them to initiate a full strike. A management respondent claimed that the letter was more symbolic than anything else, and was not meant to be taken as a threat to eliminate teachers from the payroll, only to eliminate the number of grievances being processed by the VSB.

Respondents were also asked about their perceptions of the main bargaining issues of the teacher strike in May 1993. Respondents from both the BCTF and management argued that the issue of integration of special needs children into the regular classroom was probably the event which thrust teachers onto the picket line in May.

Roadblocks to achieving a collective agreement were also examined. They were grouped into four main themes. First, management respondents asserted that the issue of management control in the schools was a major area of concern for the VSB. Secondly, it was shown that neither side was willing to cede on the issue of special needs integration, the main precipitator to the full teacher strike. Third, four of the management respondents claimed that the VSB was unable to meet teacher demands for compensation due to the budget limitations imposed by the provincial government. Fourth, the whole issue of politics in bargaining was explored. It was the political perceptions of the persons involved in the actual negotiations which, in many respects, shaped how well bargaining would progress. Within this last area were comments about special mediator Brian Foley. He was described by three of the management respondents as someone who is politically motivated when mediating a dispute and not responsive to the economic conditions confronting the VSB.

The limitations of the bargaining groups in capitulating on a certain unresolved issue to achieve resolution was briefly mentioned. All respondents, but one Ministry respondent, felt familiar enough with the strike of 1993 to comment on the perceived abilities of the VSB and VTF to capitulate on a bargaining roadblock. Comments were mixed with respondents showing no clear consensus on whether or not the VSB and VTF were restricted when deciding to capitulate on a certain bargaining issue.

Resolution to this dispute came with the introduction of Bill 31 by the provincial government. Respondents were questioned on their perceived reasons for its implementation and whether or not it should have been introduced at all. Four areas were elaborated on including the role of the media and public reaction to the VTF strike, the unwillingness of either the VTF or the VSB to make significant concessions in their contract proposals, the reasons as to why Bill 31 should not have been imposed, and the opinions of the final arbitrated settlement imposed by Interest Arbitrator Vince Ready.

The whole strike of 1993 was summarized quite succinctly by the BCTF respondent who noted that it appeared not to be about any real substantive issues, but instead was focussed around the politics of the bargaining:

I mean it wasn't really about what the issues were as much as it was digging in on the political basis, and I think that's unfortunate.



## **Section E - Arbitration**

Mandatory interest arbitration had been in place prior to 1988 when school districts and their teachers were unable to come to agreement by November 15 of the negotiating year. This system of arbitration ended on January 1, 1988 when Bill 19, the Industrial Relations Reform Act, was enacted which gave school boards and teachers the voluntary option of applying for an arbitrator or a special mediator who could impose a binding agreement between the parties. There was no time deadline to meet or bargaining objectives to reach before asking for the arbitration, nor was arbitration inevitable. This post-1988 system of arbitration will be explored in this section with emphasis being placed on the respondents' perceptions of its use.

First, the respondents will be questioned as to their opinions on achieving a collective agreement through negotiations or arbitration. Reactions will be mainly in favour of negotiating an agreement. Management respondents and the BCTF respondent will state that negotiating a settlement should always be preferable over arbitrating a settlement, because negotiations allow for some ownership of the final product. However, the BCTF respondent qualifies his statement by concluding that negotiating a settlement is only better if it results in a good agreement.

Second, the respondents will elaborate on the potential pitfalls of arbitration as a dispute resolution mechanism. Management respondents will complain of the lack of input into the final wording of an agreement and how it often does not reflect the actual circumstances in their own district. A Ministry respondent will comment on arbitration as a win-lose proposition for the negotiating parties, with one side almost

always feeling cheated by the process.

Third, the idea of winners and losers will be expanded upon with respondents being given the chance to explain who they see as winners and losers in the game of arbitration. Of the six respondents who spoke, only one will indicate that both sides walk away from an arbitration as winners. The five other respondents will assert that there is almost always a loser in the arbitrated decision. The BCTF respondent will indicate that he felt that arbitrators have stripped teacher contracts of clauses that have previously been awarded to the teachers, while management and Ministry respondents will indicate that arbitrations often favour the unions and disregard the financial situations of the school boards.

### Negotiating versus Arbitrating a Collective Agreement

When respondents were asked whether it was better to negotiate an agreement or have the agreement arbitrated, all of them favoured negotiations. One management respondent summarized his feelings quite succinctly by saying,

I think it's better to settle because I think it creates a better feeling between the union and the management and a settlement suggests there has been some meeting of the minds. When you go to arbitration that's not happening.

The BCTF respondent echoed this sentiment, but was quick to point out that a negotiated settlement is only preferable if it is good for the teachers. "Always, always, always unless it's [the agreement] going to be really crappy."

## Pitfalls of Arbitration

Everyone interviewed believed that arbitration was inferior to negotiations when determining a collective agreement between teachers and school boards.

Respondents reasons all considered the lack of input by the negotiators and how the arbitrated decision did not often reflect the particular needs of the school district or the apparent fairness it was supposed to impart to both parties.

Management and Ministry respondents spoke openly of the lack of any substantive input into the final wording of the arbitrated decision. A management respondent explained,

You don't talk about the language and you don't get to decide on what it is. I think arbitration is generally not the way to go if you can avoid it. We're living with the results of that now with a lot of things that weren't discussed, so each side makes something different about it.

Another management respondent concurred, saying,

I would not speak highly of the process that we went through with the arbitrator and the mediator. I felt that all the work that had preceded was quite subverted and manipulated a bit.

A third management respondent echoed the same ideas, claiming,

Neither side really got what they wanted but they got what an outsider thought would be a good compromise. I felt there were things that were compromised that didn't need to be.

A Ministry respondent noted that arbitration often produces a winner and a loser, and can often leave the negotiating parties feeling cheated:

From a working together point of view, settlement is always before arbitration, I would think, because arbitration often produces a winner and a loser. So, if you hammer it out at the table you've got to be a hit. It [arbitration] leaves a bad taste in both parties minds.

On the issue of perceived fairness to the negotiating parties six respondents had comments. Only one of these respondents indicated that he believed arbitrations were, for the most part, fair to both parties, depending on whether or not the arbitrator considered settlements in other districts. His comments on arbitrators suggest this, saying,

Their role is to apply the going rate. They see the pattern of settlement elsewhere and apply it to the dispute. Yes, I do [think they are fair].

However, the majority of the respondents did not see arbitration as fair, but instead as favouring the teachers. A management respondent, on speaking of the 1993 VTF/VSB arbitrated settlement, was blunt in his evaluation, saying, "The teachers got the better of the deal."

Other management respondents also believed this sentiment of favouring the VTF over the VSB, but also gave opinions as to why the unfairness exists. A management respondent blames the arbitrator's self interest:

If they [arbitrators] want to keep on working they better make sure that they don't antagonize the unions. So, the arbitration process, as it now stands, is loaded in favour of the union. It's a loaded dice in favour of the unions because, as I say, the arbitrators want to continue to work.

Both Ministry respondents concurred, arguing that arbitrators have their own best interests at heart when deciding upon an agreement, not necessarily the best interests of the two parties involved:

I think their [arbitrators'] natural implication is to go with the employees more heavily than with the employers, because they want to establish some kind of credibility with that group. You can generally push the employers from an arbitrators chair a lot harder than you can push the employee group.

I'll give you a cynical view that I heard from politicians--is that arbitrators make a settlement based on their next case. There's suspicion out there that arbitrators try and please a group, and often it's not the politicians, not the school board--that the people in the Federation [BCTF] will endure longer and more than will anybody in the school board.

A contrary point of view was expressed by a lone management respondent who claimed that the VSB was the winner in the 1993 arbitrated decision, stating,

If I had to lean one way or another I think the arbitrated settlement probably favours management slightly more than the teachers' union. The teachers certainly didn't get what they wanted out of that [arbitrated decision].

The BCTF respondent claimed that it was not the teachers who won in arbitration, but the school board. He argued that in 1993 Vince Ready successfully stripped contract language from the old collective agreement, a practice this respondent said is not standard practice. As previously quoted, he stated:

I was really upset at a couple of things. He introduced contract stripping proposals, and it's generally accepted that in arbitrations you don't strip contracts. He stripped union representation. He put in language that allows the administrator and the teachers to have a chat before there is any proper notice of investigation. I have to say he favoured them.

As observed in the above evidence, there appears to be a near unanimous voice of opposition to arbitration as a dispute resolution mechanism. The particular reasons as to why may vary, but the majority of interview respondents are convinced of its unfairness. An interesting point was made by a management respondent who claimed that arbitration is probably in the backs of the negotiators minds at all times, influencing how they bargain. They will tend to hold back on their best offer, assured that if discussions fail, a strike or lock-out erupts, and arbitration is imposed, they will still have some room for an unexpected, and perhaps unfair, arbitrated decision:

I think it's the kind of thing you should only implement as a very, very last resort. You hold something back to give when it gets to the arbitration stage because you know you're going to have to give something--and when you do it's a self-fulfilling prophecy. I don't like the idea of arbitration being at the end of every dispute because I really believe that if it is there and people start planning for it because [sic] at some point they realize that it looks like we may be going to arbitration they create a strike.

## Summary

Respondents were questioned on whether they would rather reach agreement through negotiation or arbitration. Reactions were generally in favour of negotiation as the preferred method, although the BCTF respondent noted that it is preferable only if the agreement reached is of benefit to the teachers.

Arbitration was seen as a less desirable method of reaching agreement for several reasons. It was noted that arbitration lacks negotiated input into the final wording of an agreement and that it can often result in a win-lose proposition for the negotiating parties, with one side almost always feeling cheated by the process.

Arbitration is not well liked, or respected as an honest and fair approach to collective bargaining. Opinions saw it as often inappropriate for the particular school district it is imposed upon, lacking in language that negotiating parties had some input into, and it is often viewed as broadly favouring one bargaining party over the other.

## **Section F - Local Bargaining Advantages**

Management and the BCTF respondents were asked to define the advantages, if any, they were able to see in the local collective bargaining process. Three types of advantages came forth from their responses: local bargaining promotes support for local issues; it fosters a greater understanding between teachers and school boards; and, it deals with local issues at the local level.

The BCTF respondent will claim that local bargaining makes finding support for local issues easier and faster. He will state that finding parent support is easier, as is making contact with the local teacher association membership for discussions on pertinent information.

The BCTF respondent and a management respondent will claim that, compared to a more regional or provincial level, there is likely a better understanding between the negotiating parties at the local level. The BCTF respondent will note that there have been some initial relationship problems between the two negotiating groups, but that it takes time to settle into a relationship. The management respondent will further claim that he has witnessed a very good bargaining relationship with evidence of cordiality and pleasantness at the negotiating table.

The strongest response on local bargaining advantages was the almost unanimous consensus from management respondents and the BCTF respondent that local bargaining was useful in addressing local issues. In total, six out of the seven possible respondents (only one management respondent did not volunteer this answer) will mention the ability to deal with local issues as a primary advantage of

local bargaining. Comments from these respondents will be highlighted.

### Support at the Local Level

The only respondent to indicate support as a major advantage of local bargaining was the BCTF respondent. He indicated that when looking for parent support over an issue being dealt with it is probably better to be negotiating locally, claiming, "[It is] easier to reach parents that might support us [VTF]". However, one of his more strongly worded acknowledgements was for teacher membership support. Here at the local level the VTF was much more able to communicate directly with the teachers affected by the collective agreement, enabling the executive to communicate quickly and effectively with its membership if needed:

Probably the biggest advantage you have in local bargaining is that the membership is right there. They know you, they elected you, they can phone you, you can talk to them, you can call a meeting tomorrow. Teachers were much more involved. They knew the people that were bargaining for them. They got to vote on the objectives at a general meeting.

### Building Relationships at the Negotiating Table

The BCTF respondent noted that the negotiations were at times difficult and resulted in bad feelings, but that it was quite normal for a very young relationship to have its problems. In addition, he felt that local bargaining promoted a better understanding of each others needs:



I think if provincial bargaining hadn't been imposed we would have straightened out the relationship problems that have occurred in the last three rounds. If you look at where ever a collective bargaining regime has been introduced it is always a struggle at first. It takes time. I think it fostered better understanding and I also think it was better for teachers.

Expanding on this tone of an improving relationship a management respondent described negotiations with the VTF as a good experience with very little, if any, tension between the bargaining groups:

There was a nice tone. And I think it could have been a lot more tense than it was. I don't remember being here when the eyes were hardened and the sparks were flying. In all respects there was cordiality, and people greeted each other. After a while you came to know each other by name and the union had the wall festooned with cards and well wishers--those kinds of things. It was a fine kind of experience.

### Meeting the Needs of Local Districts

Six respondents volunteered the idea of local bargaining being best able to meet the needs of an individual school district. Their claims were that local issues could be brought to the negotiating table and hopefully discussed to a mutually satisfiable resolution. There was an implicit concern expressed by most respondents that provincial bargaining will be unable to meet these needs. The BCTF respondent and five out of six management respondents spoke to this issue.

The BCTF respondent noted that local bargaining allowed the parties affected by the local agreement to actually sit together to discuss its content, rather than some provincial government person in Victoria:

It allowed the parties to talk to one another at the school district level about their situation and their culture. It's harder to convince someone in Victoria that you need X, Y, and Z in Surrey, than it is to convince the local school board.

The five management respondents referred to the need to address local concerns with local people. A provincial standard is often not workable at the local level:

Having people elected by that local area having some input into what takes place in that district.

The up-side is that at least you can address local issues.

It presumably allows people to settle their differences locally and to take into consideration the local conditions they have to deal with, and at the end of the day they can strike or lock-out if they feel they other side isn't treating them fairly.

Address the local needs as compared to looking at a provincial standard.

The implications facing a particular district like Vancouver was summarized quite well by a management respondent. He claimed that Vancouver had a particular student clientele not found in most other school districts. To have the ability to address these needs locally is a key strength of the local system:

You get a lot of kids coming to Vancouver that need special treatment. It's a place where immigrants tend to come so you get the immigrant ESL [English as a Second Language], refugee factors.... There are particular local factors that can be dealt with and I think that's the strength of local bargaining that it does deal with local issues.

### Summary

There were several advantages found to local collective bargaining, that may not exist at the provincial level when teacher collective bargaining moves to that level. Management and BCTF respondents were asked to define what they was as advantages to the local collective bargaining process. Three groupings of responses

came forth. First, local bargaining promotes support from parents and teachers for local issues. Second, it fosters a greater understanding between teachers and school boards. Third, local bargaining is better able to deal with local issues than is provincial bargaining.

The BCTF respondent was the only respondent to discuss the advantages of local support in local bargaining. He asserted that communication and support was easier with parents and teachers when at the local level.

The BCTF respondent and a management respondent gave thought that there is likely a better understanding between the negotiating parties at the local level than at the provincial level. The BCTF respondent claimed that there have been some initial relationship problems between the two negotiating groups, but that over time a better relationship will emerge. The management respondent noted that he has witnessed a very good bargaining relationship when in attendance at negotiations seeing evidence of cordiality and friendliness at the negotiating table.

The strongest response on local bargaining advantages was the almost unanimous consensus from management respondents and the BCTF respondent that local bargaining was useful in addressing local issues. In total, six out of the seven possible respondents (only one management respondent did not volunteer this answer) mentioned the ability to deal with local issues as a primary advantage of local bargaining.

## **Section G - Local Bargaining Disadvantages**

Respondents were asked to name what they saw as disadvantages to local collective bargaining. Management and Ministry respondents will speak of the actual local system of negotiations as a major part of the problems in local bargaining, whereas the BCTF respondent will state that it was not so much the system of negotiations that was the problem, but rather the bargaining issues themselves that proved troublesome.

Respondents from management and the BCTF will attest to the adversarial relationship between the teachers and school board negotiators. Comments will attest to the confrontational attitudes seen between negotiators and the misperception between negotiators often leading to strikes and lock-outs.

Two management respondents will note that it is the students in the classroom who are lost in the overall process of negotiations. One of these respondents will claim that although children are sometimes mentioned during negotiations, it appears that the VTF ranks teacher concerns higher than those of the children.

Local bargaining will be described as expensive by respondents in the Ministry, management and the BCTF. The discussions will focus on two concerns. First, is the understanding that bargaining seventy-five separate collective agreements is costly in terms of money, time, and patience. Management respondents and the BCTF respondent will give comment on this.

Second, all three respondent groups will note the peculiar situation of school districts having to bargain contracts with their teachers under conditions of unknown

financing levels from the provincial government. Both management and Ministry respondents will indicate that this limits the school board's ability to pay for items asked for by teachers.

Mistrust will be mentioned as an outcome of the negative feelings often generated at the negotiating table. A management, Ministry, and BCTF respondent will all claim that mistrust is an issue facing negotiators when expectations are not met with enough money to meet the perceived needs of the system.

A major item of discontent was the "whip-sawing" effect. All respondents felt obligated to engage in discussion on this point, often speaking at length on its effects on negotiations. Both management and Ministry respondents will explain the VTF's use of other provincial settlements as leverage in their own negotiations--in essence whip-sawing contract language from one settlement to another. The BCTF will be shown as a major influence in this regard by coordinating bargaining objectives and outlining guidelines for future settlements. The BCTF respondent will acknowledge the use of the approach and confirm its benefit to teacher negotiators. However, he will also claim that it has worked to the advantage of school boards as well, although, admittedly, not to the same extent.

A reason for the ability of the BCTF to use this approach will be suggested by management and Ministry respondents who claim that the BCTF is extremely well organized as a centralized authority. They will claim that the BCTF has a strong ability to coordinate bargaining throughout the province combining the gains from one teachers' local into similar gains in other locals. The assumption being made is one of actual provincial bargaining being done one district at a time. Their claim will be that

the BCTF, and hence all teacher locals, have the power in negotiations and effectively remove any true local autonomy from the concept of local bargaining. The BCTF respondent will acknowledge an influence by the BCTF in local bargaining but will assert that, at all times, teacher locals have complete authority over their negotiations.

Some respondents considered the lack of coordination between the school boards and the BCSTA (British Columbia School Trustees Association) as a major factor for the teachers to benefit from the whip-saw effect. A somewhat analogous body to the BCTF, the BCSTA's role is not one of coordinating a bargaining approach to individual school boards (like the BCTF role), but rather acting only as a source of legal advice and support. Ministry respondents will note the strong independence of local school boards, and their reluctance to concede to any authority of the BCSTA. The effect of this lack of coordinated effort between the school boards will be shown to be a factor in the superiority of the teachers to control settlements over the school boards.

#### An Adversarial Bargaining Relationship

Both management and the BCTF spoke of the often negative, or adversarial, relationship between negotiating parties as being a major disadvantage in bargaining. This in turn may partially affect whether or not a settlement is reached without the intervention of strikes, lockouts, mediation or arbitration. As explained by a management respondent, the relationship itself was often the driving force behind negotiations, not the actual bargaining issues:

The adversarial nature of the local bargaining means that a strong power to lock-out or to strike can be more readily used. If it's an adversarial relationship the relationship is going to drive whether or not a settlement is going to be made.

Another management respondent commented on the detrimental effect it was having on his staff in his school:

What I've really found interesting and difficult, the year I was on the team, was that it created a wedge in my own colleagues on staff--the teachers with whom I worked. I think we have to break down that notion of the enemy sitting over there.

The BCTF respondent also acknowledged the confrontational attitude between the VTF and the VSB during negotiations. "Often sometimes, the system breaks down because people aren't listening. They are not really hearing what the other side is saying." However, he contradicted the management respondents by blaming the negative attitude on the issues themselves. "I think it [bargaining relationship] was antagonistic...but it wasn't the system. See, I think it was the issues."

### Children Forgotten in the Process

Two management respondents expressed the concern that it was the children who became forgotten in the bargaining process, which as one respondent noted can influence the perceptions of parents in a negative way:

I feel the child is lost in the process to a large extent. I think it's [the priority of the children] lost ground over the last time.

I think if there are any losers in this whole collective bargaining system...is I think the kids have lost. As a result of unionization I think there is less concern for kids than there was before, as I see it. I mean, I hear the rhetoric that what we're doing is to improve working conditions for teachers because they will help to improve working conditions for students and I know there is a correlation, but what I see all the effort is in one direction, not the other and I think parents have almost been written out of the equation and I don't think there's any accident that there's this parent backlash now with looking for value schools or whatever.

### Expense of Local Bargaining

A BCTF and management respondent noted the large expense of collective bargaining, especially in terms of money, time and patience. The BCTF respondent claimed, "I think that resource wise it is costly and time consuming." The management respondent also argued this point as evidenced by these comments:

Another problem with local bargaining is it is very expensive, when you consider in the last round of negotiations cost about 9.5 million [dollars]. The number of people at the table is phenomenal...paid daily. It goes at a snails pace. Posturing was taking place--stalling. I found it one of the most frustrating experiences that I've gone through. I feel if there had been some working groups working on so many demands here...they would have been able to get somewhere.

### Lack of Fiscal Control by VSB

Respondents from all three groups were quick to point out the difficult situation facing school boards in B.C. when it comes to controlling the amount of money available to them to run their districts. As pertaining to local collective bargaining, respondents noted the negotiating process is lacking in accountability as financing is wholly controlled by the provincial government whereas local school boards are expected to negotiate salaries and benefit packages. A management respondent



commented, "The players are basically sitting around a table talking about money that neither of them control." This point is echoed by another management respondent who explained the VSB's lack of ability to pay for VTF demands, "The real problem in local teacher collective bargaining is that teachers are presenting demands to be funded with money that school boards don't have." The BCTF respondent was similar in his discussion on financial control being handled by the provincial government, when he stated, "Increasingly the school boards were cut out--we [VSB] don't get to decide this--over to the [provincial] government."

A Ministry respondent was also in agreement:

I think the main problem was that the employer groups at the bargaining tables did not have control of the purse. Under the current situation [local bargaining] boards cannot bargain in good faith, really, because they either have to accept the government's financial constraints...and bargain to these, or they have to make extremely inappropriate decisions after the fact locally.

### Mistrust Between the Parties

A factor which seemed to permeate discussions on local bargaining was the issue of trust between the VSB and VTF. Many of the respondents described frustrations and antagonism between the VTF and VSB, with these often being factors in the eventuality of strike actions by the VTF. However, there were only three respondents who openly labeled the negative feelings as mistrust or suspicion--one management respondent, one Ministry respondent, and the BCTF respondent. The BCTF respondent was quite blunt in his assessment, saying, "There was just no trust." The Ministry respondent blamed the lack of trust on the lack of money available to

meet expectations:

The BCTF were pleased with the fact that they got collective bargaining but they were resentful of what the government was doing, as well, because the money wasn't there on the table and so there was a lot of mistrust and bad feeling.

The management respondent saw the bargaining process between the VTF and the VSB as needing improvement if there was to be a building of cooperation and collaboration between the parties:

We're in the business of trying to teach children the skills of functioning in the world collaborating and cooperating. There's some way of bringing that process into how we deal with a sensitive area like bargaining, then we have achieved quite an accomplishment. Until we get there, there's always that suspicion.

### Whip-sawing Effect

All respondents who were interviewed volunteered to discuss the topic of whip-sawing. In essence, it refers to the use of other settlements throughout the province as bargaining leverage in one's own district, hoping to improve any language still under discussion at the table. Local bargaining is done, they claim, while referring to other settlements in the province--in effect looking outside one's own district to other districts to support your bargaining objectives.

### Advantage to the teachers.

Respondents from all three groups, including the BCTF, noted the use of this technique by the local teacher associations. As described by a management respondent, "You see the teachers always talked about a good case for local

bargaining. In fact, we didn't have local bargaining. The teachers were always thinking what was going on in the province." Another management respondent summarized, saying, "The main problem was that it wasn't truly done locally."

There was general consensus that the teachers were much more effective than the school boards at utilizing its advantages. A management respondent, clearly stated that the teachers were most effective. "I think the power is very much on the side, or in the past, has been on the side of the teachers."

The BCTF respondent also acknowledged the use by both sides of the whip-saw effect but noted the general superiority of the teachers in using it, both now and in the past:

We had a whip-saw effect and it worked both ways.... I think it [the power] swings. It's all a factor of climate, environment, and everything else.... It can cut both ways, but I think, by and large it had worked to our advantage over the years and decades prior to collective bargaining.

#### BCTF control over bargaining objectives.

The reasons for this apparent superiority of the teachers over the school boards in using the whip-saw effect was suggested by several management respondents and a Ministry respondent. Their notion was one of the BCTF having a tremendous influence over local negotiations--in effect, acting as a centralized bargaining authority. Three management respondents argued this point:

There was a lot of agenda driving by the BCTF so that it [collective bargaining] was not really a local thing.

Another point of view included,

There were some BCTF agendas that overrode whatever the local [union] might want to do. So, while we were talking locally, we always knew that in the background they were not one [local] but seventy-five.... There's no doubt they had a very well orchestrated system of keeping people in contact, and keeping them on side and not allowing people to agree to something that would set a precedent that would have a negative impact on other districts.

A final opinion on the influence of the BCTF was,

There's no point in being naive to think that each local is coming up with an individual package. It's kind of dictated by the BCTF. The clauses that appeared as demands from the teachers [VTF] were almost verbatim [to other contracts]. They were identical almost.

The BCTF respondent counters that, although the BCTF has a strong influence over local bargaining it does so at a distance, allowing each local complete autonomy in making their own decisions:

Obviously, they're influenced by the large organization...but, the bottom line has always been if they want to decide something they do it. I'm not saying the Federation doesn't have input, but the bottom line is they [individual locals] are the decision makers.

#### BCSTA ineffectiveness in countering BCTF.

Some respondents considered the lack of inter-school board coordination as a major factor in their inability to counter the strong BCTF presence in negotiations. The BCSTA, a provincial body to which most of the province's seventy-five school districts belong, does not have any authority over bargaining agendas. A Ministry respondent noted that school boards could never get together to coordinate their bargaining due to the strong independence of each board:

All the local unions cede to the BCTF--this centralized bargaining capacity. The BCSTA, because of the independence of their school boards, could never get their act together.

The other Ministry respondent noted similar thoughts:

The BCSTA, as an association, ...is kind of a voluntary association of elected school boards who all fiercely guard their own autonomy and would never cede to the association the authority to do anything on their behalf.

A management respondent concurred, claiming that trustees are quite political and thus not a cohesive unit:

The boards didn't have a coordinating unit. So, the trustees were not coordinated and you have to remember the trustees are political. They're worried about getting re-elected. One of the first things I learned is that getting trustees on a board to agree to something is like herding cats--it's really tough. Getting trustees [to agree] between districts...never!

The end result appears to be that the BCTF has badly outmanoeuvred the BCSTA and the school boards. Although the whip-saw technique may be used by both sides, by far, the teachers have used it most effectively. A management respondent summarized this thought:

I think basically the point of view of the school boards, including the Vancouver School Board, is that the BCTF wields too much power and is able to support its local unions to such an extent that the BCSTA and individual boards can't match that and you see this whip-sawing effect going through the province. So, I feel the school boards feel that they're being beaten by the BCTF.

Another management respondent, referring to a mediator's comments concluded, "Whatever gave you the idea this is local bargaining. This is province wide bargaining one district at a time. It's whip-sawing!"

## Summary

There were many disadvantages to local collective bargaining spoken to by the respondents. Their responses were separated into six separate categories--an adversarial bargaining relationship, children forgotten in the process, expense of local bargaining, lack of fiscal control by the VSB, mistrust between the parties, and the whip-sawing effect.

Respondents from management and the BCTF spoke about the adversarial relationship between the teachers and school board negotiators. They highlighted the often confrontational attitudes seen between negotiators and the misperception or misunderstandings that can plague the negotiations.

On the issue of children being forgotten in the bargaining process two management respondents noted that children, although sometimes mentioned during negotiations, often do not appear to be a factor during negotiations. As argued by one management respondent, it appears that the VTF will often put teacher priorities above those of the children in the district.

Local bargaining was described as expensive in two different ways. First, management and BCTF respondents claimed that negotiating seventy-five separate collective agreements is costly in terms of money, time, and patience. Second, all three respondent groups described the peculiar situation of school boards having to bargain contracts with their teachers but with control over money being handled by the provincial government. Both management and Ministry respondents indicated that this limits the school board's ability to pay for items asked for by teachers.

Mistrust was specifically addressed by three respondents who all claimed that

there often exists a mutual distrust between the negotiating parties.

A major item of discontent was the whip-sawing effect. All respondents spoke at some length about its effect on negotiations. Both management and Ministry respondents noted the VTF's use of other provincial settlements as leverage in their own negotiations with the BCTF acting as a major influence over local settlements. The BCTF respondent acknowledged the use of whip-sawing by individual locals and the BCTF but claimed that whip-sawing is done by both sides. However, he also acknowledged that teachers have been better able to use it more to their advantage than school boards.

The BCTF strength as a centralized authority over the teacher locals was described as a primary reason for the teachers success using the whip-saw technique. Management and Ministry respondents make the assumption that what is really being done is provincial bargaining one district at a time. The BCTF countered that although the BCTF plays an active role in bargaining teacher locals have complete authority and autonomy over their negotiations.

A parallel factor used to describe the teacher advantage with the whip-saw effect was an ineffective BCSTA. It was described as an association where legal advice and support is given, not any bargaining advice. Ministry respondents noted the strong independence of local school boards, and their reluctance to concede to any authority of the BCSTA. The effect of this lack of coordinated effort between the school boards, along with the strong presence of the BCTF was shown to be a factor in the superiority of the teachers to control settlements over the school boards.

## **Summary**

Analyzed interview responses were coded into seven broad categories: Local Bargaining: Pre-1987; Local Collective Bargaining: Post-1987; Bargaining Agendas in Vancouver; VTF Strike of 1993; Arbitration as a Resolution Mechanism; Local Bargaining Advantages; and Local Bargaining Disadvantages. These groupings were chosen as they best reflected the themes discussed in the interviews.

### **Local Bargaining: Pre-1987**

Local teacher bargaining prior to 1987 saw an increasing level of frustration on the parts of both the teachers and the school boards. The provincial Social Credit government had enacted a restraint era which severely limited any monetary gains for the teachers while at the same time restricting district budgets over which school boards had little control. Dissension and turmoil marked this era in teacher / school board negotiations where feelings between negotiating parties were at best collegial, but more commonly were hostile and distrustful.

### **Local Collective Bargaining: Post-1987**

The introduction of Bills 19 and 20 into law gave, for the first time, the opportunity for teachers to choose unionization and full collective bargaining. They did so with a vengeance, with all seventy-five teacher locals choosing the unionization model over the much less popular association model. Teachers now could bargain not only their wages and benefits, but learning and working conditions.



VSB management respondents noted that the VTF routinely would bring only one bargaining objective at a time for discussion to the negotiating table, frustrating the VSB's bargaining team.

The BCTF's role in local bargaining was described by management respondents as very important and influential in bargaining locally, yet the BCTF respondent stressed that the BCTF acted only as an advisor and in no way threatened the autonomy of the teacher locals.

### Bargaining Agendas in Vancouver

#### VSB Agendas

Management respondents noted four broad goals when negotiating with the VTF. First, was the desire to come to an agreement with the teachers through negotiation. Embedded within this first goal are three other goals: making children a priority in district decision making; concluding an agreement that will fit within the financial realities dictated by provincial funding; and controlling a perceived loss of management authority in the schools to the teachers.

#### VTF Agendas

Several agendas were associated with the VTF. There was consensus amongst respondents that the BCTF tried to maintain union solidarity in the first round of negotiations and in the second round tried to consolidate the gains of some of the more successful contracts from around the province.

Management respondents believed that the VTF's agenda of increased compensation for teachers was well beyond what the VSB could afford. Claimed by management was that these demands, if met, would have been at the expense of other areas of the school district budget including students.

Respondents from all three areas believed that the VTF desired a voice in the control of management rights in the schools. Management and Ministry respondents viewed teachers as wanting to remove decision making from school administrators, while the BCTF respondent viewed teacher unions as simply trying to fetter management authority.

### Hidden Agendas

There was no clear indication as to whether or not the VSB and VTF have any hidden agendas when bargaining. Some speculation was raised by management respondents that the VTF has the stripping of management authority as an underlying theme in negotiations.

### VTF Strike of 1993

Discussed in this section were views on why the VTF began its paper strike in December of 1992 culminating in a full withdrawal of services in May 1993. Events precipitating the strike were highlighted, including the VTF desire to build union solidarity, protracted negotiations, perceived VSB intimidation, and special needs integration.

The length of the strike itself was blamed on a number of factors including VSB

concern over the possible increased erosion of management rights, integration of special needs children, budget limitations, and the overriding influence of politics in negotiations.

The strike ended with the introduction of Bill 31, the Educational Programs Continuation Act which forced the teachers back to work with an arbitrated settlement by Vince Ready.

### Arbitration

All respondents noted that it is, by far, preferable to reach a collective agreement through negotiations than through binding arbitration. The assumption was made that, if negotiated, the negotiating parties have some ownership in the collective agreement. Arbitration resulted in a win / lose situation with at least one party always unhappy with the outcome.

Most respondents claimed that arbitrators were unfair in their settlements. A claim made by both Ministry respondents and most management respondents was that the arbitrators often have their own self interests at heart when deciding upon an agreement and find it easier to side more with the unions than with the management.

### Local Bargaining Advantages

Three advantages were referred to by management and BCTF respondents: local bargaining promotes support for local issues; fosters a greater understanding between teachers and school boards; and deals with the local issues at the local level.

The BCTF respondent claimed that remaining in touch with teacher

membership and parents was easier if bargaining was done locally. Both management respondents and the BCTF respondent indicated that a better understanding probably exists between the negotiating parties at the local level rather than at the provincial level, and that addressing local concerns is easiest at the local level.

### Local Bargaining Disadvantages

There were many disadvantages seen to the system of local bargaining, including: an adversarial relationship between teacher locals and school boards, forgotten students in negotiations; expensive system of bargaining; unknown financing levels from the provincial government; mistrust; and the whip-sawing effect.

Mistrust and an antagonistic relationship between teachers and school boards were areas highlighted by respondents as major problems with local bargaining. Frustrations on the parts of both teachers and school boards result when budget limitations curtail expectations for a settlement, often leading to negative feelings between the two groups.

Local bargaining was seen by management and BCTF respondents as costly-- in terms of money, time, and patience. School boards are faced with uncertain and restrictive funding levels from the provincial government which can often impede settling an agreement.

Two management respondents indicated that students are often the forgotten people in the process of bargaining.

The whip-sawing effect was described by all three groups of respondents as the

ability to secure favourable contract language in one agreement by comparing it to language found in other settlements around the province. There was general agreement that teacher locals have become much more adept at using this technique than have school boards. Suggested reasons for this were the effective and influential central authority of the BCTF, and an ineffective BCSTA.

### Final Thoughts

This chapter has probed the complexities of local collective bargaining by searching out the perceptions of the people most involved in its implementation--namely, the policy makers (Ministry respondents) and the negotiators (management and BCTF respondents). Local collective bargaining, by no means a perfect bargaining structure, has been identified as having a few strengths yet many more weaknesses.

An opinion expressed by a Ministry respondent eloquently captures his perception of the negative atmosphere surrounding the birth of local collective bargaining in 1987 through to its imminent demise in the near future:

If you could have chosen a time in history when not to make a change like that this would have been the time [1987]. The reason is, the goose had been killed, the golden egg was no longer there. And, so, here was a pent-up desire to negotiate and bargain on a lot of points--just as the public and governments began to realize that there was no money out there. So, we had all of these expectations going this way, and for the first time a consensus emerging that we're going to have to spend.

It was the lack of capacity to read that in '86/'87--we'd been in recession, coming out of a recession, and everybody was saying, "Back to the old game again." Wrong! There was a fundamental paradigm shift that had occurred, and that's what's plaguing it today.

It [move to local collective bargaining] should have been done ages ago. There's no question it was badly timed.

## **Chapter 5**

### **Discussion**

This thesis had three distinct, yet related, purposes. First, this thesis presented a chronological history of collective bargaining in B.C. from the time of Canadian Confederation in 1867 through to the present. In doing so the thesis has explained how collective bargaining in B.C. has evolved into its present day form.

Second, the thesis probed the perspectives of nine interview respondents from three parties closely involved in local collective bargaining, namely: the BCTF; the Ministry of Education; and the VSB. Respondents were asked to speak about their perceptions of local bargaining in general, and in particular, the difficulties that the VSB had in coming to a negotiated agreement with the VTF.

Third, the thesis used the first two goals as evidence to support the notion of needed change in the collective bargaining process. Collective bargaining has been shown to be antagonistic and perceived as unfair and distrustful. In Chapter Five, the thesis will explore this notion of a need for change by quoting several of the respondents perceptions on the need to improve the bargaining relationship and the goal of a more collaborative negotiating system. This chapter will propose what may be needed to achieve a bargaining system that better meets the needs of the negotiating parties, and the needs of those for whom an improved educational bargaining system should ultimately benefit--the students.

## **Significance of the Study**

This thesis is significant in several ways. First, this study reviewed the history of collective bargaining in British Columbia, enabling the reader to place a proper perspective on the system of negotiations found in B.C. today. Teacher collective bargaining has modelled itself after the craft union model of the early twentieth century where teacher unions began demanding more input into the managerial decisions affecting their classrooms. This same concern is also found today in the collective bargaining objectives of teacher locals across the province.

Second, this study revealed that the Vancouver School District has been beset with teacher strikes ever since Bills 19 and 20 were enacted in 1987. The 1993 bargaining impasse was examined showing that the perspectives attributed to the VTF and the VSB often had them portraying the system as unfair to one side and, in many respects, each group viewed the other with distrust. This case study of Vancouver exists as an example of how the collective bargaining system can fail if its goal is to reach a negotiated settlement.

Third, the respondents have shown that there exists a large dimension of politics in the bargaining priorities and strategies. As evidenced by the perceived power imbalance between the BCTF and the BCSTA respondents noted the whip-sawing effect as primarily benefitting the teachers. The BCTF is able to whip-saw benefits gained in one collective agreement to benefits bargained for in other agreements. A Ministry respondent also noted that there probably exists a unique political situation found in education that exists nowhere else in the province. He

claimed that education is unique in that it has two clearly elected levels of government, the provincial government and local school boards, co-managing the same system:

Why is it that you have two clearly elected levels of government co-managing the same system, with a kind of senior partner and a junior partner? Now, there isn't any other parallel. Hospital boards, for example, while they are elected, they are elected from within the system (generally speaking) of the hospital, not publicly elected. You don't go out and vote for people on the hospital boards. Municipalities are quite independent of the province because they still have their own taxing authority. You're bound to get into politics [between school boards and the province] as a result of that arrangement.

Continuing in this same theme of political interference between school boards and the provincial government, the same Ministry respondent noted that because school board trustees are elected they have their own political agendas, one of which may be to embarrass the government of B.C.:

Some local boards wanted to embarrass the provincial government for provincial political purposes and they can embarrass them in a couple of ways. They can embarrass them by agreeing to settle at a [percentage salary] rate that was too high, for example, that would then have fairly dramatic budgetary implications inside the district and then parents and students got up in arms because class sizes were going up or services were being cut. They the board could quickly point to the province as the source of the problem.

If they want to embarrass the government about its decision to allow collective bargaining for teachers they could create an impasse--create a lock-out. Some boards actually did that. I suspect some of the NDP dominated boards took advantage of that situation to put the heat on the government and make them look clumsy.

Politics was also seen by some respondents as a factor in the actual bargaining objectives, where the negotiating parties would negotiate assuming that arbitration



would be a likely outcome. In thinking this way, each party would refrain from presenting their best offer to the other party knowing that arbitration often results in a compromise between the stated positions of the parties.

Politics was also noted by this researcher in the refusal of the VTF to participate in this study. What came as an initial surprise rejection to myself was later understood as a likely political response to a study of this type. This thesis probed perceptions of the negotiations between teachers and school boards, many of which were accusatory and inflammatory. The VTF refusal to participate may serve as an example of how political realities can be a factor in what is said and done during negotiations. This researcher proposes that there may have been several reasons for the VTF refusal. Two likely reasons may be: an unwillingness to participate due to fear of identification of the VTF respondents; or a type of political posturing by the VTF because the VSB was approached for approval of this research before the VTF. The reality of politics is abundant in local collective bargaining. This study has identified several political agendas through the responses given in the interviews and by the researcher's own hypothesizing on political posturing by the VTF.

A fourth significant impact of this study was the observation that there exists a need for building a better negotiating atmosphere between teachers and their employers. Many of the respondents and authors have noted that there exists an antagonistic relationship between teachers and school boards. Negotiations are often clouded by threats of strikes and lock-outs, political posturing, and a lack of trust. To achieve a better bargaining system these realities of negotiations need to be addressed.

## **Implications for Provincial Bargaining**

If provincial collective bargaining is attempting to address some of the problems inherent within local collective bargaining, policy setters need to consider some of the disadvantages to local bargaining that were discovered in this study, including: the expense of bargaining; the unknown and uncertain financing levels from the provincial government; the whip-sawing effect; the adversarial bargaining relationship; and the distrust between the negotiating parties.

### **Solving Some of the Problems**

By moving to provincial bargaining some of these concerns may be solved. Specifically, respondents who noted that local bargaining was extremely expensive will probably have this concern rectified with money based decisions such as salaries, class sizes and benefits being decided in a single contract. Seventy-five separate negotiations will not be conducted over these issues, allowing for a possible large savings in terms of time and money. With bargaining being conducted at the provincial level where budgets are decided, there exists the possibility that coordination between financing levels and negotiated contracts will be addressed. School boards may no longer experience the frustration over negotiating a contract with their teachers uncertain of how much money will be coming from the provincial government. Also, the whip-sawing effect should be dramatically reduced by provincial bargaining. With the loss of separate negotiations over money issues for each school district whip-sawing will not be possible. This should result in perceptions

of a more equitable power balance between teachers and school boards in terms of their negotiating strength.

### Addressing the Bargaining Relationship

What may not be addressed with provincial bargaining are some of the other disadvantages noted in this study. The provincial government needs to recognize the equal importance, if not greater importance, of improving the bargaining relationship between teachers and school boards. As evidenced in this thesis there exists a long history of antagonism between teachers and their employers in this province. Simply changing the bargaining structure from a local level to a provincial level does not guarantee a successful program of negotiations.

Provincial bargaining needs to improve upon the level of trust between teachers and school boards. As noted by the BCTF respondent, teachers have certain expectations surrounding provincial bargaining. If these are not realized, teachers could feel even more antagonism than they do now:

Well, I think it [trust] won't happen without securing the first collective agreement. I think that's the bottom line. What we've bargained for the last three rounds has to be, in one way or another, preserved in this first contract. And then maybe there will be trust.

No contract stripping. We are not going to lose anything. We have to preserve the issues within the language and I think that's going to be a real challenge. It can be even more antagonistic.

What we're now having to do is start all over again and build another relationship with another party.

VSB respondents were also cognizant of the need for securing a trusting atmosphere. One VSB respondent summarized, "It's going to be a matter of trust."

Another respondent claimed:

[It will] involve honesty and well intentioned interests on both sides. A sense of believing in each other and believing that the other one is not trying to play a game or pull a fast one.

The provincial negotiations need to be handled very carefully to result in success. Respondents were pessimistic about its initial success. A management respondent projected a lengthy negotiation with a likely strike resulting at the end:

I feel that we've created a big hole for ourselves--teachers and the board. Provincial bargaining is going to take about three years to get a contract in place. With the economy the way it is, the process of coming to a settlement provincially is going to create quite a great deal of animosity. Let's face it--teachers are not going to get an increase for three years until this is settled. I believe before this first settlement there will be a provincial strike.

There needs to be a perceived fairness on the parts of both teachers and school boards. Perceptions over local bargaining have shown that teachers and school board management do not view the process of collective bargaining, including arbitration, as fair. There exists the very real possibility of a winner and a loser in arbitrations, something that could still exist at the provincial level. Provincial bargaining must make every attempt to equalize the perceptions of fairness between teachers and school boards, for without the perception of fairness, I believe there can be no improvement in the relationship between the parties. Without this improvement there will likely be a strike, a sentiment noted by some of the respondents.

## Collaboration

This researcher believes that provincial bargaining can work if a more collaborative approach to negotiations is given a chance. This notion was not shared by all of the respondents, notably the BCTF respondent who was firmly against the prospect, and several management respondents who liked the idea but believed that it would not be possible because of the different goals of teachers and school boards.

Collaboration involves using a more interest based bargaining approach as compared to a positional bargaining approach. In interest based bargaining negotiators do not state a specific position but instead argue for their interests. For example, as one management respondent described it:

In interest based bargaining the board and the teachers say, "We want to have a class size that best addresses the needs of the kids in the room." I don't say, "I want to have thirty kids in my class." The boards and the teachers say, "It's in the interest of the children that the best possible service be delivered. How do we go about doing it? So, instead of having positions we declare our interests...which may be self-interests, but they are interests that can be addressed rather than fixed positions that are negotiated.

Enthusiasm for collaboration was evident on the part of the management respondents. Comments were quite similar, reflecting a positive reaction to the concept, yet cautiously optimistic over its chances of succeeding. The following example from a management respondent stresses the board's enthusiasm and the teachers' probable reluctance:

A collaborative model could work but it can only work if everybody sits down and everybody knows what the rules are. I don't know that there's any will for a collaborative model from the point of view from the teachers. I think the board would buy into that because really the board has been the one that's been beaten up over the last five or six years.

This idea was echoed by the BCTF respondent who claimed that positional bargaining has resulted in better contracts for teachers. In other words, positional bargaining has proven itself to be very effective at achieving teacher bargaining objectives:

I'm a great advocate of positional bargaining. In interest based bargaining they [negotiators] lose track of what they are really talking about and a real misunderstanding results. So, I don't think it's the structure that's the issue. The structure itself--it's worked very well for us.

There are some issues...that are at the heart of management rights that you just have to break through.

Unless there is trust between the parties and you know each other well it ain't gonna [sic] work.

Some management and Ministry respondents were quite certain in their belief that collaboration would fail at the provincial level. A management respondent claimed, "We've lost that opportunity by having this provincial bargaining." Another management respondent expanded on this idea:

I would like to see a collaborative model in B.C. education but, in my opinion,...the BCTF is totally against interest based bargaining and I know people that work there in the bargaining division. What has worked for them is pressure, strikes, job action, leap frogging, whip-sawing, all the o'd line union stuff. They're not in favour of collaborative bargaining.

A Ministry respondent concurred:

Under the new legislation I don't see much of a chance for that. Collaborative bargaining models normally work where you can get the employer and the union group to have the same sort of goals in mind. Well, that simply doesn't describe the situation in the school districts of B.C. They don't have...common agreement about how much governments should spend on education--or how much a teacher makes.

Collaboration will stand a chance of succeeding only if both parties feel ownership in its construction and view it as a solution to their needs. However, it appears that teachers and boards do not view the success of collaboration as likely. There already exists a mutual distrust between teachers and school boards and they both have different beliefs about the bargaining systems best able to meet their needs. If collaboration is the solution to improving the bargaining relationship between teachers and school boards it appears that teachers may need to be convinced of its merits and both groups need to begin the process of overcoming the years of animosity and distrust between them.

### **Implications for Further Research**

As teachers and school boards embark on a new system of negotiations there exists the need to track the success of its implementation. While this thesis has developed the understanding of how local collective bargaining evolved into its present day form, its purposes did not include examining the merits of specific collaborative systems of negotiations or analyzing how provincial bargaining was to improve upon local bargaining. However, future research might delve into both of these areas.

Collaborative bargaining and its role in the B.C. educational system should be explored more fully. Collaboration has been successful in other settings, including some United States school districts, but may encounter a different political culture and

structure in B.C.. Future studies should probe into the possibilities of incorporating collaboration into negotiations, and specifically teacher collective bargaining.

Future research will likely evaluate the implementation of the new provincial bargaining structure between teachers and school boards. What should also be considered is its relative success compared to local bargaining in a number of areas: does provincial bargaining build more trust and cooperation between teachers and school boards; is it less costly in terms of money and time spent on bargaining; is it successful at reducing strikes, lock-outs and other job actions; does it maintain and enhance local programs that address local needs and concerns; and is it a system that is perceived as fair to both negotiating parties?

### **Concluding Remarks**

I am convinced that negotiations between teachers and school boards needed to change. Strikes, lockouts, and other hostilities between teachers and school boards were commonplace. The Vancouver School District had demonstrated this quite effectively with work stoppages during its only three bargaining rounds under the local collective bargaining legislation. In this particular instance, local bargaining failed in Vancouver in its attempt to reach a mutually determined agreement without a work stoppage.

Local bargaining has been described by some as expensive, time consuming, antagonistic, distrustful, frustrating, politically motivated, unfair, and forgetful of whom an improved educational bargaining system should ultimately benefit--the students. It



is, in my opinion, time to change the process of bargaining. Changing the level of negotiations from a district level to a provincial level does not in itself provide for better collective bargaining. The provincial government, in conjunction with teachers and school boards, needs to also consider improving the bargaining relationship between negotiating parties. Both aspects of bargaining are essential to its success.

The reality of political agendas and ulterior motives may still exist at the provincial bargaining table, however, it should be tempered with a belief from all interested parties that there exists a mutual respect for everyone's beliefs in what is best for the educational system--a system that includes the Ministry of Education, school boards, administrators, teachers, support personnel, parents, and most importantly students.

As concluded in the Commission Report on the Public Sector in B.C. (Korbin, 1993) leadership is necessary for any new system to succeed:

The public interest would be well served if government, management and the teachers participated in developing and took responsibility for improvements to their bargaining system. Given the current positions of the trustees and the BCTF on collective bargaining issues, it may require the leadership of government to inspire the parties to achieve appropriate solutions.

We have entered a new era of bargaining in British Columbia where teachers and school boards are being presented with an opportunity to begin a new bargaining relationship. Only time, and the willingness and leadership of all participants, will determine if it is going to be more successful than the system we are leaving.

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