

MEMO TO: BCTF Executive, BCTF Bargaining Team
FROM: TFEU Bargaining Team
DATE: December 20, 2007
SUBJECT: TFEU concerns with the BCTF's approach to bargaining a new collective agreement

First of all, we want to state that all dealings with the BCTF bargaining team have been courteous and polite. We have, we believe, also been courteous and polite in our dealings with your team. However, we have some concerns with the BCTF's approach and these are outlined below:

1. The BCTF's unwillingness to counter TFEU proposals

TFEU, much like the BCTF when acting as a union, aims to gain some improvements for its members through the collective bargaining process. In most collective bargaining, proposals are made, and counters are usually offered. Only in very limited areas might refusals to counter be made without any effort to address the specific issue or issues that the proposal identified. The BCTF has rejected a large number of TFEU proposals, and in many cases has refused to offer any counter. This approach to bargaining would not be one that the BCTF would accept from an employer. In some areas (e.g. bonusing) we have argued that the BCTF has a problem which should be addressed by improving the BCTF's approach to posting and filling, not through collective agreement negotiations, but this view has been rejected by the BCTF.

Recently we have been encouraged by some employer efforts to find creative solutions to TFEU proposals. This demonstrates that progress can and is being made in some areas. Our hope is that we can extend this approach into some of the major areas of contention. We are committed to finding solutions that work for the employer and for our members.

2. Events on the evening of Wednesday, December 12 and Thursday, December 13

On Wednesday, negotiations were halted at 6.30 p.m. at the request of the employer. The BCTF team met with the BCTF Executive 'to reconsider their mandate'. We waited until 10.15 p.m., 45 minutes after the scheduled time. The BCTF team accepted one document from us and ended the day's session, having kept us waiting for 4 hours. While we were annoyed at this discourtesy, we accepted the BCTF team's apology on Thursday morning and moved on, unaware at that stage that a new package had been authorized by the BCTF Executive. At 10:45 a.m. on Thursday, the BCTF team tabled this two-option package, with a statement that either option was to be accepted in full or the package would be withdrawn by 4.00 p.m. the same day; and that neither package was open to any counter or negotiation. We did propose a counter, in order for the BCTF to consider a compromise, but the counter we proposed was rejected out of hand. We were requested to take the package to our membership one hour later for a vote. This is not a process acceptable when the BCTF is negotiating for teachers. As an example, on June 10, 2006, Jinny Sims stated "we are not going to be stuck with an artificial settlement deadline."

Your actions were problematic for the following reasons:

- No information about the package proposal was provided to our team on Wednesday night, yet it had clearly been authorized by the Executive by 10:00 p.m.
- We do not appreciate being told when to take your package to our members, especially when we are presented with the package one hour before our membership meeting.

- Artificial timelines are not conducive to bargaining, as you have stated when you are acting as a union and are presented with them by the employer.
- Your 'take it or leave it' approach at some stages of bargaining has been problematic and has delayed our efforts to conclude an agreement by the deadline that you had set.

3. Withdrawal of items

TFEU has withdrawn 9 items to the BCTF's 3. The BCTF has twice offered to remove their Bonusing concession demand from the table, and has since put it back. This is not appropriate bargaining. It is not something that TFEU has done, and it slows the bargaining process. We have consistently added to the items we are prepared to withdraw in the hope of meeting your deadline, but you have removed and then added bonusing concessions to the list of your demands.

4. Retirement benefits issues and approach

The BCTF appears adamant that benefit costs are 'too high' and must be reduced. In spite of asking for evidence some time ago, we only received much of the evidence a few days ago. It now appears that many of the documents were produced months ago, yet were not provided to us in order that we could conduct a thorough analysis of your concerns in a timely manner. The BCTF team has stated explicitly that retirement benefit costs are not the issue, which is appropriate as those costs are declining. They claim that the overall benefit costs are too high, and to reduce these they will attack the retirement benefits of those employees hired after the ratification date.

There has been no effort to compromise on this issue by the BCTF.

While TFEU condemns the withdrawal of retiree benefits for CEP members, we remind you that most TFEU members earn much less than their CEP colleagues, and have no access to any retiree benefits other than through the BCTF plan. We have approximately 80 members who earn less than \$50,000 and have less capacity to save for retirement. In addition their pensions are correspondingly lower, and the cost of benefit premiums would be a significant portion of their income. Most of our members on the lowest salary grades are women, and/or visible minorities and/or single parents. Your attack on them while identifying the BCTF as a 'Social Justice Union' is particularly troubling.

We understand that in recent BC public sector settlements benefit costs have not been a major issue. Most unions have had small improvements or maintained existing benefits. Some have negotiated small increases in deductibles which we have also offered as an alternative to cutting retiree benefits. Why then is this such a big issue for the BCTF? Might claiming benefit costs are too high be a dangerous precedent for future collective agreement negotiations for teachers in BC?

The current BCTF proposal will not save any costs for several years, while our proposal will offer immediate reduction in costs.

Establishing a two-tiered system for benefits would create a divisive and fractured workforce with some employees entitled to retiree benefits and others with no such entitlement. This would negatively affect employee morale and, potentially, productivity.

5. The BCTF offered a signing bonus of \$4,000, an offer it has since withdrawn in an e-mail from W. Dallamore dated December 16. Earlier in negotiations, the BCTF had stressed that they would withdraw this signing bonus if TFEU refused to accede to BCTF demands by the deadline of December 15, set by the BCTF. In explaining to the TFEU bargaining team why a signing bonus was paid to CEP after their deadline expired, we were informed that it was to encourage CEP to

return to work after the strike/lockout. So first we have the threat - sign or lose the signing bonus. Then we have the strange logic of the BCTF's position – go on strike/get locked out, and the signing bonus reappears as an incentive to end a dispute. We wish to state categorically that at this stage we have no intention of seeking a strike vote, as it is TFEU's view that a settlement could be reached quickly without job action.

6. In May 2007 every TFEU member was laid off by the BCTF for a period of five weeks when you locked out CEP, during which period some of our members faced destitution in a dispute that did not involve them. The BCTF saved several hundred thousand dollars in TFEU wages that were not paid to our members at that time. On our return to work we have received little acknowledgement of this, and there has been no 'reconciliation' which addresses the hardships we faced. It appears that our members' professionalism in the return to work may lead you as the employer to believe there is no issue here. We urge you to think again - our members lost a great deal because of the actions of the BCTF as an employer. Now we are faced with concession demands, outright rejection of many TFEU proposals, no improvements to benefits and a minimal pay increase offer.

Conclusion

TFEU is not the intransigent player in these negotiations. TFEU has a will to conclude a collective agreement that meets the needs of our members and which is acceptable to the BCTF. With sufficient compromise on both sides we are confident an agreement can be reached. TFEU has no wish to escalate the current negotiations into a dispute of any kind. We simply ask you to offer some reasonable and negotiated improvements, and to stop making arbitrary demands with unrealistic deadlines. We are asking you to negotiate and to seek compromise, while providing our members with some of those salary and benefit improvements which you routinely demand for your members, the teachers of BC. We have offered some dates for bargaining in January, and we hope to soon conclude negotiations.

/tfeu