



# ISSUE ALERT #1

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## Supreme Court rules in teachers' favour...again!

In a landmark decision this week, a BC Supreme Court ruling by Madam Justice Griffin stated that:

- Bill 22 is unconstitutional
- hundreds of stripped Collective Agreement provisions related to working conditions are restored
- the Government be fined \$2 million in damages

In the words of BCTF President Jim Iker, *"This is the end of a long and costly legal battle for the teachers of BC. It's a great day for democracy and for all working people across BC and Canada."*

By removing class-size limits and class-composition guarantees, the government did significant damage to learning conditions in schools across the province. Children who were in Kindergarten when those bills were passed are now in Grade 12, and have spent their entire school careers in larger classes with fewer resources."

Collective Agreement language guaranteeing class size, class composition, and minimum specialist staffing ratios are restored retroactively to July 1, 2002. This should mean smaller class sizes, more specialist teachers in schools and extra help for children across the province.

Teachers had already won a significant victory in 2011 when much of Bills 27 and 28 were deemed unconstitutional and government was given one year to rectify the situation and provide remedy. Instead, Bill 22 was enacted in spring 2012, re-introducing much of the very same unconstitutional legislation as had been struck down a little more than a year earlier.

The ruling also found that simply *"consulting with teachers with respect to its policy objectives is not sufficient remedy to address unconstitutional legislation."* Justice Griffin found that interference with past negotiated terms (i.e. collective agreement provisions), if sufficiently significant, can be a violation of the Charter. She went on to state that government has an obligation to safeguard Charter rights, not to interfere with them. In addition, with respect to the last round of bargaining and the introduction of Bill 22, Justice Griffin found that *"the government was trying to provoke a strike so as to have public support for imposing legislation that might otherwise seem heavy-handed."*

Justice Griffin noted that the fine of \$2 million was to serve as both compensation and vindication to the bargaining agent representing teachers (the BCTF) as well as to serve as a deterrent to future governments considering enacting legislation that contravenes the Canadian Charter of Rights and Freedoms.

A significant implication of the ruling is that the BCTF will now be able to file a grievance with respect to any employer breach of the provisions of the formerly deleted language.

We expect, therefore, that government will:

- reinvest the necessary funding
- restore our smaller class sizes
- rehire the thousands of teachers who lost their positions, including specialist teachers.

Let us not forget that BC's per-student funding is currently \$1,000 below the national average and BC's student-educator ratio continues to be the worst in the country. BC needs to turn this situation around and start reinvesting to rebuild the kind of excellent public education system BC parents expect for their children.

**The government now has a clear choice**, to work with teachers to rebuild our excellent education system, or to continue fighting. They have 30 days in which to decide if they will file an appeal of this ruling.

BC Education over the past 12 years by the numbers:

- Over 200 schools closed
- More than 3,500 fewer teachers
- 1,400 fewer Specialist teachers

Of those Specialist teachers:

- 700 fewer special education teachers
- 300 fewer ELL teachers
- 300 fewer teacher-librarians
- 100 fewer counsellors