

Jim Iker Response to
BC Court of Appeal decision
April 30, 2015

Good morning,

I'll start right off by saying this is not the decision teachers – and workers across the country were hoping for today.

It is a disappointing ruling.

But, I will also say we fundamentally disagree with the decision which focuses on pre-legislative consultation by government. However there is a strong dissenting opinion from Justice Donald.

The Decision is not unanimous and the earlier BC Supreme Court decisions show there are fundamental disagreements around the law and those issues still need to be dealt with.

For example, I don't feel that sufficient weight was given to the Supreme Court of Canada decisions from earlier this year regarding the RCMP and Saskatchewan Federation of Labour.

After today's quick analysis, it seems that this ruling swings the power too far against workers' rights.

A government should not be able to just dictate what they want, simply talk to the union, and force it by legislation when there are collective agreements in place.

Collective bargaining needs to be about give and take... about respect and hard negotiations between employers and employees.

Collective bargaining – real collective bargaining – is not about pre-determined outcomes.

The BCTF Executive Committee will discuss the ruling further, but I can tell you today that the BCTF will seek leave to appeal this decision to the Supreme Court of Canada.

BC teachers will continue to defend our rights, our working conditions, and BC's public education system.

Let's also remember that today's decision does not change the unconstitutionality of Bill 28.

The government was wrong to unilaterally strip teachers of the right to bargain our working conditions. Today's decision doesn't change that.

The decision doesn't change that Bill 28 allowed the government to underfund BC's education system by hundreds of millions of dollars every year.

13 years later, the government still has not apologized to BC teachers, parents and students for that unconstitutional act and subsequent underfunding.

We will seek leave to the Supreme Court of Canada to appeal today's decision, and that will take time. But, that shouldn't stop the government from doing the right thing.

All teachers are asking for are workable, teachable classrooms.

We're asking for the government to give us the resources that will help us do our work — teaching our students.

Teachers, and parents too, want extra help from specialists to ensure all kids get the support they need. We want our students to get more one-on-one time with us.

We want teacher-librarians actually in libraries helping students with literacy and research.

We want learning resource and assistance teachers working one-on-one with students to help resolve specific learning challenges.

We want special education teachers helping the growing number of children with special needs so that all kids get more support.

I don't think that's too much to ask for.

Our children deserve the best. But, they're not getting it from this government.

Just this month, the government released the 2015 class composition statistics.

Remember when Premier Clark said it was her number one priority? Sadly, nothing changed.

It is only because of the Teacher Education Fund – \$75 million this year – that we fought so hard for – that has kept class composition from deteriorating.

That fund barely hired back the 400 teachers that were laid off last year.

Education underfunding is not a “myth” as the Minister claims.

There is no low-hanging fruit as the Premier says.

Trustees, parents, support workers and teachers are all speaking out against the underfunding and cuts. It's time for the government to listen.

The government has money in the budget. They knew this ruling could have had a financial impact so they put some away in a contingency fund.

The money's there, they should invest it in our schools and kids.

It's time for this government to take off their blinders and fund BC schools!

There's also one more thing the education minister can do.

He can pull back Bill 11.

Learn from the mistakes of the past... mistakes that show unilateral decision-making leads to instability.

Bill 11 brings in sweeping changes to teachers professional work, it negatively impacts student privacy, and centralizes power in the Minister's office over democratically-elected boards.

The Minister did not consult with anyone on the changes. He didn't consult with teachers or school trustees. And now there is a growing chorus calling on him to repeal it.

I think the Minister should listen to his partners and look back at this history of conflict and confrontation.

If the government is serious about stability and moving forward, repeal Bill 11 and actually consult... in good faith.

We all want what is best for students. We all want a strong public education system. We all want good working and learning conditions.

It's time for the government to step up and deliver.

Thank you.

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