

STATEMENT

For Immediate Release

2011EDUC0034-000490

May 5, 2011

Ministry of Education

Consultation begins on Bill 28 ruling

VICTORIA - Education Minister George Abbott issued the following statement today regarding the B.C. Supreme Court's ruling on Bills 27 and 28:

"Today, government has appointed Paul Straszak, president and CEO, Public Sector Employers' Council, to lead the initial phase of consultation with the BC Teachers' Federation regarding the ruling of the Supreme Court of British Columbia on the Education Services Collective Agreement Act (Bill 27) and the Public Education Flexibility and Choice Act (Bill 28). Government has decided not to pursue an appeal.

"Our priority now is to work with our education partners to focus our resources on meeting the needs of individual students as we move towards personalized learning, while ensuring appropriate learning conditions in our schools and proper support for B.C.'s teachers. The Supreme Court has given government 12 months to reach a negotiated resolution.

"We must be thoughtful and thorough in our approach. At the same time, we recognize that a prompt resolution is in the best interests of all those affected - teachers, students, parents and everyone with a stake in this province's education system.

"I know the BC Teachers' Federation and the BC School Trustees Association are keen to move forward on this issue, as are we. I have spoken with both Susan Lambert, the president of the BC Teachers' Federation, and Michael McEvoy, the president of the BC School Trustees Association today about government's decision and the consultation phase to resolve outstanding issues.

"I am hopeful that, through the consultative phase, we can come to a common view on the meaning and implication of the Supreme Court decision and reach a negotiated resolution.

"Government was successful working with our health partners in 2007-08 to reach a negotiated settlement to Bill 29, and I am optimistic that we can repeat that success with our teachers."

A factsheet follows.

Contact:

Government Communications and Public Engagement  
Ministry of Education  
250 356-5963

FACTSHEET  
For Immediate Release  
2011EDUC0034-000490  
May 5, 2011

Ministry of Education

B.C. Supreme Court ruling on Bill 28

VICTORIA - There has been considerable speculation regarding the implications of the recent B.C. Supreme Court ruling on Bill 28. Here are the facts:

\* The Province introduced Bill 28: the Public Education Flexibility and Choice Act in 2002 in good faith and with broad support from parents, principals, superintendents and trustees.

\* Government believed that school organizational issues were matters of general public importance and should be addressed as public policy, not as bargaining chips in a collective agreement. At the time, the law did not require government to consult.

\* Twenty years of settled jurisprudence changed when a 2007 ruling by the Supreme Court of Canada determined that the process of collective bargaining was protected under the Canadian Charter of Rights and Freedoms.

\* Following the precedent set by that ruling, in April 2011 the Supreme Court of British Columbia struck down portions of Bill 28.

\* The Court recognized that government had a valid, pressing and substantial objective to legislate on important matters of public policy. However, it also recognized that unions have a right to a process of consultation.

\* The focus of this latest ruling is on ensuring there is an opportunity for good faith negotiation and consultation on important workplace issues, and the Court has given government 12 months to address the repercussions of the decision.

\* Government's legislation on class size and composition remains unaffected by the Court's decision. This includes the requirement that teachers be consulted in all classes with more than 30 students or more than three students with special needs, and that principals and superintendents provide their assurance that learning conditions for all students are appropriate.

\* The ability for boards of education to cover the required hours of instruction through the use of a local school calendar also remains in effect.

Contact:

Government Communications and Public Engagement  
Ministry of Education  
250 356-5963

Connect with the Province of B.C. at: [www.gov.bc.ca/connect](http://www.gov.bc.ca/connect)