

BRITISH COLUMBIA LABOUR RELATIONS BOARD

IN THE MATTER OF AN APPLICATION PURSUANT TO
THE *LABOUR RELATIONS CODE*, R.S.B.C. 1996, c.244

BETWEEN:

BRITISH COLUMBIA PUBLIC SCHOOL EMPLOYERS' ASSOCIATION
(the "Applicant")

AND:

BRITISH COLUMBIA TEACHERS' FEDERATION
(the "Union")

BEFORE THE LABOUR)	
RELATIONS BOARD)	WEDNESDAY, THE 5TH DAY
)	OF OCTOBER, 2011
MICHAEL FLEMING, ASSOCIATE)	
CHAIR, ADJUDICATION)	

ORDER

WHEREAS the Labour Relations Board (the "Board") has received an application from the Applicant raising concerns that the operation of School Based Teams ("SBTs"), at least in some instances, is not in compliance with the Board's Essential Services Order set out in BCLRB No. B132/2011;

AND WHEREAS the SBTs are multi-disciplinary meetings to address issues and challenges posed with special needs and other complex students;

AND WHEREAS the undersigned was established as a panel of the Board pursuant to Section 117 of the *Labour Relations Code* (the "Code") to deal with the matter;

AND WHEREAS the Board has read the submissions of the parties regarding this issue;

AND WHEREAS the Board is satisfied that notice of the application and the hearing referred to below was adequately effected on the Union;

AND WHEREAS the Board convened a hearing at its office at 1066 West Hastings Street, Vancouver, B.C. on October 4 and 5, 2011 at which the parties appeared;

AND WHEREAS the parties were afforded an opportunity to present submissions;

AND WHEREAS the Board is satisfied that, in the context and circumstances of this Essential Services labour dispute that, going forward, the parties' conduct in giving effect to the order set out in BCLRB No. B132/2011 and this order, will be a relevant consideration in determining the process, and any orders, directions or decisions which may be necessary or appropriate;

AND WHEREAS the Board is satisfied that it is appropriate in the circumstances of this essential services labour dispute that as much clarity and certainty as practicable be provided regarding the operation of the SBTs;

NOW THEREFORE, PURSUANT TO SECTIONS 72, 134 and 143 OF THE CODE, THE BOARD MAKES THE FOLLOWING DECLARATIONS AND ORDERS:

1. The SBT or SBT Chair will provide notice in the usual manner to the Administrator of the time and place of the SBT meeting. The scheduling of SBT meetings will be in the usual manner. If the Administrator is unable to attend the meeting, the Administrator can request the meeting be rescheduled to accommodate his/her

- schedule. An agenda for the meeting will be provided to the Administrator if one is typically developed for the SBT meeting;
2. The Administrator will be provided with the names of the students to be discussed by the SBT at the meeting;
 3. The Administrator may attend any portion of an SBT meeting at which one or more of the following matters will be discussed:
 - i. Custody
 - ii. Confidential and/or sensitive matters such as those relating to Family and Children's Services issues
 - iii. Police
 - iv. Legitimate safety issues;
 4. The Administrator will inform the SBT or SBT Chair what portions of the SBT, if any, he/she will attend with respect to the above referenced matters. If the Administrator does not attend the meeting, he/she will provide any information in his/her possession that may assist the SBT discussion, to the SBT or SBT Chair in advance of the SBT meeting;
 5. Any recommendations of the SBT and any minutes kept by the SBT will be provided to the Administrator. The Administrator may request from the SBT, information the Administrator believes necessary to ensure a proper follow up by the Administrator.

DATED AND EFFECTIVE at Vancouver, British Columbia, this 5th day of October, 2011.

LABOUR RELATIONS BOARD

"MICHAEL FLEMING"

MICHAEL FLEMING
ASSOCIATE CHAIR, ADJUDICATION