

In the Matter of an Arbitration

BETWEEN:

Surrey School District No. 36 (the "Employer")

AND:

Surrey Teachers Association (the "Union")

WHEREAS:

- A. Many years ago, the parties agreed to Section G.21.4 of the Collective Agreement, concerning religious leaves, which states as follows:

"In any one year up to three (3) days leave will be granted with pay deducted at cost of substitute to participate in specific (i.e., other than Sabbath or equivalent) religious holidays."

- B. Union filed Grievance No. 36-2013-0014 concerning the Employers application and interpretation of Section G.21.4, and Grievance No. 36 - 2014 - 001 concerning the aspect of Section G.21.4 that provides for a paid religious holiday deducting the cost of a substitute teacher;
- C. The parties agreed to mediation and reached a settlement of all matters concerning the language of Section G.21.4;

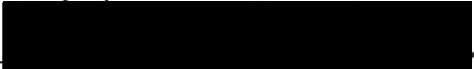
NOW THEREFORE, the Parties agree as follows:

1. The Union hereby withdraws Gr. No. 36-2013-0014 and Grievance No. 36 - 2014 - 001;
2. The Union agrees that it will not bring a grievance or other complaint or legal challenge concerning that aspect of the language of Section G.21.4 that specifies that the cost of a substitute teacher will be deducted from payment for each day of religious leave taken by a teacher under the Section;
3. The parties agree that the days of religious observance listed in Appendix "A" are presumed to be "specific religious holidays" within the meaning of Section G.21.4, and in the usual course the Employer will not specifically assess religious leave requests for those days on the List; and teachers have the option of submitting requests for religious leave subject to assessment as per paragraph 4 below.
4. The Employer and the Union agree that teacher requests for Section G.21.4 religious leaves, for a day that is not on the List at Appendix "A", will be assessed

based on the individuals' genuinely held belief that the leave for the scheduled work day requested, is recognized by the practice of their religion;

5. The Union agrees that the Employer is entitled to make *bona fide* enquiries to make the assessment required to assess religious leave requests;
6. On a without prejudice basis, the Employer will pay the Union \$25,750.
7. The parties agree that neither this Settlement, nor any consideration provided under it, is to be construed or communicated as an admission of liability or a breach of any law of British Columbia or Canada by the Employer or the Union.

Agreed this 16th day of September 2014.


Surrey Teachers Association, Authorized Representative


Surrey School District, No. 36, Authorized Representative


Joan McEwen, Arbitrator

Proposed Religious Holidays (Per C.A. - G.21.4.j)

Baha'i:

- Martyrdom of the Bab
- Birth of the Bab
- Birth of Baha-u-llah
- 1st day of Ridvan
- 9th day of Ridvan
- 12th day of Ridvan
- Declaration of the Bab
- Ascension of the Baha-u-llah

Buddhism:

- Sakyamuni Buddha's Enlightenment
- Maitreya Bodisattava's Birthday
- Sakyamuni Buddha's Nirvana Day
- Wesak/Buddha Day
- Sakyamuni Buddha Birthday

Christianity:

- Christmas¹
- Feast of the Tabernacles

Hindism:

- Sri Krishna Janmashtami
- Ganesh/Vinayak Chauth
- Sharad Navratri
- Durgaashtami
- Vijaya Dashmi/Dassehra
- Karva Chauth
- Diwali

Islam:

- Imamat Day
- Jamatul Wida
- Eid-ul Fitr
- Eid-ul Adha
- Ashura
- Birth of Iman Agakhan
- Eid-e-Navroz
- Imamat Day
- Jumatul Widha
- Eid-ul Fitr

Jainism:

- Paryushan Parva begins
- Paryushan Parva ends
- Dasiakshan Parva Begins
- Kshamavani
- Dasiakshan Parva Ends
- Diwali/Lord Mahavir Nirvan)
- Enlightenment Day of Gautamswami
- Mahavir Jayanti birthday

Judaism:

- Rosh Hashanah - 2 days
- Yom Kippur
- Sukkot - 7 days
- Simchat Torah - 2 days
- Passover - 7 days
- Shavuot - 2 days

Sikhism:

- Birth of Guru Nanak
- Martyrdom of Guru Teg Bahadur
- Birth of Guru Gobind Singh
- Birth of Sri Guru Gobind Singh
- Vaisakhi
- Maghi Lori
- Guru Arjan Dev Ji's Martyrdom
- Celebration of the Guru Granth Sahib
- Diwali

Wicca:

- Lughnassadh
- Harvestide/Fall Equinox
- Samhain
- Yule/Winter Solstice
- Litha/Summer Solstice

Zoroastrianism:

- Khordad Sal
- Zarathosht-no-diso
- Khordad Sal
- Zarthost-no-diso

¹ Orthodox Calendar