



# Staff Rep Memo #78

LANGLEY TEACHERS' ASSOCIATION  
of the British Columbia Teachers' Federation

2012 01 25 #78

Gail Chaddock-Costello

## BLACK FRIDAY & BUTTONS & Arbitration Results

SO...it seems our District is taking a dim view of our 'political action' on Black Friday and is opposed to teachers wearing buttons with political statements in the classroom. BCPSEA did win an arbitration in May, 2012 that found in favour of the employer's right to direct teachers to remove any political messages from themselves or their classrooms. BCTF has launched an appeal of this finding.

Locals have also just received some advice from the legal department of the BCTF:

'Dark Day for Public Education in BC is a form of political expression aimed at the provincial government primarily. It does not specifically attack or publicly criticize our employers (legally the school boards) for how they are administering schools or the system, and it does not undermine confidence in the public education system.

Legal services have advised that in these particular circumstances, there is case law that supports teachers' freedom of expression in this manner. **What could be problematic for teachers is if they engage in conversations with students about why they are wearing black.** We were unsuccessful in a decision released in 2011 in which teachers wore black armbands in protest of the FSA. However, the arbitrator's decision in that case was largely based on communications with students about the black armband – not the wearing of the armband itself.

Conversely, the **Ontario Labour Board has found in favour of teachers'** ability to wear buttons stating, "Fair Deal or No Deal" in classrooms before a strike vote. In that case, the Labour Board found that there was no evidence of classroom disruption or disturbance related to the wearing of the buttons.

Legal services have also advised that as we are on strike under the Labour Relations Code, this is also a factor that would be considered in the overall analysis of the 'expression at issue'.

That being said, no action we take collectively is without risk and the employer may choose to react. However there is no hope that they can send 30,000 teachers home to change. If 30,000 teachers across the province get a letter of reprimand then ... what could the effect possibly be?

Teachers in Langley have **professional autonomy** and on Friday, January 27th, they will decide 'what to wear'.

Gail Chaddock-Costello  
President

