



The Unpaid Work of Education
Assistants in British Columbia:
Directions for CUPE

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February, 2008

Introduction

There are currently about 8,000 full-time equivalent education assistants working in BC's public school system. While their formal job titles vary enormously from one district to the next, education assistants share the common experience of working to provide direct educational services and supports to school children who need them.

In recent years the issue of unpaid work time for education assistants working within BC public school system has come to the fore. The purpose of this brief report is to provide a summary of the issues at stake and efforts being made by CUPE to find solutions to the problems identified.

Framework Letter of Understanding, May 2006

In May of 2006, representatives of CUPE and the BC Public School Employers' Association signed a Framework Letter of Understanding ("the Letter") that brought K-12 support staff negotiations to a conclusion by providing a framework for the resolution of local union negotiations. As part of the Letter, the parties agreed to create a joint committee to investigate the issue of unpaid work for education assistants working within the K-12 systems.

Relevant sections of the Framework Letter read as follows:

" 28. During this round of collective bargaining, representatives of support staff unions raised concerns with educational assistants working hours and not being paid.

29. The parties agreed to establish an educational assistants committee which shall consist of two (2) representatives of support staff unions who are signatories to this LOU and two (2) representatives of BCPSEA by no later than July 1, 2006. The committee shall investigate and make recommendations concerning this issue, including directions for resolution to Districts and locals. "

The Letter acknowledges support staff union concerns regarding unpaid education assistant work but without confirming whether employer representatives agreed with this view.

Nonetheless, Section 29 of the Letter confirms union and employer participation in a joint committee to investigate the issue and make recommendations regarding resolution. It also confirms that any "directions for resolution" were to be made and presented to both school districts and support staff union locals, confirming a joint intention that any recommendation would be specific to conditions affecting education assistant work within individual districts.

Survey results from three locals

CUPE efforts to document the problem of unpaid education assistant work were already underway by the time of the May 2006 settlement. Research staff in the BC Regional Office had by early 2006 started preparations for a detailed examination of the problem of unpaid work in School District 36 Surrey. Shortly thereafter, two similar research initiatives were developed for two other lower mainland school districts: District 37 Delta, and District 40 New Westminster. The results of these local initiatives help frame our collective understanding of both the scope and nature of unpaid work.

When asked about unpaid work, education assistants in these three districts offered important information as to the true extent of unpaid work, reasons behind EA decisions to volunteer their time to their employers, and the implications of how EA work hours are allocated for the delivery of special education services within the public school system. The results of this research can be summarized as follows:

a. How much paid time is allocated for education assistants?

Those completing the surveys provided important documentation regarding the way paid work hours are allocated within the three districts. In Surrey, education assistants on average work less than 26 paid hours a week. In neighboring Delta, and the average paid workweek totaled 27 hours, while in New Westminister, it came to 27 hours. Elementary level education assistants in all three districts had substantially less paid allocated hours than their secondary level counterparts. In at least two districts – Delta and New Westminister – secondary level education assistants averaged close to 30 hours per week. What these results indicate is a near universal reality of part-time employment for this category of worker within BC public schools.

b. How much unpaid work time is there?

Those participating in the surveys reported themselves working anywhere from 1.8 to 2.3 hours per week in an unpaid voluntary capacity. This volume of voluntary unpaid work amounts to about seven or eight percent of total paid work time. On this basis of this measurement and over the course of a work year, an individual education assistant can be expected to log anywhere from 14 to 16 days of free work time for their employers.

For the three districts involved, the voluntary donation of this free time amounts to an implicit subsidy of tens of thousands of hours per year, something which effectively saves school district employers hundreds of thousands of dollars in foregone wages. When the information from these three districts is extrapolated to the province as a whole, the volume of unpaid and voluntary EA work time approaches a level of a million annual hours.

c. When is unpaid work being performed?

Those completing surveys indicated strongly and clearly that unpaid work time is something that happens at all points of the school week and beyond. Education assistants said they worked in this capacity before school, during break periods, over lunchtime, and after school. They also reported spending time at home preparing for their work at school. These results confirm the fact that unpaid work time is a pervasive and endemic problem within the public school system.

d. What are the reasons for unpaid work?

Those taking part in the survey offered various reasons for why they chose to donate free time to their employers. Most cited the fact that the compressed amount of paid work time did not offer sufficient opportunity for education assistants to complete their work in a satisfactory manner. Many assistants went on to cite the unmet needs of the students they worked with. As part of this, assistants talked about students otherwise being left unsupervised at different points during

the school day to face a host of potential hazards and problems. EAs also talked about gaps in regular daily transportation schedules that required staff that to be on site before and after the regular school day. All of these reasons confirm a strong professional commitment on the part of education assistants working with special needs students.

e. What are the implications for students?

Special education students benefited enormously by virtue of the professional commitment of education assistants working with them. This much is clearly reflected in the substantial volume of free time voluntarily donated by education assistants on an ongoing basis. From another vantage point however, the existence of substantial unpaid time underlines both the inadequate resourcing of education assistant work within our public school system as well as major problems in the way special education is organized within our public schools.

Were education assistants not to donate unpaid hours, many students would face hazards by being left unsupervised. Among other things, this points to a ticking time bomb of school district liability. What would happen if a student left unsupervised during a period of time when no paid hours were being allocated to support staff fell prey to serious injury or misfortune?

f. A broken system?

If anything, the research on unpaid hours documented to date by CUPE shows a special education system under major stress, where districts and school-level administrators struggle with inadequate budgetary means to provide the requisite services to support special education, and where as a consequence the system routinely relies upon the professional commitment and goodwill of its education assistant support staff for that system to function.

The Langley Inquiry Report and Education Assistants

The foregoing raises the distinct possibility that the system of special education service delivery in British Columbia is broken. Indeed, clear insight into the nature of this latter issue emerges out of the January 2008 Langley inquiry into special education.

With the involvement of parent groups, CUPE Local 1260 and the Langley Teachers' Association sponsored the creation of this inquiry in the fall of 2007. Despite an upfront invitation to participate, the school board in this district declined. The final report of this Inquiry was presented in the second week of January 2008. It underlines in graphic detail how the system of special education service delivery in Langley district is groaning under the strain of inadequate funding, lack of recognition, inadequate staffing and general overwork.

The Report shows that, while some initiatives can be taken at the school district level, an overall lack of funding support lies at the heart of the problems affecting special education in Langley. It is this lack of funding which denies that system the ability to diagnose in a timely manner special education needs, to offer the requisite services and supports to make inclusive education a reality, and which leaves a professional and support staff feeling ignored, unrecognized and underappreciated for the work they do on behalf of their students.

One important facet of the Langley Report is that dealing with the organization of work time within schools. The Report states,

“Most resource teachers also have the responsibility of working with, and supervising, special education assistants. While the SEAs [Special Education Assistants] are there to help with the children, particularly at times when they are integrated into regular classes, their presence requires that there be time for co-ordination, planning, and debriefing. There is virtually no time in either the resource room teacher’s schedule or the SEA’s hours of work to allow for these important functions, nor is there time for briefing with classroom teachers prior to the lesson. The result is a less-than-co-ordinated approach to providing the SEA support services.” (p. 14)

Further,

“Resource shortfalls are also evident in the inability of the system to provide time for collaborative efforts among teachers in planning and implementing IEPs and in providing planning and debriefing time for SEAs and the teachers with whom they work. There is a shortage of SEAs to cover the range of students and classes to facilitate integration; teachers report that there are instances when an SEA is absent due to illness and no substitute is available. Inadequate support in regular and special education classrooms has negative implications, not only for education, but also in some instances for the safety of the child with special needs, other children in the class, and staff.” (p. 16)

Faced with problems of this kind, the system of special education service delivery in that district cannot hope to approach a level of quality and thoroughness required to ensure special education students receive the very best education opportunities.

From CUPE’s vantage point, the Report’s ability to draw attention to the problematic allocation of work time within Langley schools opens a host of additional issues in regards to the impact of inadequate budgetary resources on the way schools organize the delivery of special education services to students. While the Report does highlight the lack of time for necessary collaborative work on the part of teachers and education assistants, it does not examine other facets of this issue as they affect education assistants. These would include the near universal part-time organization of work, the lack of time for EAs to organize and prepare their own work efforts, the lack of recognition by school district authorities that EA work time cannot begin when the school bell rings in the morning, and the resulting frequency and extent of unpaid time routinely donated by education assistants to the benefit of their students.

For CUPE, these issues are of fundamental importance to an understanding of problems facing special education in this province. The Union is of the view that these problems as they affect education assistants require in-depth research and documentation. For that reason, CUPE is proceeding with plans to organize and implement a full-scale survey of the work, workload and work life of education assistants in BC.

A Provincial Survey of Education Assistants' Work

CUPE's work on a census-level study of education assistant work began in earnest shortly after the conclusion of provincial negotiations in the spring of 2006. As noted previously, Sections 26 and 27 of the Framework Letter signed by support staff union locals and employer representatives gave rise to a joint committee involving union and management representatives. This committee was given the task of researching and reporting back findings and suggestions for dealing with the problem of unpaid work. Later that year, CUPE representatives began meeting with representatives from BCPSEA and the joint committee decided upon a provincial survey of education assistant work as the best means of meeting its mandate. Since that time, work has proceeded on the development of this survey and by the end of 2007 it was close to being ready for deployment.

That being said, work on the provincial survey initiative ran into difficulties centring on whether this survey would contain unique school district identifiers to enable the creation of reports specific to individual districts. It is the view of CUPE that such identifiers are absolutely crucial to the success of the survey and the fulfillment of its mandate to research the problem and report back "to districts and locals," as per terms of the 2006 Framework Letter.

To assist Union representatives working on this committee, an additional seven person Education Assistants Resource Committee was established in early 2007. The purpose of this Committee was to provide assistance to Union representatives involved in working with BCPSEA on the issue of unpaid work. It is expected that this latter Committee will provide valuable advice to the process of developing and implementing a province-wide survey capable of fully documenting the phenomenon of unpaid education assistant work.

Whatever is the outcome of these deliberations, a survey – whether joint or union-only – will proceed in the spring of 2008. Both province-wide summary data and district specific results will be reported back into the field, starting near the end of the 2007-08 school year.

Conclusion

On the basis of what is known at this point, CUPE estimates that the full extent of unpaid special education assistant time within BC's public school system may amount to as much as one million hours per year. Given the average cost of education assistant work, this is a problem that requires both provincial resourcing – to the possible extent of \$30 million (about 2/3 of one per cent of school operating costs) – as well as district-level commitment to rectifying serious problems with the way education assistant work time is allocated within schools and classrooms.

Clearly, the problem of unpaid work urgently needs fixing, by both the provincial Ministry of Education and school district authorities, and on a policy as well as a funding level. Only with the benefit of all parties working together to deal with the problem of unpaid time can workable solutions be found and implemented that benefit special education students within classrooms while respecting the rights of these support staff workers.