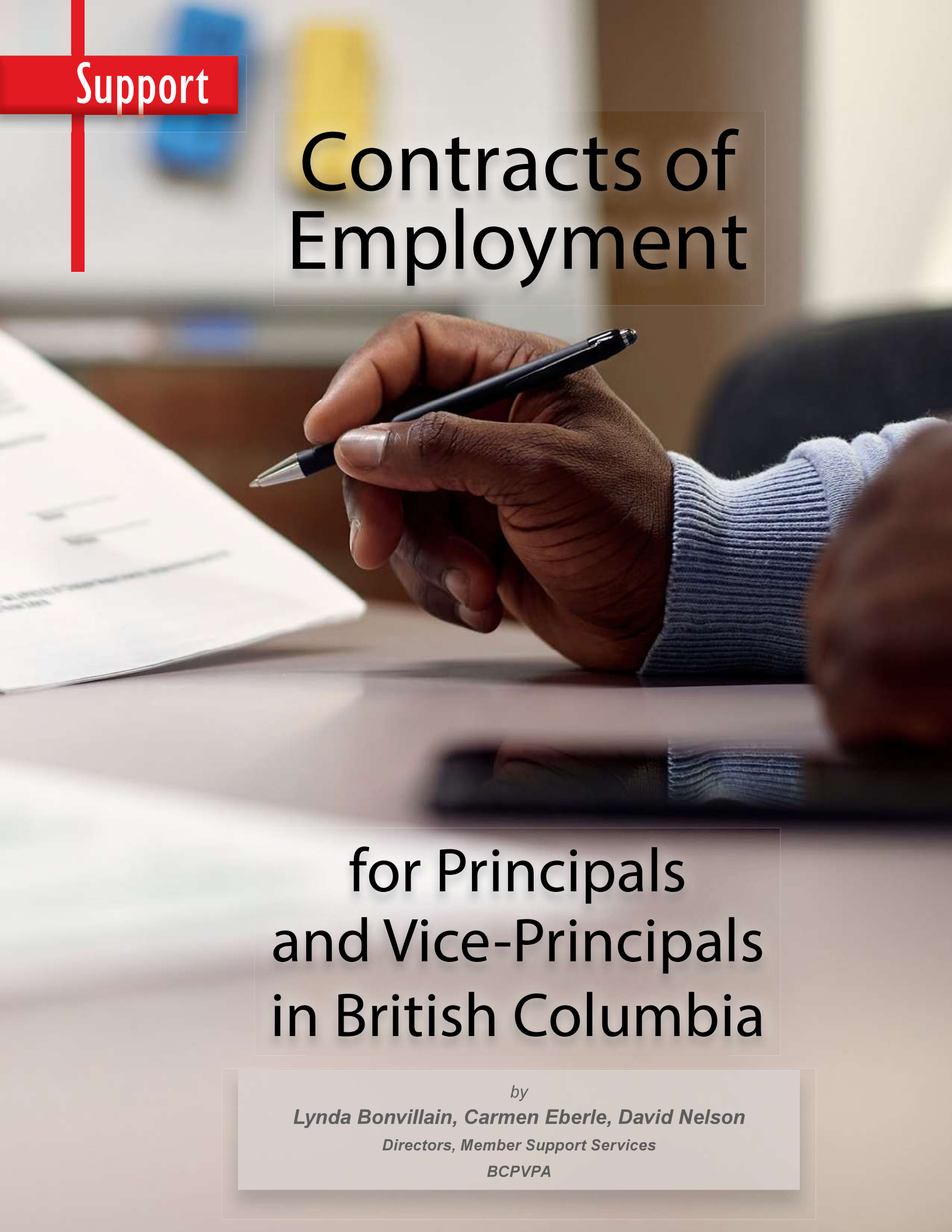


A close-up photograph of a person's hand holding a black pen, poised to write on a document. The hand is dark-skinned and the person is wearing a light blue ribbed sweater. The background is blurred, showing office shelves with various items.

Support

Contracts of Employment

for Principals
and Vice-Principals
in British Columbia

by

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In British Columbia, Principals and Vice-Principals occupy a distinctive employment position within the education sector. Unlike teachers and other school staff, they are excluded from collective bargaining, and operate under individual contracts of employment with their respective Boards of Education. This article examines how individual employment contracts differ from collective agreements, looks at some key components of these contracts, and provides an overview of the legislative framework governing these unique employment relationships. The article also outlines important considerations for local Chapters in negotiating terms and conditions of employment.

The Nature of Employment for Principals and Vice-Principals

BC Principals and Vice-Principals are classified as excluded management employees, meaning they do not belong to a union or engage in collective bargaining. Instead, they have a contractual employment relationship with their Board of Education, which must be explicitly agreed upon by both parties. Essential terms such as salary, benefits, and job position must be negotiated and documented before an employment contract becomes legally binding. Neither the employer nor the employee can unilaterally modify these contractual terms once they are in place.

Contracts of employment are invaluable for both the Board (employer) and the Principal or Vice-Principal (employee) as they provide a written, legally binding record of the agreement between the two parties. They outline the obligations of both parties and help mitigate potential disputes. As such, it is crucial that all clauses within an employment contract are clear and easily understood to prevent future misunderstandings that may arise from alternate interpretations.

Legislative Framework Governing Employment Relationships

What is often overlooked are the several provincial statutes that impact the employment conditions of Principals and Vice-Principals in British Columbia. These statutes establish minimum employment standards, provide protection against discrimination, and define professional obligations and responsibilities.



1. Employment Standards Act

Establishes the minimum employment requirements for workers in British Columbia.



2. Human Rights Code

Prohibits discrimination based on various protected characteristics, such as race, gender identity, age, disability, etc.



3. Public Sector Employers Act

Provides for the creation of the Public Sector Employers' Council and corresponding employers' associations for public education.



4. School Act

Defines the legal framework for K-12 education in British Columbia and grants Boards of Education the authority to appoint Principals and Vice-Principals.



5. Workers Compensation Act

Implements an insurance system for workplace injuries, funded by employer contributions based on payroll and industry risk.



6. Professional Standards for BC Educators

Establishes the knowledge, skills, and values required of educators in the province.



7. Teachers Act

Governs the regulation of the teaching profession within the K-12 education system.

Collective Agreements vs. Personal Services Contracts

The Labour Relations Code in British Columbia does not apply to Principals and Vice-Principals. Their employment relationships are instead governed by Contracts of Employment, along with applicable laws and regulations. This contractual arrangement distinguishes their roles from those of teachers, who operate under collective agreements that are negotiated by unions.

The Individual Contract of Employment: Key Components

The individual Contract of Employment is a formal written agreement between an employer (Board of Education) and an employee (Principal or Vice-Principal) that outlines the conditions of employment. There are two primary types of employment contracts in this context:

- **Term Contracts** – These contracts establish a fixed duration of employment, after which the agreement must be renewed or renegotiated.
- **Continuing Contracts** – These contracts persist indefinitely unless either party provides reasonable notice of termination. Continuing contracts are preferred by the BCPVPA. Local Chapters are encouraged to work with their district to try and put continuing contracts in place whenever possible.

Another form of contract often used for teachers who take on an "acting" role is a Temporary Contract. Employees on a Temporary Contract are not eligible for coverage under the BCPVPA Long-Term Disability Plan, but can remain under the BC Teachers' Federation (BCTF) Long-Term Disability Plan for up to one year. If the Temporary Contract extends for longer than one year, individuals on this contract would not have long-term disability coverage under either the BCTF plan, or the BCPVPA plan.



"Local Chapters are encouraged to work with their district to try and put continuing contracts in place whenever possible."

Termination and Suspension

An individual Contract of Employment outlines specific procedures for termination:

- **Termination Without Cause** – If an employer terminates a contract without cause, the affected employee is entitled to compensation in accordance with the contractual terms and employment termination standards as outlined in the Public Sector Employers Act.
- **Termination With Cause** – In cases of serious misconduct that fundamentally undermine the employment relationship, an employer may terminate a contract immediately without providing any compensation.

Suspension of a Principal or Vice-Principal is generally not permitted unless explicitly allowed by the employment contract or relevant legislation. Under the School Act, Boards of Education are granted the authority to suspend an employee when necessary to safeguard students. Additionally, courts have upheld the practice of placing employees on administrative leave with pay during investigations into alleged misconduct. Although being on **administrative leave with pay** can feel punitive, it is often the best course of action to protect all parties until the matter is resolved.

BCPVPA members are encouraged to reach out to BCPVPA Member Support Services for support and guidance with administrative leaves, suspensions, or termination of employment discussions.

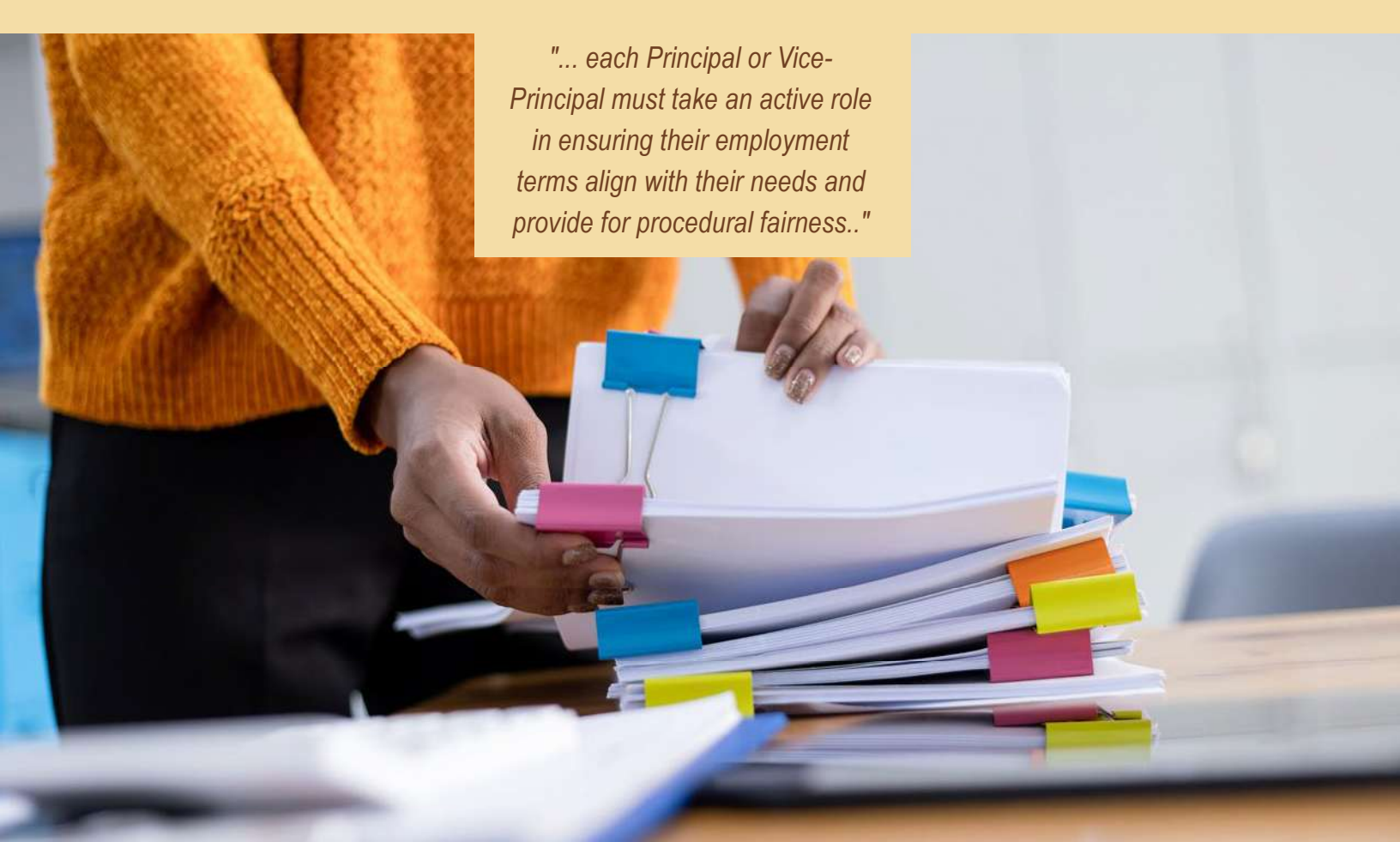
Negotiating Contracts of Employment

Under the School Act, the current structure of British Columbia's education system allows Principals and Vice-Principals to negotiate a master contract while requiring each individual employee to sign their own individual contract of employment. While school districts and local BCPVPA Chapters typically negotiate standard contracts within a district, each Principal or Vice-Principal must take an active role in ensuring their employment terms align with their needs and provide for procedural fairness given the natural employee-employer power imbalance that exists.

The BCPVPA Member Support Services team is available to provide professional guidance and support to local Chapters entering contract negotiations. Although BCPVPA staff cannot directly negotiate on behalf of local Chapters, they can provide data, research, and counter proposals that are both reasonable and grounded in current legislation. The approach taken is always one of shared interest between employees and employers. The BCPVPA advocates for embedding procedural fairness into contracts, which can help mitigate the risk of future conflicts between employees and employers.

During negotiations and before signing a contract, Principals and Vice-Principals should:

1. **Carefully review and understand the contract terms and conditions.** Employment contracts often contain intricate legal language. BCPVPA provides professional guidance and can consult legal counsel on your behalf if needed.
2. **Seek clarification of ambiguous language.** Some clauses can be open to interpretation. BCPVPA regularly liaises with local Chapters to assist them in seeking clarity as to ambiguous language in contracts.



"... each Principal or Vice-Principal must take an active role in ensuring their employment terms align with their needs and provide for procedural fairness.."

Enlisting the experience of the BCPVPA can provide local Chapters with a province-wide perspective on employment agreements. When necessary, the BCPVPA may seek legal counsel on behalf of the local Chapter to assist with drafting or reviewing proposed clauses.

Contracts of Employment are legally binding. Seeking professional guidance from the Association or independent legal counsel before signing your contract is strongly recommended, as it mitigates your risks and may protect your rights.

Conclusion

It is crucial for Principals and Vice-Principals in British Columbia to understand the nuances of Contracts of Employment. As exempt employees, Principals and Vice-Principals must negotiate and sign individual employment contracts. The contract must be in compliance with all relevant statutory regulations. By staying informed and seeking professional guidance from the BCPVPA, Principals and Vice-Principals can secure fair and equitable employment terms reflective of their unique roles within public education.

Seeking Support and Guidance

For further inquiries please contact the BCPVPA Member Support Services team. The team helps with employment-related questions and can provide formal representation or professional guidance as appropriate.

To connect with the BCPVPA office, members are encouraged to contact mssinfo@bcvpva.bc.ca and ask to speak with a Director of Member Support Services.