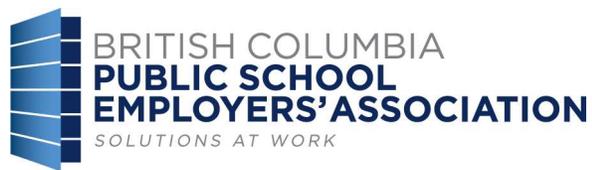


# **The Pursuit of a Long-term Agreement Teacher Bargaining Framework 2013**

*Discussion Resource*

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The BC Public School Employers' Association (BCPSEA) supports public education through innovative human resource practices, partnerships, and services. As the multi-employers' association, accredited bargaining agent, and human resource service agency for the province's 60 public boards of education, we provide a full range of human resource services with a focus on the development, coordination, and facilitation of human resources best practices.



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## Introduction

On May 24, 2013, the BC Public School Employers' Association (BCPSEA) and the BC Teachers' Federation (BCTF) respectively, received correspondence from the Deputy Minister of Education and the Interim President and CEO of the Public Sector Employers' Council, advising that the election of a new provincial government may have implications for the round of collective bargaining currently underway.

Specifically, the letter to BCPSEA advised that, in light of the provincial government's election platform commitment "...to immediately begin discussions with BCPSEA and the BC Teachers' Federation to achieve a 10 year collective agreement" after the election, BCPSEA "should expect to receive a letter rescinding the previous bargaining direction letter and replacing it with one more reflective of the newly elected government's priorities."

The concept articulated in the platform dates back to October 2012 when the Premier announced that the Minister of Education would complete a review of the teacher bargaining system. Consultations followed through October and November and included the BCTF, BCPSEA, school trustees, school administrators, and parent groups.

Arising from that review, the Ministry of Education released "*Working Together for Students*" in January 2013. The Ministry sought input from key education partners — "most importantly, the BCTF" — referenced past reviews completed by Vince Ready (2007) and Don Wright (2004), and alternate bargaining models.

The resulting report highlighted five key themes:

1. more formal government engagement,
2. the need for bargaining facilitation,
3. the need for more transparency,
4. the desire for timelines and certainty, and
5. the desire to respect, recognize, and support the work of teachers.

This paper is written as a resource, to be descriptive rather than analytical. It has two purposes. The first is to provide an overview of concepts and details of what we will refer to as the Framework. The second is to canvass some of the recent experiences with long-term agreements, how they came to be, and some of the lessons that can be drawn from those experiences.

History and context are important, both to inform the challenges of adopting a different approach to collective bargaining and, generally, the management of labour relations in the sector. The K-12 public education sector is comprised of employees, provincial unions, local unions, boards of education, trustees, advocacy associations, parents, students and others with an interest in public education. The various interactions are complex, multi-dimensional, and influenced by numerous factors and motives. The pursuit of a long-term agreement is set against this backdrop. (See Appendix B for a description of the current teacher–public school employer collective bargaining model, and Appendix D for a history of job action and ad hoc legislative intervention in the K-12 public education sector.)

The sector's labour relations history is punctuated by attempts to find a better way to bargain.<sup>1</sup> BCPSEA wrote three discussion papers<sup>2</sup> with a view to exploring the options and alternatives, and provided criteria to assess a chosen model (see Appendix C for the criteria). While the Framework is a work in progress and there has been a commitment to further dialogue, we believe the questions and considerations identified in this paper are a good starting point for continued discussion.

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<sup>1</sup> Teacher-public school employer bargaining structure has been the subject of five inquiries or policy decisions since the 1980's.

<sup>2</sup> [Lessons to Learn and a Course to Chart](#). *Bargaining Structures, Relationships, and Experiences*, Part 1/3 (2012).

[Well, Now That You Asked...](#) *Teacher—Public School Employer Bargaining Structure Discussion Resource*, Part 2/3 (2012).

[Making Reasoned Choices...](#) *Teacher—Public School Employer Bargaining Structure Options and Alternatives Discussion Resource*, Part 3/3 (2012).

## Part One: “Working Together for Students” Framework

### Proposed Framework Provisions

- Index teacher compensation on the average of major public sector increases over the next 10 years
- Create an Education Policy Council
- Dedicate Priority Education Investment Funding
- Continue the right to strike
- Review the essential services designation

(Source: Pages 10 and 12)

Five key themes form the foundation of the “*Working Together for Students*” Framework (the “Framework”) released in the January 2013 report of the same name.

The report indicated that it was not intended to state specific actions required to implement the framework, but rather provide the government’s objective and approach to bargaining in the public education sector. Some further process detail is required to operationalize the ideas. Part Two identifies some of the areas that warrant further exploration based on experiences with long term agreements.

Note: Two other systems, the Priority Education Investment Fund and the Education Policy Council, are central to the model and are excerpted in Appendix A to this paper.

### Process and Timelines

The Framework assumed that it would be adopted following the May 2013 provincial election and, as such, had a modified process for the round of negotiations that commenced in early March.

Negotiations would begin between **March 1 and April 1**. During this period, the Ministry of Education and the BCTF would begin negotiations on provincial matters; local school districts and local teachers’ associations would begin negotiations on local matters.<sup>3</sup> BCPSEA would coordinate local matters bargaining and assist the ministry with provincial matters.

During a more “typical” bargaining year, the bargaining process would start on **January 15** and would require that a conciliator be identified in the event conciliation was required.

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<sup>3</sup> The intersection of the January 2013 Agreement in Committee local bargaining processes, including the June deadline for referral of unresolved matters to the provincial table, would have to be reviewed and integrated into the new processes.

### For Clarification and Discussion

- What is the interface between this model and the one contemplated by the *Public Sector Employers Act* (PSEA) and the *Public Education Labour Relations Act* (PELRA)?
- If the Ministry is bargaining provincial matters, how are employer bargaining objectives developed and integrated with Ministry ones?
- What is a provincial matter and a local matter? How is the split of issues determined? What happens if a disagreement arises regarding the split of issues?
- Who are the *parties* to the collective agreement?

Under the 2013 calendar:

- should an agreement not be reached by **June 15**, the Minister of Labour will appoint a special mediator.
- if an agreement is not reached in a “typical” year by **April 15** either party may ask the Labour Relations Board to appoint a mediator.

Under both calendars, the mediators will have fifteen days before publically reporting.<sup>4</sup>

Also under the 2013 calendar:

- if there is no agreement by **July 15** the mediator will issue recommendations for settlement.
- if neither party rejects the recommendations by **July 25**, they become the basis of the new collective agreement.
- if the government rejects the recommendations they must provide an alternative offer for settlement by **August 7**.
- if the BCTF rejects the mediator’s recommendations or government’s alternative offer, they must issue strike notice by **August 31**. If they do not, then the mediator’s recommendations or government’s alternative offer will be deemed to be accepted and will form the next agreement.

Schools will not open at the start of the school year if strike notice is issued, unless the BCTF agrees not to disrupt school operations until a settlement is reached.

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<sup>4</sup> Under the 2013 calendar, the mediator would publically report the issues in dispute and the cost implications of each of the parties’ position. In a “typical” calendar year, the mediator would publically report the issues without making recommendations on any unresolved matter.

### For Clarification and Discussion

- The terms conciliator and mediator are used. Is there a purposeful difference in the terms?
- What is the reason for the different special mediator appointment processes between the calendars?

Under the “typical” calendar year:

- if there is no agreement by **May 1**, all matters will be referred to a conciliator.
- the conciliator will work within prescribed terms of reference. Within 30 days, the conciliator will publically report the issues being negotiated and costing implications of proposals. If there is no agreement by **June 30**, the conciliator will issue recommendations for settlement in a report, including the cost and other implications.
- by **July 10**, if the parties do not reject the conciliator’s recommendations in writing, then those recommendations immediately comprise the new collective agreement.
- if the government rejects the conciliator’s recommendations, it must provide an alternative offer for settlement by **July 20**.
- the BCTF then has until **August 31** to consider the recommendations or the government’s alternative offer. If it does not provide strike notice, either agreement will immediately comprise the collective agreement.
- if, however, the BCTF provides notice of its intention to strike effective **September 1**, schools will not open at the start of the school year unless the BCTF agrees not to disrupt school operations until a settlement is reached.

### For Clarification and Discussion

- What is the process for dealing with disagreements at the local level?
- What mechanism do boards of education have to inform the mediator and government of their needs and requirements?
- If the union doesn’t select either the offer recommended by the third party or by the government, and doesn’t strike, which agreement is imposed?
- What form may a strike take? Can a lockout occur? Do essential service provisions apply?
- What occurs after the union has issued strike notice? What is the timeline? What is the mediator’s role? Can the government legislate an agreement?
- In a “typical” calendar year, how are the “prescribed terms of reference” for the conciliator determined?

## Part Two: Disputes, Bargaining Structures/ Processes, and Long Term Agreements

This section provides an overview of two recent longer term agreements and attempts to identify some of the lessons learned from these experiences.

### ❖ **BC Ferries and the BC Ferries and Marine Workers' Union**

BC Ferries and the BC Ferry and Marine Workers' Union had a long and difficult labour relations history. It was against this backdrop that a unique agreement was crafted that would serve to bring a measure of labour stability to the system.

The collective agreement expired on October 31, 2003. Little, if any, collective bargaining took place and Vince Ready became involved in December 2003. No progress was made and the mediation ended on the second day of the appointment, with the union proceeding to strike. After five days of strike action, the provincial government intervened, ordering an 80-day cooling-off period, a full resumption of work, and the appointment of Vince Ready as Special Mediator under the *Railway and Ferries Bargaining Assistance Act*. The union remained off the job. On December 11 and 12, Ready met with the parties and recommended they refer the outstanding issues to him for binding arbitration and that the employees return to work. The parties agreed.

The resolution arose from a combination of arbitration, mediation, and facilitation. Ready received written submissions, which were to bear in mind certain terms of reference:

1. The principles of replication; i.e., what the parties would likely have negotiated had the strike continued
2. The provisions of the *Coastal Ferry Act*
3. The relevant provisions of the British Columbia *Labour Relations Code*
4. The economic circumstances affecting BC Ferry Services Ltd.
5. The operational justification of any proposed change(s) to the collective agreement
6. The legitimate interest of the employer, employees, and the trade union
7. Other relevant comparable working conditions
8. The importance and necessity of good labour relations in the BC Ferry system.

Ready stated that he may use external sources for assistance (legal and otherwise) and utilized Irene Holden as a facilitator to assist the parties in resolving some matters. The major issues in dispute were wages and benefits, contracting out, workforce restructuring, the parties' relationship, the selection process (recruitment) and retention issues, and other compensation matters. The crux of the dispute centred on several key issues: contracting out, hours of work, workforce restructuring, wages, and term.

The parties, through facilitation, established a defined framework that provided for a longer term collective agreement; general wage increases; classification increases; a different wage grid for new employees; an hours of work committee to review the operation on a

route by route basis or operational area; exclusion of certain bargaining unit positions so as to allow for more efficient administration of certain operational functions; revisions to special leave and family illness leave; revisions to STIP; the resurrection of the joint committee on increasing productivity, reducing cost, increasing revenue and gain sharing; changes to the job selection system for certain positions; revisions to overtime and differentials; vessel designation provisions; the creation of a workforce planning committee; the introduction of seasonal employees; recognition of officer shortages; and an increase in the number of full-time regular and part-time employees from the current system.

### **Decisions**

- *BC Ferry Services Inc. v. BC Ferry & Marine Workers' Union [2004]* B.C.C.A.A.A. No. 99
- *BC Ferry Services Inc. v. BC Ferry & Marine Workers' Union [2004]* B.C.C.A.A.A. No. 248
- *BC Ferry Services Inc. v. BC Ferry & Marine Workers' Union [2007]* B.C.C.A.A.A. No. 85
- *BC Ferry Services Inc. v. BC Ferry & Marine Workers' Union [2009]* B.C.C.A.A.A. No 126 (exclusions) and BCLRB No. B214/2009 (section 99)
- *BC Ferry Services Inc. v. BC Ferry & Marine Workers' Union*, unreported September 9, 2010 (Ready) (exclusion)

**Term:** November 2003 – October 31, 2010 (later extended to 2012 in [2007] B.C.C.A.A.A. No. 85; extended in 2012 by the parties to October 31, 2015)

**Wages/Compensation:** \$1,000 signing bonus, some wage classification adjustments for tradesmen and officers, and general wage increases of:

- 2% as of April 2007
- 3% in 2008
- 3% in 2009
- 3% in 2010

Apparently there were wage reopeners (arbitrated) in 2011 and 2012:

- 1% in October 2012
- 1.5% in April 2013
- 1.75% in April 2014
- 2% in April 2015

**Hours of Work:** Establishment of a committee with equal numbers of company and union members to make changes on or before April 1, 2005 with differences submitted to Hours of Work Umpire (Ready or Holden) for dispute resolution.

**Differentials:** Reduced from 29% and 27% to 10% with current employee differentials grandfathered for duration of collective agreement.

**Overtime:** Clause amended.

**Joint Committee on Increasing Productivity,** reducing costs, increasing revenue and gain sharing: committee ordered to be resurrected and a final clause added to provide a dispute resolution mechanism (Ready or Holden).

**Contracting Out:** Clause amended.

**Workforce Restructuring:** Two aspects: hours of work and categories of employees, and enhanced provisions in the event of layoff.

- Memorandum of Understanding regarding Workforce Planning based on parties settlement with principles of grandfathering of current casuals and proper utilization of casuals. Differences to be submitted for adjudication to Ready or Holden.

**Sick Leave or STIIP:** Clause amended to delete eligibility of casual employees for STIIP (with grandfathering).

**Seasonal Employees:** New Memorandum of Understanding.

**Workforce Adjustment:** Detailed amendments for workforce adjustments, layoffs, enhanced provisions, etc.

**Personal Leave Days:** Amended (with grandfathering).

**Postings and Assessments:** Clauses amended and Memorandum of Understanding re Job Posting – Selection during the first three years of the collective agreement with differences to be referred for expedited adjudication to Ready or Holden.

**Exclusions from the Bargaining Unit:** Letter of Understanding with disputes to be referred to Ready or Holden. Subsequent arbitration awards on this issue.

**Committees:** committees established in the Award deemed to be Article 2. 11 committees for the purpose of payment.

**Implementation:** Committee consisting of equal numbers with a maximum of three per side to incorporate and finalize the terms and conditions of the renewed collective agreement established.

**Licensed Officers and Vessel Designation:** Awarded parties' resolution.

**Deas Pacific Marine** – Component agreement awarded.

**Homesteading of Licensed Positions:** Memorandum of Understanding.

**Labour Relations:** Any matters under the collective agreement not already referred to arbitration, including any disciplinary action arising from the Queen of the North incident be referred for final and binding resolution on an expedited basis to Ready or Taylor.

**Bargaining Structure:** Establishment of a permanent collective agreement bargaining dispute resolution panel (Vince Ready, Colin Taylor, Irene Holden) with power to arbitrate future contract disputes and timelines regarding joint salary and benefit surveys, exchange of proposals, mediation and, ultimately, decision by the panel if necessary with consideration of the following:

1. The salary and benefits survey
2. The compensation, benefits and working conditions for employees as compared with the public and private sector employees in relevant comparable employment, including in states along the west coast of the US including Alaska, and within BC in comparable positions
3. The economic realities of the marketplace in terms of recruitment and retention of a skilled and qualified workforce
4. Prevailing economic conditions in the province
5. The economic viability of the employer
6. The interests of the users of the ferry system
7. Historical bargaining patterns
8. Cost of living
9. Such other factors which the panel deems relevant
10. The decision of a majority of the panel is the decision of the panel but, if there is no majority decision, the decision of the chair is the decision of the panel
11. The decision of the panel is binding on the parties who must comply in all respects with the decision.

❖ **The British Columbia Maritime Employers' Association (BCMEA) and the International Longshore and Warehouse Union Ship and Dock Foreman Local 514 Agreement**

The BCMEA and the ILWU Local 514 ratified an eight-year collective agreement ("Foremen agreement") on February 1, 2012. Further, a BCMEA and International Longshore and Warehouse Union – Canada Agreement ("Longshore Agreement") was concluded in April 2011, also expiring on March 31, 2018.

Both sets of negotiations, longshore and foremen, began in December 2009. On March 5, 2010 the Minister of Labour, pursuant to subsection 105(1) of the *Canada Labour Code*, appointed the Honourable Ted Hughes and John Rooney, mediator, to confer with the parties in the longshore dispute:

- To assist them in negotiating a settlement of their differences for the purpose of renewing or revising the collective agreement, which, in the interests of labour stability and the ports' success, should be for the longest possible term agreeable to both parties.
- If there are matters that cannot be resolved through negotiations, to assist the parties in developing and agreeing to a dispute resolution protocol under which all outstanding differences would be submitted to a person or body for final and binding determination, and

- If the parties cannot resolve their differences through negotiations or agree to a dispute-resolution protocol, to submit a report to the Minister of Labour within ten days of the conclusion of the mediators appointment.

The appointment was for a period of 90 days and, with the agreement of the parties, was extended to July 30, 2010. At that time, the parties were unable to resolve their differences through negotiations or to agree to a dispute resolution protocol, and a report was submitted to the Minister of Labour.

In that report, the writers discussed the lack of progress that had been made at the bargaining table and the proposals for a dispute resolution process that were put forth by Don Munroe, counsel for the BCMEA and Bruce Laughton, counsel for the ILWU. The respective opinions of counsel were attached to the report. Munroe proposed a dispute resolution process that, in his view, should be applied not only in the current dispute but one that, through legislation, would apply to BCMEA and ILWU on all future occasions.

Munroe advocated a system for settling outstanding issues by reference of them to a criteria-based mediation/arbitration process in which, whoever is charged with that responsibility, would make his or her determination in accordance with legislatively defined criteria if mediation failed and arbitration became necessary. The proposal would, through legislation, preclude strikes and lockouts on the west coast ports, with the alternative being the mediation/arbitration solution as described. Laughton's proposed model would restrict or limit mandatory dispute resolution by an arbitrator to only specified terms and conditions of the Collective Bargaining Agreement. He proposed that the limitations, in this instance, should be to general wage increases and existing benefits, and that the parties be free to agree on any other issues to be referred to the arbitrator and, failing agreement, the terms and conditions of the recently expired collective agreement would apply. The proposal would require legislation to be put into place if not accepted by both parties but would have application to the current round of bargaining only.

The report recommended:

- A. The appointment of an Industrial Inquiry Commission and the reference of five issues to it:
  1. The existing unsatisfactory relationship between the parties and a search for substantial improvement in that relationship
  2. The appropriateness of the BCMEA, comprising of 62 members, as the exclusive bargaining representative on behalf of the 19 direct employers of the ILWU members on the docks (the remaining of the 62 members are 40 belonging to the shipowner class and three associates)
  3. Significant proposals for change to the recently expired collective bargaining agreement (BCMEA and ILWU proposed changes identified)
  4. What the resolution should be when collective bargaining has reached an impasse
  5. Participation of women in the longshore industry.

The proposed time frame suggested in the report encompassed 26 months as follows:

- Two months for consideration of the report and to put an IIC in place
  - Three months for the IIC to carry out organizational requirements
  - Fifteen months (all of 2011 and Jan-March 2012) for public hearings and consultations and then the preparation of the Report for submission to the Minister of Labour by March 31, 2012
  - Six months (April 01-Sept. 30, 2012) for action to be taken on solutions proposed by the IIC.
- B. Extension of the recently expired collective bargaining agreement for the period April 1, 2010 until September 30, 2012.
- C. Wages from April 1, 201 until September 30, 2012 based on economic factors and comparators
- April 1, 2010 - 2.3%
  - April 1, 2011 – 2.4%
  - April 1, 2012 – 2.5%.

The Minister of Labour met with the parties on September 24, 2010. BCMEA rejected the mediators' recommendations. ILWU (Longshoremen and Foremen) accepted the recommendations. In a further attempt to reach new collective agreements, another mediator was appointed on September 29, 2010 to assist the parties in negotiating and drafting terms of reference for an arbitration process. This approach also failed.

On November 2, 2010 the Minister of Labour received a notice of dispute from ILWU (Foremen) and ILWU (Longshoremen) in connection with the renewal or revision of their collective agreements with TSI Terminal Systems Inc.

On November 3, 2010 the Minister of Labour referred to the Canada Industrial Relations Board (CIRB) the question of whether there had been a contravention of section 50(a) of the Code by either of the parties to bargain collectively in good faith and to make every effort to enter into a collective agreement. If the CIRB determined that such a contravention occurred, the Minister also directed the CIRB to either impose a new collective agreement on the parties or impose a binding method of resolving outstanding terms of the collective agreement.

BCMEA also filed disputes.

On November 17, 2010 the Minister of Labour appointed a conciliator pursuant to section 72 of the Code to endeavour to assist the parties in concluding a renewed collective agreement

On January 21, 2011 the CIRB concluded that the conduct of the unions upon which BCMEA relied did not amount to a failure to bargain in good faith and the answer to the first question of the Minister's November 3, 2010 referral was that there had not been a failure by either of the parties to bargain in good faith. Consequently, the CIRB declined to consider

the second aspect of the Minister's referral with respect to remedy. A review of this decision was dismissed on March 28, 2011.

In May 2011 a renewed Longshore collective agreement was ratified. In January 2012, a tentative Foremen's agreement was announced and subsequently ratified on February 1, 2012.

### **Decisions/documents**

- Report by The Hon. Ted Hughes and Mediator John Rooney to the Hon. Lisa Raitt, Minister of Labour dated July 30, 2010.
- Letter dated November 3, 2010 from the Minister of Labour to CIRB regarding referral and direction to the CIRB pursuant to section 107 of the *Canada Labour Code*.
- BCMEA and ILWU – Canada/ILWU, Local 514 [2011] CIRB 566
- BCMEA and ILWU – Canada/ILWU, Local 514 [2011] CIRB 574

**Terms:** April 1, 2010 to March 31, 2018.

### **Cumulative and average annual increases (including wages, pensions, benefits, etc.) are reported by the BCMEA as follows:**

- BCMEA/ILWU Canada Local 500(Longshore) – 22.85% cumulative increase over the 8-year terms with an average annual increase of 2.61%. Cost of living allowance clause in the last three years.
- BCMEA/ILWU Local 514 (Foremen) – 21.92% cumulative increase over the 8-year terms with an average annual increase of 2.51%.

**Declaration of Availability:** Implemented a DOA. The DOA provides longshore workers a vehicle to declare their availability for work ahead of upcoming shifts through an interactive voice phone system in Vancouver, which was later expanded to include an online option on the web. Effective December 1, 2011, it became mandatory for casuals to declare their availability the night before, yielding close to 100% participation.

**Province-wide Recruitment Agreement:** A Memorandum of Agreement was added regarding a recruitment process that can be audited by either party and specifically commits the parties to comply with applicable federal legislation, including the *Human Rights Act* and *Employment Equity Act*.

**Maternity and Parental Leave:** New program in Longshore agreement

**Pension Plan:** Ability to have a contribution holiday with the Foremen's pension plan should the plan actuary advise that the level of the plan income risked overshooting CRA maximums.

## Long-term Agreements: Experiences and Observations — A Basis For Discussion

The longest collective agreement in the K-12 public education sector in BC has been five years (2006-2011). Typically, agreements — whether during the local teacher union–individual school board bargaining period (1987-1993) or provincial bargaining (1994-present) — have been two or three years.

A review of public and private sector agreements provides evidence of the prevailing patterns.<sup>5</sup> The average duration of agreements in the private sector (48.6 months) was much longer than in the public sector (36.8 months). The trend of long-term settlements in the private sector provides employers with industrial peace, a degree of budget stability, better long-term planning, and a decrease in bargaining costs. The unions, however, prefer long-term safeguards and increased security during unstable economic conditions.

A number of long-term agreements were signed in Quebec, where the average duration amounted to 55.7 months, continuing the trend seen in the previous years. This province was the only one where agreements with an average duration of over 50 months were signed during the past three years.

Agreements in the wholesale and retail trade sector were once again for a relatively long average duration (50.0 months). In 2010 and 2009, this highly competitive sector had also been characterized by long-term contracts, namely 56.2 months and 49.3 months. However, in 2011, it was the finance and professional services sector that had the longest average duration with 57.5 months.

Among the major settlements negotiated in the public sector, Quebec City and its police officers signed the longest at 96 months. In the private sector, the same duration was negotiated for the collective agreements of the British Columbia Maritime Employers' Association in British Columbia and Olymel in Quebec.

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<sup>5</sup> Source:  
[http://www.hrsdc.gc.ca/eng/labour/labour\\_relations/info\\_analysis/overview/2011/section\\_3.shtml](http://www.hrsdc.gc.ca/eng/labour/labour_relations/info_analysis/overview/2011/section_3.shtml)

Organization	Location and Bargaining Unit	# of Employees	Duration (mo.)	Adjustments (%)
British Columbia Maritime Employers' Association	British Columbia — longshoremen	4,500	96.0	2.5
City of Quebec	Quebec — police officers	800	96.0	1.7
Olymel, Limited partnership	Quebec — production employees	700	96.0	2.0
The Québec Building Service Contractors Association	Quebec — service and maintenance employees	6,000	88.9	2.2
Molson Breweries Montreal	Quebec — production and distribution employees	850	84.3	0.4
Société de transport de Longueuil	Quebec — drivers	650	84.0	1.7
Sherbrooke University	Quebec — support employees	1,400	84.0	2.3
Bell Technical Solutions	Ontario — technicians	1,730	84.0	2.8
Bell Technical Solutions	Quebec — technicians	1,090	84.0	2.8
City of Gatineau	Quebec — inside employees	700	84.0	2.4

## Considerations

### ▪ Reason for Action

Bargaining structures, processes and procedures must enjoy the general support of the bargaining parties to have any chance of yielding an agreement. The issues are difficult enough to address with out process dissatisfaction.

Central to the acceptance of a long term agreement will be the real or perceived reason for action. Does the process contemplate a report, potential for intervention or some such similar consequence? Is participation in the process and working through the matters at issue better than the implications, real or perceived, of the possible alternatives?

### ▪ Work in Progress

Not all matters will be fully concluded through the bargaining process. Given the extended length of the agreement it will be seen as necessary to have continuing processes to advance certain matters and resolve others. Committees, reviews and the like will be necessary and require:

- specific terms of reference including timelines and deliverables
- resources to support the work
- dispute resolution mechanisms to facilitate or otherwise resolve disputes that arise
- continued bargaining in another form

The sectoral experience with the five-year BCPSEA-BCTF agreement (2006-2011) is instructive. The sector saw an increase in grievance and arbitration activity. In part, that was due to the:

- BCTF's reaction to government legislative initiatives
- typical implementation disputes, and
- the length of the agreement and the stated intention of the BCTF after the agreement was concluded. Parties "bargain through the grievance procedure" or revert to the arbitration process as an outlet when they believe they have lost the ability to discuss matters or have concerns adequately addressed.

This experience hi-lighted the challenges posed by long term agreements in changing times. Put simply, collective agreements are negotiated at a particular time and in a particular context. They are also negotiated at a specific time in an organization's business life. Consequently, the collective agreement that emerges represents an understanding of the essential matters set within the environment and the operating context at the time the agreement was negotiated. Processes need to be contemplated and or adopted at the time of an agreement's creation to address the reality of an agreement in changing times.

### ▪ On Balance

Longer term agreements provide a degree of industrial peace and stability, a measure of budgetary predictability, opportunity for better long-term planning, and a shift in the resources devoted to bargaining to other agreement related matters. The question is one of

balance. Do these benefits outweigh the costs associated with bargaining through the grievance procedure, the time and associated costs of other work committed to under the agreement, and the ability to adapt to a dynamic sector and workplaces with one of the foundation elements, the collective agreement, negotiated at a particular time and in a particular context? Are there ways to mitigate against these costs that can be incorporated in the model?

And finally, things worth keeping in mind<sup>6</sup>:

- From *Lessons to Learn and a Course to Chart: Bargaining Structures, Relationships, and Experiences* (June 2012): “If the capacity, ability or willingness does not exist to make meaningful change, there’s the potential that a worse bargaining dynamic will result. The consequences arising out of this dynamic will affect the operation of schools and the delivery of educational programs and, to the degree to which it persists, public education will suffer.”
- From Ready (2007): Reflecting on the successful negotiations between the BCPSEA and BCTF that led to their negotiated agreement in June 2006, he stated, “it is not the format or process of collective bargaining which will help achieve a collective agreement. Instead, it is necessary to provide support to the parties in their desire to achieve a collective agreement. The presence of a Facilitator/Mediator and the presence of a Government official provided that support. “
- From Wright (2004): “Even if fully implemented, these recommendations will not significantly improve the state of bargaining unless there is an attitudinal and behavioral change of both sides.

This will require dialogue — a genuine attempt to arrive at mutual understandings — between teachers and the employer group (i.e., government, trustees, and school administrators). The sooner we start on that, the better.”

- From Professor John Anderson (1999):<sup>7</sup> “Unfortunately, although policy makers have legislated changes in collective bargaining structure, and labour relations practitioners are painfully aware of the implications of different bargaining structures, very little is actually known about the forces that influence the choice of alternative structures or about the consequences for the relative bargaining power of the parties, the level of industrial conflict, or the functioning of the bargaining process.”

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<sup>6</sup> These observations were included in *Making Reasoned Choices: Teacher-Public School Employer Bargaining Structure Options and Alternatives Discussion Resource*, page 7, Part 3 of 3, December 2012.

<sup>7</sup> Anderson, John C. *Union-Management Relations In Canada*, Chapter 9, page 209, Addison-Wesley Publishers, 1989.

## Appendix A: Excerpt from *Working Together for Students*

(Ministry of Education, pages 13-14, January 2013)

### **Element 1: Dedicated Funding for Education Priorities**

For the 2012-13 fiscal year, the total provincial K-12 public education budget for BC was \$5.315 billion, \$4.95 billion of which is allocated to public schools and managed by BC's 60 public school districts.

In 2012, government introduced the Learning Improvement Fund (LIF). This fund provides \$195 million over the next three years and \$75 million per year thereafter to be allocated by districts to:

- hire additional teachers and education assistants
- provide additional teaching time, or
- support professional development and training to help teachers meet complex needs in their classrooms.

Under the new teacher collective bargaining framework, government would now also create a new Priority Education Investment Fund (PEIF). This fund will be a three-year education spending envelope identified each year by government consistent with its fiscal plan. The basis for determining this funding amount is yet to be determined, but it could be tied in some manner to factors such as the province's economic performance and education enrollment.

This would be new funding, in addition to the existing K-12 budget and the LIF, dedicated to education system priority investments. Government would continue to set the balance of education funding through traditional provincial budgetary processes.

With a 10-year agreement, the PEIF will provide:

- a funding allocation each year dedicated to specific education priorities, such as class size and composition and other investment needs
- direct input from the BCTF and school trustees regarding how the funding would be used, through a new Education Policy Council (see below), and
- an avenue to address funding-related concerns frequently raised at the bargaining table, but that are not necessarily directly linked to teacher working conditions or terms of employment.

## **Element 2: Education Policy Council**

Teachers, as individual professionals and through the BCTF, have a legitimate, valuable, and essential voice in helping to shape educational policy. However, arguably one of the most significant barriers in the current bargaining model is the tendency for education funding and policy matters to become major topics of negotiations, which distracts the parties from serious bargaining of working conditions and terms of employment. This results in education policy discussions — or other broader social policy matters — interfering with productive bargaining.

The interests of citizens, government, teachers, administrators, and students will be better served if bargaining is more clearly focused on addressing terms of employment and not on education policy. Clearly, education policy has an impact on teachers. The focus of bargaining should be on the implementation of policies and not on the policies themselves. The necessary voice for teachers on the policy issues should be in other forums.

The Council will include representatives from government, the BCTF and school trustees. There will be clear terms of reference for this Council, including providing government with recommendations on education policy matters. This work will also include providing recommendations on the allocation of the PEIF.

With a 10-year agreement the Council will provide:

- a clear voice for teachers in determining the allocation of available funding for priority issues
- an education policy table, where educational issues can be appropriately introduced, considered, and debated in a constructive way to assist in government decision-making, and
- recognition of the validity of teachers' voice in education policy discussions through a formal role as a partner with government, ideally meaning these issues no longer need to be addressed at the bargaining table.

## Appendix B: The Current Teacher-Public School Employer Collective Bargaining Model

The current bargaining model dates back to the passage of the *Public Sector Employers Act* (PSEA) and the *Public Education Labour Relations Act* (PELRA) in the early 1990's. The experience with the provincial bargaining model in terms of process, outcomes, and relationships has been varied for a variety of reasons<sup>8</sup>. There have been six rounds of bargaining under the PSEA/PELRA model. .

The *Public Sector Employers Act* established the following mandate for the associations:

(2) The purposes of an employers' association are to coordinate the following with respect to a sector:

- (a) compensation for employees who are not subject to collective agreements;
- (b) benefits administration;
- (c) human resource practices;
- (d) collective bargaining objectives.

(3) In addition, it is a purpose of an employers' association

- (a) to foster consultation between the association and representatives of employees in the sector, and
- (b) to assist the council in carrying out any objectives and strategic directions established by the council for the employers' association.

As a result, BC's K–12 public education sector changed considerably. In May 1994, BCPSEA was formed. On June 7, 1994, Bill 52, the *Public Education Labour Relations Act* (PELRA), was passed. It established BCPSEA as the accredited bargaining agent for all public school boards and the BCTF as the certified bargaining agent for all public school teachers in the province:

### **Employer bargaining agent**

4 The employers' association

- (a) is deemed to be the accredited bargaining agent for every school board in British Columbia, and
- (b) has exclusive authority to bargain collectively for the school boards and to bind the school boards by collective agreement.

### **Employee bargaining agent**

6(1) The British Columbia Teachers' Federation

- (a) is deemed to be the certified bargaining agent for the employees in the bargaining unit,

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<sup>8</sup> Two recent publications provide a comprehensive history of bargaining from two perspectives. *Worlds Apart: British Columbia Schools, Politics, and Labour Relations Before and After 1972*, Thomas Fleming, Bendall Books, 2011; *Conflict Without Compromise: The Case of Public Sector Teacher Bargaining in British Columbia in Dynamic Negotiations: Teacher Labour Relations in Canadian Elementary and Secondary Education*, Sara Slinn, McGill-Queens University Press, 2011.

Section 7 of PELRA established, for collective bargaining purposes, the parameters for what matters would be considered provincial matters and negotiated provincially and what matters were local matters and could be negotiated by the local school boards and local teachers' associations/unions.

*7 (1) The collective agreement entered into under this Act with respect to teachers must include all Provincial matters and local matters that have been agreed on by the parties.*

*(2) Subject to subsection (3), the employers' association and the Provincial union must designate the Provincial matters and local matters to be determined by collective bargaining.*

*(3) All cost provisions, within the meaning set out in subsection (4), are deemed to be Provincial matters.*

*(4) In subsection (3), "cost provisions" includes all provisions relating to*  
*(a) salaries and benefits,*  
*(b) workload, including, without limitation, class size restrictions, and*  
*(c) time worked and paid leave,*  
*that affect the cost of the collective agreement.*

*(5) If the employers' association and the Provincial union are unable to agree on a designation under subsection (2) in the negotiations for the first Provincial agreement only, on the request of both parties or on his or her own motion, the Minister of Skills, Training and Labour may appoint a person to arbitrate a dispute with respect to the designation*

In April 1995, the BCTF and BCPSEA completed the provincial–local “split of issues.” All substantive issues, including monetary provisions, were placed at the provincial table. Both parties interpreted *cost provisions* broadly, with the result that *local matters* were those with limited importance as provisions related to working conditions and those with no monetary impact. Only one matter was submitted to arbitration in accordance with section 7(5).

The issue that went before Arbitrator Allan Hope on June 26, 1995 was whether the evaluation of teachers' teaching performance should be considered a provincial or a local matter; that is, whether or not evaluation provisions should be negotiated provincially or locally. Arbitrator Hope issued his decision on August 21, 1995, stating that he agreed “*with the submission of the PSEA that evaluation standards constitute a basic policy issue that should be negotiated at the provincial level, as local parties have no means of resolving a bargaining impasse other than to refer the issue to the provincial table. There is a strong possibility, if not a likelihood, that this issue, having emerged as a policy issue in the eyes of the parties, would continue to elude satisfactory resolution at the local level and would thus be propelled haphazardly to the provincial table in the form of a series of local bargaining issues*” (Hope, 1995).

What matters are bargained where remained a contentious issue between BCPSEA and the BCTF, revisited in each round of bargaining. Changes were made in 2012 as part of an agreement to approach bargaining differently following a very difficult round, including the longest teacher strike in the province's history.

Arising out of a conversation at the November 2012 BCPSEA Symposium later that month and continuing into early December, representatives of the BCTF and BCPSEA met to discuss bargaining 2013 focused on whether or not a better model could be adopted.

On December 6, 2012 the parties concluded an agreement (“Agreement in Committee”) with the commitment that it would either be formally adopted or abandoned. The parties established a deadline of January 9, 2013 to allow for their respective approval processes to be completed.

The Agreement in Committee contained the following elements:

- An agreement to research, develop, and write a comprehensive data resource to assist with informed discussions
- General process timelines — Early commencement of bargaining with a focus on concluding an agreement before expiry
- A facilitator appointed at the outset to *assist with all matters of collective bargaining*
- Report at expiry — *If no agreement has been reached by the expiry of the collective agreement, the facilitator will issue a report to the parties outlining the outstanding issues and the position of the parties on these issues, matters resolved at the table and suggested processes for continued negotiations*
- Codification of a revised split of issues
- Alignment with the previously agreed-upon local matters bargaining processes (Letter of Understanding No. 1).

## Appendix C: Bargaining Structure Themes and Criteria

Theme/Criteria	Proposition
<p><b>Balance</b></p> <p>The parties are permitted to pursue their goals through collective bargaining, but this pursuit must be balanced against the costs of bargaining:</p> <ul style="list-style-type: none"> <li>▪ Consequences of industrial conflict</li> <li>▪ Costs associated with resolving the conflict (dollars, relationship, public confidence)</li> <li>▪ Out-of-line settlements and the implications for other public sector employers of these settlements.</li> </ul>	<p>Bargaining in the public sector context requires that certain interests, often seen as external to the negotiating parties, must be balanced. This recognition leads to certain structural choices related to authority (who bargains what, where), responsibility and accountability.</p> <p>Policy makers react to imbalance, whether perceived or otherwise. These “reactions” have consequences for functional bargaining.</p>
<p><b>Consequences</b></p> <p>The effects of labour disputes on persons not directly involved in those disputes are minimized.</p>	<p>Collective bargaining in the public sector has implications for the general public. Processes and structures to manage workplace disruption arising out of a labour dispute must be structured to minimize the impact on the public and, as a result, the impetus for government involvement.<sup>9</sup></p>
<p><b>Incentive</b></p> <p>There are incentives and pressures that encourage negotiated settlements.</p> <p>There is sufficient uncertainty about the outcome of bargaining such that the parties are encouraged to negotiate.</p>	<p>The parties will not negotiate if they can predict the outcome both in terms of substance (the deal itself) and process (how the deal will be concluded). Institutionalized uncertainty has the potential of encouraging negotiated agreements.</p>
<p><b>Time</b></p> <p>All parties face significant pressure if an agreement is not reached in a reasonable time.</p>	<p>Participants and observers of the negotiation process will lose faith in it if they perceive it to be protracted and unproductive. These perceptions can lead to intervention by government.</p>

<sup>9</sup> Ad-hoc legislative intervention is an option outside the control of the bargaining parties. It is interesting to note that between 1959 and 1990 there were three public sector and five private sector interventions. Between 1990 and today there was one private sector and 13 public sector interventions, six of which were in the K-12 sector. Legislative intervention has its limitations. It tests the relationship between the parties, faces implementation challenges, and leaves many of the matters at issue unresolved or unsatisfactorily resolved.

<b>Theme/Criteria</b>	<b>Proposition</b>
<p><b>Resolution</b></p> <p>The process for achieving resolution is found within the bargaining structure.</p> <p>No alternative processes external to the structure exist or can be accessed.</p>	<p>A closed or self-contained bargaining system builds faith in both the parties and the process — the parties believe they can resolve their differences. Alternative processes external to the structure (ad hoc legislative intervention, for example) undermine the structure and erode the bargaining relationship.</p>
<p><b>Role Recognition</b></p> <p>Participants understand, and respect as legitimate, the roles of the parties to the bargaining process.</p>	<p>Collective bargaining requires that the parties meet, recognize one another as legitimate representatives of their principals, and engage in informed discussions with the intention of concluding a collective agreement.</p>

## Appendix D: Teacher Strikes, Lockouts, and Ad hoc Legislative Intervention in BC

Collective bargaining between public school teachers and their employers has existed since the late 1980s. Between 1987 and 1993, agreements were negotiated under what was known as local bargaining — bargaining occurred between individual boards of education and locally certified teachers’ unions. The bargaining model was changed in the early 1990s to a form of provincial bargaining, with the BC Teachers’ Federation (BCTF) as the certified bargaining agent for all public school teachers and the BC Public School Employers’ Association (BCPSEA) as the accredited bargaining agent for the province’s 75 school boards (in 1996, arising from school district amalgamation, the number of boards was reduced to 60, including the Conseil scolaire francophone de la Colombie-Britannique).

During the local bargaining period there were:

- 15 strikes, 1 lockout (round 1)
- 17 strikes (round 2)
- 16 strikes, 2 lockouts (round 3).

During the provincial bargaining period there have been three strikes (including the most recent dispute).

There have been four occasions of ad hoc legislative intervention in public education labour disputes.

<b>School Board – Teacher Association/Union Negotiations (<i>Local Bargaining</i>) Round 1</b>							
School District	Start Date	End Date	Length (Days)	Stoppage Type	Issues	Number of Workers Involved	Teacher Days Lost
80 Kitimat	28-Nov-88	12-Dec-88	14	General Strike	Wages	136	1,360
88 Terrace	3-Jan-89	30-Jan-89	27	General Strike	Wages	310	5,890
65 Cowichan	16-Jan-89	25-Jan-89	9	General Strike	Wages	410	2,870
57 Prince George	23-Jan-89	27-Jan-89	4	General Strike	Wages	1,200	4,800
89 Shuswap	6-Feb-89	7-Feb-89	1	General Strike	Collective bargaining procedure	311	180

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15 Penticton	13-Feb-89	14-Feb-89	1	General Strike	Collective bargaining procedure	240	120
35 Langley	27-Feb-89	24-Mar-89	25	Rotating Strike	Working conditions; other issues	850	4,510
34 Abbotsford	6-Mar-89	20-Mar-89	14	General Strike	Rand formula	675	6,080
23 Kelowna	13-Mar-89	24-Mar-89	11	General Strike	Rand formula	900	7,650
76 Agassiz-Harrison	1-Mar-89	13-Mar-89	12	General Strike	Wages	45	360
14 South Okanagan	3-Mar-89	14-Apr-89	42	Lockout	Wages	120	1,160
13 Kettle-Valley	7-Mar-89	13-Mar-89	6	General Strike	Wages	36	160
33 Chilliwack	8-Mar-89	13-Mar-89	5	General Strike	Wages	434	1,300
2 Cranbrook	3-Apr-89	18-Apr-89	15	General Strike	Wages	197	2,170
92 Nisg'a	17-Apr-89	19-May-89	32	General Strike	Wages	32	780
75 Mission	3-Oct-89	18-Oct-89	15	General Strike	Wages	338	3,380
					Totals	6,237	42,770

<b>School Board – Teacher Association/Union Negotiations (Local Bargaining) Round 2</b>							
School District	Start Date	End Date	Length (Days)	Stoppage Type	Issues	Number of Workers Involved	Teacher Days Lost
35 Langley	06-Mar-90	26-Mar-90	20	General Strike	Sympathy	850	11,900
14 Southern Okanagan	04-Sep-90	03-Oct-90	29	General Strike	Subcontracting	130	2,730
42 Maple Ridge	13-Nov-90	21-Nov-90	8	Rotating	Wages	700	1,050
37 Delta	22-Nov-90	29-Nov-90	7	Rotating	Wages	950	1,430
61 Victoria	31-Jan-91	18-Feb-91	18	General Strike	Wages	1,700	16,000
68 Nanaimo	12-Feb-91	18-Mar-91	34	Rotating	Wages	960	11,280
44 North Vancouver	14-Feb-91	16-Feb-91	2	Rotating	Failure to negotiate	1,000	1,000
39 Vancouver	18-Feb-91	28-Feb-91	10	Rotating	Working conditions	3,606	24,050
70 Alberni	19-Feb-91	20-Feb-91	1	General Strike	Not reported	350	180
85 Vancouver Island North	20-Feb-91	22-Feb-91	2	General Strike	Various workload issues	280	280
63 Saanich	04-Mar-91	25-Mar-91	21	General Strike	Various workload issues	471	5,650
1 Fernie	06-Mar-91	25-Mar-91	19	General Strike	Wages	250	2,990
49 Central Coast	06-Mar-91	08-Apr-91	33	General Strike	Various workload issues	32	560
80 Kitimat	20-Mar-91	30-Apr-91	41	Rotating	Working conditions	155	2,500

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60 Fort St. John	08-May-91	28-Jun-91	51	General Strike	Working conditions	300	11,100
88 Terrace	13-May-91	14-May-91	1	General Strike	Interunion matters	350	350
17 Princeton	13-May-91	27-May-91	14	General Strike	Collective bargaining procedure	50	450
					Totals	12,134	93,500

<b>School Board – Teacher Association/Union Negotiations (<i>Local Bargaining</i>) Round 3</b>							
School District	Start Date	End Date	Length (Days)	Stoppage Type	Issues	Number of Workers Involved	Teacher Days Lost
36 Surrey	18-Jan-93	19-Jan-93	1	General Strike	Delay in negotiations	1,900	1,900
36 Surrey	25-Jan-93	08-Mar-93	42	Rotating	Wages, other issues	2,800	5,520
1 Fernie	04-Jan-93	29-Jan-93	25	Lockout	Wages	240	4,560
28 Quesnel	08-Jan-93	04-Mar-93	55	Rotating	Delay in negotiations	310	5,170
40 New Westminster	15-Feb-93	29-Mar-93	42	Rotating	Working conditions	241	1,310
47 Powell River	15-Feb-93	06-May-93	80	Lockout/Rotating	Working conditions	220	5,960
42 Maple Ridge	01-Apr-93	13-Apr-93	12	General Strike	Delay in negotiations	740	4,440
84 Vancouver Island West	08-Mar-93	20-Apr-93	43	Rotating	Delay in negotiations	56	970
85 Vancouver Island North	08-Mar-93	14-May-93	67	Rotating	Delay in negotiations	200	5,900
39 Vancouver	05-May-93	31-May-93	26	Rotating	Wages and other issues	4,500	47,250
36 Surrey	19-May-93	03-Jun-93	15	General Strike	Working conditions	2,800	16,800
80 Kitimat	17-May-93	25-May-93	8	General Strike	Working conditions	140	770

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*Discussion Resource*

54 Bulkley Valley	26-Apr-93	31-May-93	35	General Strike	Delay in negotiations	170	2,210
70 Port Alberni	11-May-93	20-May-93	9	General Strike	Wages	500	2,000
71 Comox	12-May-93	13-May-93	1	General Strike	Delay in negotiations	515	260
24 Kamloops	17-May-93	18-May-93	1	General Strike	Delay in negotiations	797	400
44 North Vancouver	17-May-93	21-May-93	4	Rotating	Delay in negotiations	1,250	630
					Totals	17,379	106,050

<b>Provincial Bargaining: BCTF – BCPSEA</b>							
	Start Date	End Date	Length (Days)	Stoppage Type	Issues	Number of Workers Involved	Teacher Days Lost
<b>Round 1</b> (1994-96)	-	-	-	-	-	-	-
<b>Round 2</b> (1997-98)	-	-	-	-	-	-	-
<b>Round 3</b> (2001-02)	08-Nov-01	28-Jan-02	1	Province-wide phased strike; full withdrawal Jan. 28/02	Wages and working conditions	35,000	35,000
<b>Round 4</b> (2004-05)	07-Oct-05	24-Oct-05	17	Province-wide illegal strike	Wages and working conditions	38,000	380,000
<b>Round 5</b> (2006)	-	-	-	-	-	-	-
<b>Round 6</b> (2011-2012)	06-Sept-11	17-Mar-12	3-day full withdrawal; phase 1 strike commenced Sept. 6/11	Province-wide phased strike; three-day full withdrawal	Wages and working conditions	39,000	117,000

## Incidents of Ad Hoc Legislative Intervention

Between 1959 and 1990 there were three public sector and five private sector interventions in BC. Between 1990 and today there have been one private sector and 13 public sector interventions, six of which were in the K-12 sector.

Title	Assent Date	Purpose	Reference
<b>Educational Programs Continuation Act</b> (Designations under Part 2 of the Act: B.C. Reg. 181/93, 187/93 and 315/93)	May 30, 1993	<b>Purpose:</b> To end teacher strike and prohibit further job action in School District No. 39 (Vancouver). <b>Impasse resolution method:</b> Mediation; failing agreement, interest arbitration.	S.B.C. 1993, c.5

Education and Health Collective Bargaining Assistance Act	April 28, 1996	<p><b>Purpose:</b> To establish a process to ensure that education and health services would not be disrupted during the period covered by the legislation — during expected provincial election.</p> <p><b>Impasse resolution method:</b> Industrial inquiry commissioner or mediator would make binding recommendations in the event of a collective bargaining impasse.</p>	S.B.C. 1996, c.1
Public Education Collective Agreement Act	July 30, 1998	<p><b>Purpose:</b> To legislate the terms of the provincial collective agreement negotiated between the BC Teachers' Federation and representatives of the BC government that were rejected by BCPSEA member school boards (AiC).</p>	S.B.C. 1998, c.41
Public Education Support Staff Collective Bargaining Assistance Act	April 2, 2000	<p><b>Purpose:</b> To end support staff strikes in 44 school boards and provide a mechanism for concluding collective agreements in the districts named in the Act.</p> <p><b>Impasse resolution method:</b> If after 60 days from the enactment of the PESSCBA an agreement is not reached, the Industrial Inquiry Commission must make a written decision for settlement.</p>	S.B.C. 2000, c.2
Education Services Collective Agreement Act	January 27, 2002	<p><b>Purpose:</b> To constitute a collective agreement between the BCTF and BCPSEA and end the legal strike action by BCTF.</p>	S.B.C. 2002, c.1
Teachers' Collective Agreement Act	October 7, 2005	<p><b>Purpose:</b> To continue the collective agreement between the BCTF and BCPSEA until June 30, 2006 and legislate teachers back to work. The BCTF subsequently engaged in a two week long illegal strike.</p>	S.B.C. 2005, c.27

Education Improvement Act	March 15, 2012	<b>Purpose:</b> To suspend the teachers' strike action and set a "cooling off" period, appoint a mediator to facilitate bargaining, and implement a new \$165 million Learning Improvement Fund and other education enhancements.	S.B.C. 2012, c. 3
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