

Mid-Contract Modifications

Given the term of the current Provincial Collective Agreement (PCA) between the BC Public School Employers' Association (BCPSEA) and the BC Teachers' Federation (BCTF), and disputes arising under restored class size and composition collective language, we anticipate that districts will face circumstances in which Mid-Contract Modifications (MCMs) will be requested or considered during the remaining term of the PCA. MCMs may resolve disputes or operational issues that cannot wait until the next round of bargaining through amendments to the collective agreement or letters of understanding. The established process for MCMs is set out in the BCPSEA [Teacher Collective Agreement Administration Manual](#).

We are therefore providing this reminder of the following considerations regarding MCMs.

1. What constitutes a MCM?

A MCM includes:

1. Any amendment to the collective agreement that alters an existing term and condition through addition, omission, or correction.
2. Any agreement to waive the provisions of the agreement for the term of the agreement or another specified period.
3. Any variation to an established existing term and condition of employment that provides an exception to the rule.
4. Letters of understanding (LOU) or memoranda of agreement (MOA) dealing with procedural or interpretive issues relating to the collective agreement.

A grievance settlement may constitute a modification if it includes any of the above.

2. What criteria are used by BCPSEA to approve MCMs?

BCPSEA uses the following criteria to approve MCMs:

1. There is an operational imperative for making a change.
2. The MCM presents no additional cost to the board, unless it meets an operational need for the board that will offset the cost.
3. The MCM does not undermine the position of school districts generally or a provincial bargaining objective.
4. The local has or obtains BCTF approval to proceed.
5. The district's agreement is conditional on BCPSEA approval of the agreement.

3. When should districts contact BCPSEA regarding MCMs?

Districts should contact BCPSEA as soon as they are contemplating entering into MCM discussions with the local union, or upon being approached by the local union to enter into such discussions. The definition of what constitutes a MCM is quite broad, and may encompass matters or changes that, while not modifying the actual collective agreement language, address procedural or interpretive issues.

No MCM is valid or has effect unless authorized and signed by the two provincial parties. BCPSEA has encountered instances where districts and their local unions have agreed to discuss matters that may lead to a MCM or have actually entered into a MCM without receiving approval from, or consulting with, the provincial parties. This lack of pre-approval and consultation has resulted in both the BCTF and BCPSEA refusing to sign MCMs that have been agreed to at the local level. It is in the interests of all parties to eliminate these occurrences.

It is strongly recommended that districts engage BCPSEA, and locals engage the BCTF, at the earliest possible opportunity and on an ongoing basis throughout the local discussions, such that each local party has fully consulted with their provincial party and received provincial approval before signing the MCM locally. If this process is accomplished, the provincial signing process becomes more of an administrative signing process rather than assessing the merits of the MCM itself.

4. What about modifications to the collective agreement with support staff?

Districts have the opportunity to bargain local issues directly with their local support staff union as part of their delegated local bargaining authority during collective bargaining, so MCMs of a collective agreement with support staff are typically unnecessary. If extraordinary circumstances exist that cannot wait until the next round of collective bargaining, please contact your BCPSEA labour relations liaison.

Questions

If you have questions or wish to further discuss a potential MCM or the process, please contact your BCPSEA labour relations liaison.

Distribution of this Bulletin

Please ensure that this bulletin is circulated to all administrative staff in both the district office and schools who must rely on the collective agreement in the performance of their duties.