

# Article A.2: Recognition of the Union

## ❖ Overview

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This article recognizes the BCTF as the certified bargaining agent of all employees in the bargaining unit and BCPSEA as the accredited bargaining agent for all public school districts. It establishes that the local association and local school district have delegated authority to negotiate local matters and to administer the collective agreement.

## ❖ Article A.2: Recognition of the Union

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- 1. The BCPSEA recognizes the BCTF as the sole and exclusive bargaining agent for the negotiation and administration of all terms and conditions of employment of all employees within the bargaining unit for which the BCTF is established as the bargaining agent pursuant to PELRA and subject to the provisions of this Collective Agreement.*
- 2. Pursuant to PELRA, the employer in each district recognizes the local in that district as the teachers' union for the negotiation in that district of all terms and conditions of employment determined to be local matters, and for the administration of this Collective Agreement in that district subject to PELRA and the Provincial Matters Agreement.*
- 3. The BCTF recognizes BCPSEA as the accredited bargaining agent for every school board in British Columbia. BCPSEA has the exclusive authority to bargain collectively for the school boards and to bind the school boards by collective agreement in accordance with Section 2 of Schedule 2 of PELRA.*

## ❖ Explanation

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- A.2.1 and A.2.3*
- 1. The BCPSEA recognizes the BCTF as the sole and exclusive bargaining agent for the negotiation and administration of all terms and conditions of employment of all employees within the bargaining unit for which the BCTF is established as the bargaining agent pursuant to PELRA and subject to the provisions of this Collective Agreement.*
  - 3. The BCTF recognizes BCPSEA as the accredited bargaining agent for every school board in British Columbia. BCPSEA has the exclusive authority to bargain collectively for the school boards and to bind the*

*school boards by collective agreement in accordance with Section 2 of Schedule 2 of PELRA.*

These provisions establish that the employer's authorized bargaining agent, BCPSEA, recognizes the BCTF as the only organization authorized to act as the bargaining agent for all employees in the bargaining unit. Conversely, the BCTF recognizes BCPSEA as the bargaining agent for all school boards.

Under BC labour law, only one bargaining agent at a time can represent a group of employees. The same is true for employers.

- A.2.2**     2. *Pursuant to PELRA, the employer in each district recognizes the local in that district as the teachers' union for the negotiation in that district of all terms and conditions of employment determined to be local matters, and for the administration of this Collective Agreement in that district subject to PELRA and the Provincial Matters Agreement.*

A.2.2 establishes that each district recognizes one local association.

A.2.2 recognizes that the local association can negotiate the local matters as set out in LOU No. 1, Appendix 2 of the collective agreement. Further, the local association is responsible for administering the entire collective agreement at the local level. Each local association has certain duties and responsibilities and is a trade union as defined in BC's *Labour Relations Code*. However, it is not a "bargaining agent" under the Code. Each school district has similar status.

Amalgamated districts should also refer to the Administrative Documents section of this manual.

## ❖ Implementation

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The implementation of this article was completed by most boards following the ratification of the Transitional Collective Agreement.

In the working document, A.2.2 should be printed with the correct provincial language, and the name of the school district and local added in the appropriate places in square brackets as follows:

Pursuant to PELRA, the employer in each district [Board of School Trustees for School District No. \_(Name)] recognizes the local [insert association/union name] in that district as the teachers' union for the negotiation in that district of all terms and conditions of employment determined to be local matters, and for the administration of this Collective Agreement in that district subject to PELRA and the Provincial Matters Agreement.

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## ❖ Relationship to Other Articles

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This article replaced the recognition clause of the Previous Local Agreement.

There is further advice for specific amalgamated districts that arises from a settlement agreement signed in October 2003. The provincial parties reached an agreement with respect to renaming the locals in specified amalgamated districts. The working documents should be updated to reflect these changes. (Source document Memorandum of Settlement dated October 8, 2003, section 3.) This document may be found in the Administrative Documents - Amalgamation section of this manual.

The districts in question are:

- SD No. 5 (Southeast Kootenay)
- SD No. 6 (Rocky Mountain)
- SD No. 8 (Kootenay Lake)
- SD No. 53 (Okanagan Similkameen)
- SD No. 58 (Nicola-Similkameen)
- SD No. 79 (Cowichan Valley)
- SD No. 82 (Coast Mountains)
- SD No. 83 (North Okanagan-Shuswap)
- SD No. 91 (Nechako Lakes).