



Bargaining Proposal—2019

Proposal Number: U75

Date: July 3, 2019 Time: 3:25pm

ARTICLE A.7 EXPEDITED ARBITRATION

1. Scope

~~By mutual agreement, the parties may refer a grievance to the following expedited arbitration process.*~~

As per Article A.6.6, either party may refer all grievances to expedited arbitration, except the following:

- i. dismissal,**
- ii. suspensions in excess of twenty (20) days,**
- iii. policy or general grievances.**

2. Process

a. The grievance shall be referred to one of the following arbitrators:

- i. Robert Pেকেles
- ii. Corinn Bell
- iii. Arne Peltz
- iv. Christopher Sullivan
- v. John Hall**
- vi. Irene Holden**
- vii. Elaine Doyle**
- viii. Marguerite Jackson

b. The parties may agree to an alternate arbitrator in a specific case and may add to or delete from the list of arbitrators by mutual agreement.

c. Within three (3) days of the referral, the arbitrator shall convene a case management call to determine the process for resolving the dispute. The case management process shall include a time frame for the exchange of particulars and documents, a timeframe for written submissions if directed by the arbitrator, an agreed statement of facts, or any other process considered by the arbitrator to be effective in ensuring an expeditious resolution to the dispute. The parties will endeavour to exchange information as stipulated in the case management process within seven (7) days.

- d. If an oral hearing is scheduled by the arbitrator it shall be held within fourteen (14) days of the referral to the arbitrator. The hearing shall be concluded within one (1) day.
- e. The written submissions shall not exceed ten (10) pages in length.
- f. As the process is intended to be informal and non-legal, neither party will be represented by outside legal counsel.
- g. The parties will use a limited number of authorities (i.e., case law and legislation).
- h. The arbitrator will issue a decision within five (5) days of the conclusion of the arbitration or submission process.
- i. Prior to rendering a decision, the arbitrator may assist the parties in mediating a resolution.
- j. All decisions of the arbitrator are final and binding and are to be limited in application to the particular grievance and are without prejudice. They shall be of no precedential value and shall not thereafter be referred to by the parties in respect of any other matter.
- k. Neither party shall appeal or to seek to review a decision of the arbitrator.
- l. The arbitrator retains jurisdiction with respect to any issues arising from their decision.
- m. Except as set out herein, the arbitrator under this process shall have the powers and jurisdiction of an arbitrator prescribed in the Labour Relations Code of British Columbia.
- n. The parties shall equally share the costs of the fees and expenses of the arbitrator.
- o. Representatives of BCPSEA and BCTF will meet yearly to review the expedited arbitration process.

~~—End of Proposed Language—~~

Implementation of Article

~~The Parties agree that this article deletes and replaces Article A.7 of the Provincial Collective Agreement including any related local provisions.~~

~~Any and all superior provisions contained in the previous Collective Agreement shall remain part of the Collective Agreement.~~

Locals shall have the right to access this provincial article through the Opt In Process of LOU X (U87).

Signed this _____ day of _____, 2019

For BCTF

For BCPSEA

