

2011-10 August 16, 2011

By E-mail: Two Pages plus attachment

BCPSEA and BCTF Reach Agreement on Bargaining Process Dispute

Further to our *Teacher Bargaining Bulletin* [No. 2011-09](#) dated August 15, BCPSEA sought the assistance of the Labour Relations Board (LRB) concerning issues such as what matters are properly negotiated at the provincial table and what matters are properly negotiated at local tables, which we believe are frustrating collective bargaining with the BC Teachers' Federation (BCTF).

During meetings yesterday with the LRB, BCPSEA and the BCTF reached an Agreement in Principle (attached) on bargaining process moving forward.

The Process

During the week of August 15, the parties will mutually select an arbitrator to adjudicate the following questions:

- What is the authority of the parties to delegate provincial matters to local tables?
- If a party has the authority to delegate provincial matters to the local level, can those matters then be referred to the provincial table when impasse is reached at the local level?
- If a party has the authority to delegate provincial matters and those matters can then be referred to the provincial table when impasse is reached at the local level, would section 59 of the *Labour Relations Code* requirements be met without discussion of these referred matters at the provincial table?
- What are the cost items defined by the *Public Education Labour Relations Act*?
- Are there any restrictions on the ability of the parties to negotiate a re-designation of the provincial–local split of issues as agreed to by the parties in Letter of Understanding No. 1, including whether the split of issues can be brought to impasse?

Timelines

The arbitration will occur the week of August 22, 2011 and a decision is expected no later than the evening of August 28, 2011. The decision of the arbitrator will be binding and will not be subject to appeal by either party.

Between August 29 and September 5, 2011 the parties have agreed to implement the decision of the arbitrator and to rectify issues identified by the arbitrator within an established timeframe.

It is important to note that this process will align with scheduled negotiation sessions and the parties will resume negotiations as planned on August 23.

BCTF Job Action

On June 29, 2011, [CBC News reported](#) BCTF President Susan Lambert as stating, “if there is no significant progress in...contract talks by the time school starts up again in September, there will be some kind of job action.” The answers to the questions as determined by the arbitrator will not affect the ability of the BCTF to initiate their Phase 1 job action plan commencing September 6, 2011, subject to serving the appropriate strike notice (section 60 of the *Labour Relations Code*).

Class Size Issues

BCPSEA and the BCTF have agreed without prejudice that class size issues will not be referred to the arbitrator; both parties reserve the right to raise the class size challenges in future proceedings. The BCTF will maintain the ability to refer matters to the provincial table in this round of bargaining.

Next Steps

BCPSEA is committed to achieving a negotiated collective agreement with the BCTF and is prepared to meet around the clock in order to conclude an agreement prior to school start-up on September 6. We will provide further updates as events proceed.