

## **BC Supreme Court Decision in Bills 27 and 28**

Recently, some school districts have been approached by their local teachers' union, either in the form of a letter or at the local matters bargaining table, to consider bargaining provisions related to class size as a result of the recent decision of the BC Supreme Court in Bills 27 and 28.

While the court found that removing those provisions through through Bill 19, the *Education Services Collective Agreement Act* (ESCAA) in 2004 was unconstitutional, the declaration that their removal was "invalid" is suspended for 12 months. This means the legislation removing those provisions remains in effect for the next 12 months unless the provincial government takes steps earlier to make changes. At present, there are no implications for the bargaining table and definitely no implications for local matters bargaining.

The class size and staffing provisions removed through ESCAA were captured in Appendix 1 of Letter of Understanding No. 1 between the BC Teachers' Federation (BCTF) and BCPSEA and therefore, in the event the provisions in question revert back to the collective agreement, those provisions would be the subject of provincial bargaining between the BCTF and BCPSEA.

### **Questions**

If you have any questions please contact your BCPSEA labour relations liaison.