

## Supreme Court of Canada Decision: Next Steps

The purpose of this bulletin is to provide follow-up to our previous conference calls, e-mails, and other [communications](#) with school districts regarding the process arising from the November 10, 2016 Supreme Court of Canada decision allowing the BC Teachers' Federation appeal of the [2015 BC Court of Appeal \(BCCA\) decision](#).

### Meetings Continue

Representatives of the BC Teachers' Federation (BCTF), the BC Public School Employers' Association (BCPSEA), the Public Sector Employers' Council (PSEC) Secretariat, and the Ministry of Education (MoE) met three days this week and have scheduled meetings next week.

Given that the language ordered restored by the SCC dates back to the collective agreements in place in 2002 (and the language itself was negotiated many years prior to that), the parties need to engage in discussion to review the provisions in the 2016-2017 school context. We are currently conducting the analysis to determine areas that require further exploration. While the dialogue leading to final resolution takes place, discussions are underway to take action in the short-term that is directly aligned with long-term objectives to provide resources for students and teachers.

We will continue to keep you informed as events progress.

**We also continue to remind districts that the issues arising from the SCC decision rest with the provincial parties. Districts should only respond to requests for information/analysis of any kind from BCPSEA or the Ministry of Education.**

### Background

As we have previously reported, it is important to note that as part of the negotiations leading to the 2013-2019 [Provincial Collective Agreement](#) between the BCTF and BCPSEA, **the two parties negotiated a re-opener in anticipation of the decision of the Supreme Court of Canada (SCC).**

Letter of Understanding No. 17 of the PCA states:

#### 2. The Impact of the Court Cases Related to Class Size and Composition

The above Education Fund is subject to the final appellate judgment on the appeal of the 2014 decision of Justice Griffin. If the final judgment affects the content of the collective agreement by fully or partially restoring the 2002 language, the parties will reopen the collective agreement on this issue and the parties will bargain from the restored language. **The Education Fund provisions will continue in effect until there is agreement regarding implementation and/or changes to the restored language.**  
*[emphasis ours]*

### Questions

If you have any questions, please contact your BCPSEA liaison.