

Article A.3: Membership Requirement

❖ Overview

This article sets out membership requirements for employees covered by the collective agreement.

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- 1. All employees covered by this Collective Agreement shall, as a condition of employment, become and remain members of the British Columbia Teachers' Federation and the local(s) in the district(s) in which they are employed, subject to Article A.3.2.*
- 2. Where provisions of the Previous Local Agreement or the Previous Letter of Understanding in a district exempted specified employees from the requirement of membership, those provisions shall continue unless and until there remain no exempted employees in that district. All terms and conditions of exemption contained in the Previous Local Agreement or the Previous Letter of Understanding shall continue to apply. An exempted employee whose employment is terminated for any reason and who is subsequently rehired, or who subsequently obtains membership, shall become and/or remain a member of the BCTF and the respective local in accordance with this Collective Agreement.*

❖ Explanation

A.3 A.3.1

- 1. All employees covered by this Collective Agreement shall, as a condition of employment, become and remain members of the British Columbia Teachers' Federation and the local(s) in the district(s) in which they are employed, subject to Article A.3.2.*

As a condition of employment, all employees must become and remain members of the BCTF and the recognized local union of the district in which they are employed. If a teacher is employed in more than one district, s/he must become a member of the recognized local union in each of the districts.

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

A.3.2

2. *Where provisions of the Previous Local Agreement or the Previous Letter of Understanding in a district exempted specified employees from the requirement of membership, those provisions shall continue unless and until there remain no exempted employees in that district. All terms and conditions of exemption contained in the Previous Local Agreement or the Previous Letter of Understanding shall continue to apply. An exempted employee whose employment is terminated for any reason and who is subsequently rehired, or who subsequently obtains membership, shall become and/or remain a member of the BCTF and the respective local in accordance with this Collective Agreement.*

Individuals who had been granted exemption from union membership under the Previous Local Agreement maintain their exempt status under the provincial collective agreement.

Article A.3.2 suggests that employees are not able to retain their exempt status should they leave the employment of a school district and are subsequently rehired, and A.3.1 suggests that all other new employees may not be exempted from union membership. However, such is not the case. Section 17 of the *Labour Relations Code* provides that an individual who has a religious conviction or belief against being a union member and/or paying union dues and assessments can seek exemption from the Labour Relations Board (LRB).^{1,2}

If the LRB grants an exemption, the employee will be required to make a donation equal to the initiation fees, dues, or other assessments to a charitable organization in Canada registered under Part 1 of the *Income Tax Act* (Canada) designated by the LRB.

Amalgamated School Districts

There is further advice with respect to union membership in specific amalgamated districts that arises from a settlement agreement signed in October 2003. (Source document: Memorandum of Settlement dated October 8, 2003, section 3.) This document may be found in the Administrative Documents 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)

¹ *Labour Relations Code* [RSBC 1996], Chapter 244, Section 17, Religious Objections.

² *C. M. Duffy vs. Shuswap Teachers' Association et al.*, BCLRB No. B339/95.

- SD No. 82 (Coast Mountains)
- SD No. 83 (North Okanagan-Shuswap)
- SD No. 91 (Nechako Lakes).

❖ Relationship to Other Articles

This article relates to Article A.4: Local and BCTF Dues Deduction. That article requires every person covered by the agreement to pay dues and assessments.