



BCPSEA Policy 96-07

Policy on Voluntary Recognition of Employees into an Existing Bargaining Unit

Background

Previously, both teachers' associations and support staff unions have asked school districts to recognize the union as representing employees in positions that have not previously been in the bargaining unit. This approach is called "voluntary recognition" because the union avoids the need to apply for representational rights under the *Labour Relations Code* (the Code). Since the last amendments to the Code, the process for adding new people to a bargaining unit is, in most cases, a simple formality.

Under BC law, there are few reasons preventing employees from being represented by a trade union. Generally, these reasons, if applicable, arise when the bargaining unit is first created rather than when some employees are added later.

When employees are added to a bargaining unit, the employer and the union negotiate which parts of the current collective agreement apply to the newly included employees and which do not. Where the parties agree some aspects do not, they attempt to negotiate an alternative provision. If the parties cannot agree on an alternative provision and/or do not agree on what parts of the agreement do apply, these matters must be referred to binding arbitration. The necessity for binding arbitration arises because there can be no job action during the term of a collective agreement. Until this process is complete, the terms and conditions of these employees continue as they were prior to inclusion in the unit, unless both parties agree otherwise.

As BCPSEA is the accredited bargaining agent for all school districts and their unions, it is the only party with capacity to respond to requests for voluntary recognition.

Policy on Recognition

The Board of Directors adopted the following policy:

"BCPSEA members are instructed not to agree with any union's request for voluntary recognition of any employee(s)."

Implementation

All voluntary recognition issues must be referred to BCPSEA. As the accredited bargaining agent, BCPSEA will manage and coordinate all such issues including any required negotiations regarding inclusion or labour relations board matters that may arise.

BCPSEA, in consultation with the district, will negotiate the application of the existing agreement to any group of employees voluntarily recognized.. Consultation with the district will also occur if BCPSEA determines that a matter(s) of disagreement with the union should be referred to arbitration.

Chronology:

- Approved: January 1996
- Amended: November 2012