

Board of Directors Policy

Date of amendment: June 21, 2023; November 2012
Date of first approval: October 1996

Delegation to Groups of Members

Background

This policy is made pursuant to Schedule 2, Part 2, sections 2.4 (a) and 2.5 (a) of the BCPSEA Bylaws with respect to the delegation of the authority to negotiate either support staff agreements or local teacher agreements to groups of members.

Implementation

The following steps would apply:

1. Boards wishing to negotiate as a group of members for a particular agreement would notify BCPSEA in writing, providing the following:
 - specific reference to a motion of the board of education approving their participation in the group of members and agreement to conduct themselves according to this policy and the rules established by the group (a draft resolution is attached and forms part of this policy)
 - a copy of the rules established by the group of members.
2. Approval to negotiate as a group of members is required by the BCPSEA Board of Directors.

The Board of Directors will delegate negotiations to a group of members according to the following criteria:

- a common interest among the participating boards of education
- a set of operating rules which provide for decisions to be reached in a democratic fashion.

Approval for a group of members to bargain collectively does not carry any financial obligation on the part of the association nor does it include an automatic decision to support the decisions made by the group of members.

3. Once approval to negotiate as a group of members has been granted by BCPSEA, only the agreement(s) negotiated by the approved group of members will be considered for ratification by the BCPSEA Board of Directors in accordance with its existing criteria governing ratification.

In other words, once a board of education “signs on” with a group of members for a particular negotiation and this group is approved by BCPSEA, it is bound to participate in the process through to completion. BCPSEA will not ratify any agreement reached separately by a board of education once the process has begun (defined as approval by the BCPSEA Board of Directors of the group of members).

It is, therefore, incumbent upon a board of education wishing to participate in a group of members to ensure that it is willing to participate in the process through to completion (ratification of the agreement by BCPSEA).

4. BCPSEA’s criterion for how to represent a group of members in an application before the Labour Relations Board is the same as that for an individual member board of education; i.e., whether the position is judged by the provincial association to be in the best interests of the boards of education as a provincial collective.

BCPSEA may delegate enforceability of the group’s decisions to the group itself for purposes of appearing before the Labour Relations Board.

Attachment:

- (xx Group of Members) Delegation Form

(_____ Group of Members) Delegation Form

Certified Copy of Delegation of Bargaining Authority

Be it resolved that the Board of Education of School District No. ___ (_____) (the "Board") requests BCPSEA to delegate the right of the Board to bargain collectively with its _____ employees to the (_____ Group of Members) ("Group") for the collective agreement commencing (date).

This delegation includes the right of the Group:

- a. to bargain collectively:
 - i. on behalf of the Board; and
 - ii. in accordance with the provisions of BCPSEA Policy Delegation to Groups of Members; and
 - iii. in accordance with the Rules adopted by the Group which are attached to this resolution;

- b. to bind it by collective agreements, master collective agreement or other undertaking or contract with a union or unions representing its (type of) employees on such terms as the Group considers proper, and to amend, vary, modify, cancel or terminate the same subject to ratification by BCPSEA where required;

- c. to perform any acts on behalf of the Board concerned with any matter or thing arising under the *Labour Relations Code* or other statutes of British Columbia applicable to labour relations as are assigned from time to time by BCPSEA;

and the Board agrees that it will not perform on its own or authorize or appoint any other person, firm or corporation to perform any of the above matters or things.

By approving this resolution, the Board acknowledges that it has read and agrees to abide by BCPSEA Policy Delegation to Groups of Members and the Rules of the Group.

Certified a true copy of a resolution passed at _____, in the Province of British Columbia, this _____ day of _____ 20__.

Secretary Treasurer