

Board of Directors Policy

Date of amendment: January 1997; May 1999; August 2012; November 2012; June 2023

Date of first approval: November 1994

Policies and Procedures for Support Staff Bargaining

Background

Under the *Public Education Labour Relations Act*, the BC Public School Employers' Association is the accredited bargaining agent for all boards of education.

Collective bargaining for support staff remains on a board by board basis for each certified bargaining unit, except in those instances where a group of school boards have agreed to bargain on a group basis.

One of the functions of the Public Sector Employers' Council (PSEC) established under the *Public Sector Employers Act* is to coordinate collective bargaining among the different sectors of the broader public sector. PSEC has established mandates to govern public sector employer bargaining.

BCPSEA has established a process under its Bylaws for the exercise of its responsibility as accredited bargaining agent. In essence, for renewal of a collective agreement to be legally effective between a board of education and a support staff union, the agreement must be ratified by the BCPSEA Board of Directors. Ratification is complete unless the agreement is rejected by two-thirds of the Board of Directors.

The purpose of this policy is to construct a framework within which boards of education and BCPSEA can coordinate support staff collective bargaining consistent with the needs of individual boards and with the PSEC compensation and bargaining mandates.

Collective bargaining is always a moving, not static, exercise. Settlements may be higher or lower at any point in time as the result of a range of influences. The paramount principles for the employer are, or should be, whether the agreement:

- a) makes operational sense and supports the learning needs of students;
- b) is within the PSEC compensation and bargaining mandates.
- c) creates a heightened risk of violating the Labour Relations Code, the Employment Standards Act, the Human Rights Code, or other similar applicable legislation

Policy Formation

BCPSEA policy is shaped by the following elements:

- a. Respect for the role of boards of education.
- b. Respect for the statutory obligations of boards of education and BCPSEA under the *Public Education Labour Relations Act*.
- c. Respect for the obligations of PSEC and BCPSEA under the *Public Sector Employers Act*.

BCPSEA Coordination Policy

BCPSEA's policies for coordinating support staff bargaining have the following elements:

- a. BCPSEA will review every settlement received and make a recommendation to the full Board on whether to ratify or reject the agreement. The purpose of this process is to ensure consistent treatment of boards of education.
- b. BCPSEA will work with boards of education in advance of and during collective bargaining to ensure consistent understanding of the PSEC compensation and bargaining mandates as they apply to individual bargaining circumstances. BCPSEA will also be available to review bargaining strategy and tactics with school district negotiators.
- c. BCPSEA will contact boards of education currently involved in bargaining to review the application of the compensation and bargaining mandates in the context of the current state of bargaining.
- d. Within the context of this policy, boards of education have a duty to consider advice from BCPSEA in the course of the negotiations process.

BCPSEA Support Staff Ratification Process

The BCPSEA Bylaws require boards of education to seek ratification of new support staff agreements. No collective agreement is in force and effect until ratified by the BCPSEA Board of Directors.

The process for ratification is as follows:

- a. Notification by the board of education to the union of the ratification process

As a courtesy and to establish a common understanding of the employer's legal obligation, we suggest that boards of education negotiators advise the union of the requirement for BCPSEA ratification, as well as, of course, of the board's own ratification process.

- b. Approval by the board of education

Once a tentative agreement has been concluded with the support staff union, it should be approved by the board of education before submission to the BCPSEA Board of Directors.

- c. Form of submission to the BCPSEA Board

The submission to the BCPSEA Board of Directors should contain the following information:

- a copy of the complete memorandum of agreement or other instrument that forms the tentative agreement including any ancillary documents such as Letters of Understanding or Letters of Intent.
 - changes to the agreement should be clearly identified with new language in bold and deleted language struck through
 - a costing analysis consistent and in compliance with the PSEC compensation and bargaining mandate.
 - any other information that the board of education believes is relevant or useful to the Board of Directors or which has been requested by BCPSEA for ratification.
- d. BCPSEA will prepare an analysis and recommendation for the Board of Directors. The criterion for ratification are:
- a. whether the proposed collective agreement meets the compensation and bargaining mandates set by PSEC;
 - b. Whether any items agreed to create a heightened risk of violating the Labour Relations Code, the Employment Standards Act, the Human Rights Code, or other similar applicable legislation;
 - c. Whether any items agreed to significantly impact the strategic bargaining objectives of BCPSEA.
 - d. The BCPSEA Board of Directors will formally notify the board of education of its decision.
 - e. Agreements or settlements that happen during the term of an agreement will be handled in the same way collective agreements are ratified. Any mid term modification that is sent to BCPSEA for ratification will be subject to the compensation and bargaining mandates in effect at the time the collective agreement was first ratified. The addition of the modification must not put the agreement, in its totality, over the mandates established by PSEC and adopted by BCPSEA.