

Board of Directors Policy

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Policies and Procedures for Teacher Local Matters Bargaining

Background

Section 4 of the *Public Education Labour Relations Act* (PELRA) deems the British Columbia Public School Employers' Association (BCPSEA) to be the accredited bargaining agent for every board of education in British Columbia.

Legislative and Statutory Context

Section 8 of PELRA states:

- (1) The employers' association must establish policies and procedures with respect to delegation of authority to boards of education to enter into local agreements with teachers' unions in respect of any local matters, except as provided in subsection (4).
- (4) The provincial union and the employers' association must not delegate authority to declare or authorize a strike or lockout, and no teachers' union or board of education may declare or authorize a strike or lockout.

Pursuant to Section 8 of PELRA, BCPSEA's Constitution and Bylaws state:

SCHEDULE 2, Part 2

- 2.3 The directors must adopt policies and procedures for delegation of authority to boards of education for matters involving support staff unions and for local matters involving teachers' unions, in accordance with the provisions of this Part.
- 2.5 The policies and procedures adopted respecting teacher unions shall incorporate the following principles:
 - a. authority to negotiate agreements with respect to local matters shall be delegated to members or groups of members;
 - b. authority to resolve disputes arising out of the collective agreement which have only a local impact shall be delegated to members or groups of members;
 - c. on local matters, members or groups of members shall inform the Association of their bargaining proposals, of proposals by their union(s), and of significant developments in collective bargaining and contract administration;
 - d. proposed agreements with respect to local matters shall be ratified by the board of education affected or by a group of boards of education affected according to

that group's rules, and by the Association;

- e. each collective agreement shall be presented for ratification to the next Board of Directors' meeting following ratification by the member school board or such other time as the Directors may determine and ratification of such agreements by the Association shall be deemed to occur unless 2/3 of the Directors vote to reject the agreement.

Policy Information

BCPSEA policy is shaped by the following elements:

1. Respect for the role of boards of education.
2. Respect for the statutory obligations of boards of education and BCPSEA under PELRA.
3. Respect for the obligations of the Public Sector Employers' Council (PSEC) and BCPSEA under the Public Sector Employers Act. It should be noted that local teacher bargaining is subject to the compensation and bargaining mandates established by government.
4. BCPSEA has a duty to bargain in good faith and to make every reasonable effort to conclude an agreement with the B.C. Teachers' Federation (BCTF). Each board of education also has a duty to bargain in good faith and to make every reasonable effort to conclude a local matters agreement with their local teachers' association/union.

BCPSEA Delegation of Authority Policy

1. BCPSEA delegates to each board of education (or to a Group of boards of education) the authority to enter into a local matters agreement with the local teachers' union for those items which have been designated as local matters by BCPSEA and BCTF pursuant to Section 8 of PELRA and Letter of Understanding No. 1 *Re: Designation of Provincial and Local Matters*.
2. Pursuant to the BCPSEA Bylaws, each board of education (or Group of boards of education) must:
 - 2.1 Inform BCPSEA of its bargaining proposals;
 - 2.2 Inform BCPSEA of the bargaining proposals of the local teachers' association/union;
 - 2.3 Inform BCPSEA of developments in the negotiations process;
 - 2.4 Adhere to direction from the BCPSEA Board of Directors with respect to the conduct of local bargaining;
 - 2.5 Adhere to direction from BCPSEA with respect to whether a proposal is a Local Matter or a Provincial Matter;
 - 2.6 Keep current on provincial developments communicated to the boards of education by BCPSEA.
- 3 Any local matters agreement is subject to ratification by the BCPSEA Board of Directors.

Local Bargaining Procedures

Boards of education should be aware of the current procedures and strategic advice which are to be used in the local bargaining process. These procedures will be set-out in the BCPSEA Teacher Local Bargaining Guide and will at a minimum include:

1. Reviewing of employer proposals on split of issues
2. Review of union proposals on the split of issues
3. Local table bargaining timelines
4. Local table protocols
5. Impasse processes
6. Ratification process