

Government Commences Consultation With BC Teachers' Federation Regarding Bills 27 and 28

Today, representatives from the provincial government and BCPSEA met to begin the initial phase of the consultation as it relates to the April 2011 BC Supreme Court ruling on the *Education Services Collective Agreement Act* (Bill 27) and the *Public Education Flexibility and Choice Act* (Bill 28).

At the meeting Paul Straszak, President and CEO of the Public Sector Employers' Council, appointed by government to coordinate the consultation process, proposed that government and the BC Teachers' Federation (BCTF) enter into good faith negotiations regarding the repercussions of the decision. Straszak stated that the government had been through a similar process following the decision in the healthcare sector re Bill 29, the *Health and Social Services Delivery Improvement Act*, and had successfully negotiated a resolution with the impacted unions.

Straszak noted the Court suspended its declaration of invalidity of the legislation for 12 months and that the changes to the *School Act* made by Bill 28 remain in effect until April 13, 2012 or until Bill 28 is amended or replaced by constitutionally valid legislation prior to that date. He advised the BCTF that, over this interim period, the government hopes to reach agreement with them about how to address the repercussions of the decision, and that government is committed to making every reasonable effort to do so. He also noted that if it is not possible to reach an agreement, the government wishes to consult with the BCTF prior to considering corrective legislation.

In light of the collective agreement negotiations between the BCTF and BCPSEA that are currently underway and the fact that discussions at the bargaining table will centre on teachers' working conditions and educational outcomes, Straszak suggested that the discussion related to the Bill 28 ruling and collective bargaining should be aligned. He did, however, acknowledge that the responsibility for addressing the decision of the Court falls on government and not the employer. It is the view of government that a negotiation process that combines all of the parties' interests at one bargaining table has the best chance of successful resolution.

Straszak noted that the decision will influence the timing of negotiations as it relates to Bill 28 issues. The Court has given the government a deadline of April 13, 2012 to enact changes to

its legislation to bring it into conformity with the law. He stated that government intends to meet that deadline informed by a full and comprehensive discussion with the BCTF. He also noted that in order to accommodate the deadline set by the Court, government hopes to be able to reach agreement on the Bill 28 issues by November 30, 2011 in order to allow government time to prepare appropriate legislation and to enact it in the 2012 spring session, should that be necessary.

The BCTF stated it is their position that the Court ruling returned all former collective agreement provisions to the collective agreement and set the floor for future negotiations. The BCTF also stated their view that the processes of collective bargaining and Bill 28 discussions are separate and distinct. The BCTF stated the only matter to discuss now was compensation.

When asked to elaborate on their view of the process, the BCTF indicated they were not in a position to do that today. They indicated that they have a busy schedule but would endeavour to respond in the next two weeks.

Questions

Should you require assistance or wish to discuss this issue further, please contact your BCPSEA labour relations liaison.