

2011-07 June 24, 2011

By E-mail: 4 Pages

Many districts, either through conversations with their locals or through publications of the local, have asked a series of questions related to local matters negotiations. Below is a *Frequently Asked Questions* that we hope will answer these questions.

Frequently Asked Questions – Local Matters Bargaining

Q. Our Local says there is no place to bargain matters that are important to our members.

A. There is a place for all collective agreement matters to be discussed. Letter of Understanding No. 1, Appendix 1 matters are dealt with at the provincial table and Letter of Understanding No. 2, Appendix 2 matters are to be dealt with at the local table.

Q. Our Local says the BCTF has delegated authority to the Local to negotiate Appendix 1 matters.

A. Neither provincial party can unilaterally delegate authority to change the split of issues as to what is bargained provincially and what is bargained locally.

Q. Our Local acknowledges they have Appendix 1 matters but they want to be able to table them?

A. Items must be tabled at the appropriate table to be considered. Appendix 1 matters given to the employer should not be considered tabled and the Local should be informed that those items need to be tabled at the correct bargaining table.

Q. Can we accept Appendix 1 matters from our Local for informational purposes?

A. Districts are not obligated to use bargaining days for anything other than their intended purpose. There are other places where discussions can be held for the purpose of providing information such as meetings with the Superintendent, Labour Management meetings, meetings with the Board etc. An employer is not precluded from using bargaining sessions for this purpose, but it is certainly not obligated to do so beyond the identification of what is an Appendix 1 or Appendix 2 matter.

- Q. It is said BCPSEA won't negotiate a re-designation of the split of issues as designated in Letter of Understanding No. 1.**
- A. This is incorrect. BCTF put forward a proposal to re-designate the split of issues. BCPSEA put forward a counter proposal that proposed some re-designation but also focused on the process to operationalize the re-designation. BCTF has yet to counter this proposal.
- Q. If we don't address Appendix 1 matters, how can we address housekeeping issues?**
- A. BCPSEA has a proposal on the table as it did in 2006 to address housekeeping issues which would take place when the 2011 working documents are finalized. This process would incorporate any Local Memorandum of Agreement (MoA), Provincial MoA and housekeeping.
- Q. Our Local says even if the provincial parties come to an agreement, we will continue job action over locally important matters.**
- A. Strikes can only take place between terms of a collective agreement. As there is only one provincial collective agreement, as soon as there is agreement between the provincial parties and negotiations are concluded, there is no longer the ability to have lawful job action.
- Q. It is said bargaining has stalled at the provincial table?**
- A. The provincial parties have continued to table their proposals. As of June 24, 2011 the parties continue to table proposals and ask clarification questions of these proposals. BCPSEA has asked the BCTF to agree to a date to close the table to new proposals. To date the BCTF has not agreed to close the table. BCPSEA has indicated it is difficult to get into fulsome discussions on any item until all items are on the table.
- Q. How is class size and composition to be dealt with?**
- A. Class size and composition are not matters that can be bargained either provincially or locally. Those matters remain governed by provisions in the *School Act*. As you are aware, the BC Supreme Court did find that those provisions were invalid; however, the Court suspended its declaration for one year to allow government time to address the repercussions of the Court's decision. Consequently, the provisions still remain in effect at this time.
- Q. Our Local says that "manner and consequences" on matters such as class size and composition can be bargained at local tables.**
- A. 'Manner and Consequence' deals with the ability to bargain the manner in which "power or discretion" given to a board under the *School Act* is exercised and the consequences that flow from the exercise of such power or discretion. With respect to provincial matters or issues such as class size and composition, it is BCPSEA's view that this is a provincial matter to be dealt with at the provincial table.

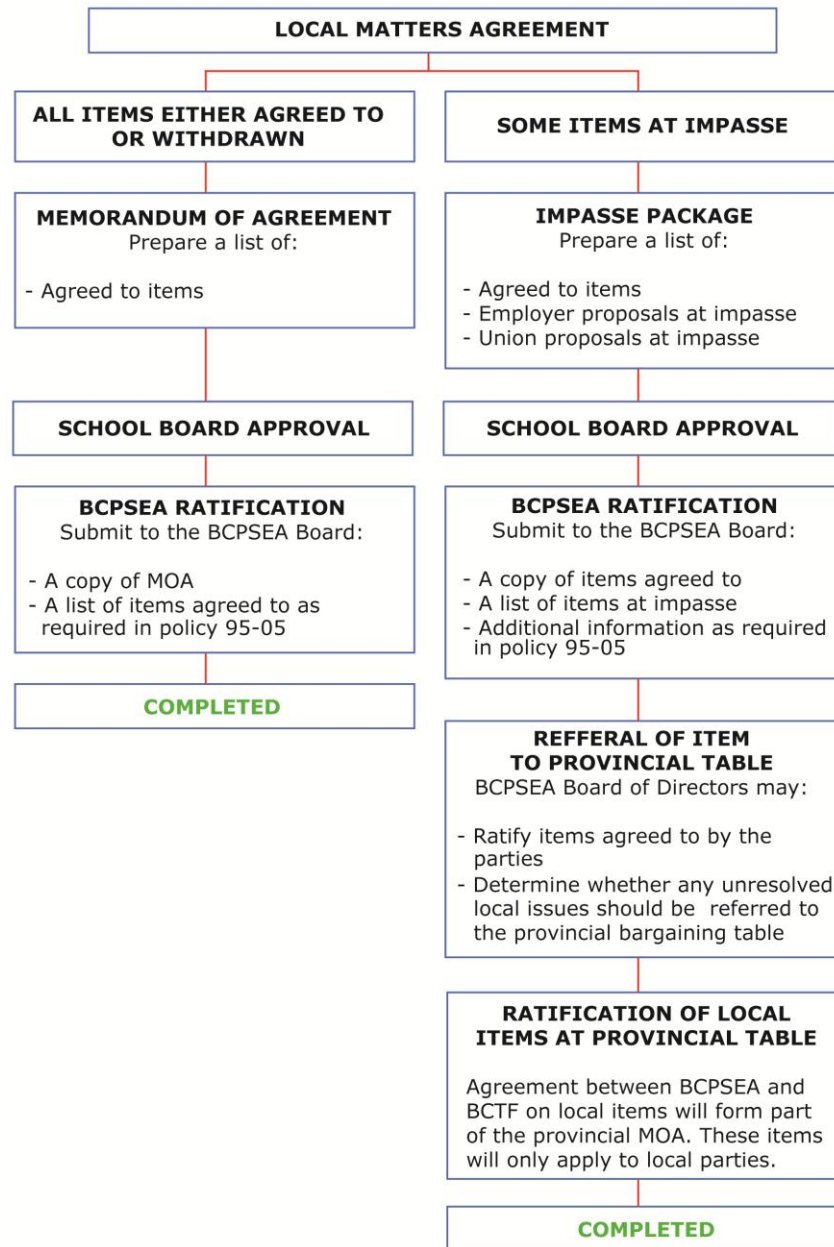
Q. What happens when we have gone as far as we can in bargaining locally?

- A. As per the BCPSEA Bylaw 95.05, if you have an agreement on local matters and there remain no outstanding matters, a signed Memorandum of Agreement can be sent to BCPSEA for ratification once it has been ratified by both the Local and the Board. If there are any unresolved matters, please forward these to BCPSEA along with any agreed to items. This process should be followed only when you believe you have completed local bargaining. (Please refer to the BCPSEA Local Bargaining Toolkit found in the CBIMC for more detail on BCPSEA Policy 95.05 and the attached illustrative chart).

If you have any questions regarding teacher bargaining, please contact:

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Ratification Procedures for Local Teacher Bargaining



For illustrative purposes only. Chart does not contemplate failure to approve or ratify. Refer to BCPSEA Policy 95-05.