

**2011-01**

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By E-mail: Two Pages

**BCPSEA Responses to BCTF and Local Teachers' Association Statements**

<b>BC Teachers' Federation (BCTF) E-news Vol. 10, No. 8</b> <b>Re: BC Supreme Court Decision in BCTF Challenge to Bills 27 and 28</b> <b>Dated April 19, 2011</b>	
<b>BCTF Statement</b>	<b>BCPSEA Response</b>
<p>"Court Case Uncovers Duplicity of BCPSEA and Government."</p>	<p>The headline and content of the article are misleading and unfounded. The Court specifically rejected the BCTF's argument that government and the BCPSEA colluded to undermine collective bargaining and that BCPSEA engaged in bad faith bargaining, stating as follows:</p> <p>[185]...I do not find that this government conduct amounted to "acting in concert with BCPSEA to engage in bad faith bargaining", as alleged.</p>
<p>"Page after page of the judgment by the BC Supreme Court on Bills 27 and 28 show how collusion between the provincial government and the British Columbia Public School Employers' Association (BCPSEA) during the year 2001 undermined negotiations. The evidence clearly shows that BCPSEA was privy to, and based their strategy on, government objectives that were kept secret from teachers."</p>	<p>Madam Justice Griffin finds as follows:</p> <p>[125] The teachers argue that the government acted in concert with BCPSEA in 2001 to engage in bad faith bargaining, while the government was preparing the impugned legislation. Surface bargaining by BCPSEA ensued, resulting in no collective agreement being reached until the government's legislation in January 2002.</p> <p>[126] The evidence does not persuade me of either conclusion. [180] BCTF has provided no evidence that the government directed BCPSEA to take any specific course of action in the collective bargaining negotiations. Indeed, BCTF filed evidence supporting the conclusion that the government went further in its legislation than what BCPSEA had hoped or tried to achieve at the bargaining table.</p>

	<p>[181] The government was not the bargaining agent directly negotiating with BCTF. There is no evidence that the government instructed BCPSEA to render meaningless the collective bargaining process. Here, the circumstantial evidence does not go so far as to persuade me of the inference that the government intention was to not have BCPSEA and BCTF reach agreement, and that it directed BCPSEA in this regard.</p>
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