



Guide Teacher Bargaining: Attachment 2

Scope of Bargaining Authority and the Split of Provincial–Local Issues

In 1994, the provincial government introduced the *Public Education Labour Relations Act* (PELRA). This legislation set a new structure for collective bargaining in the K-12 public education sector.

PELRA established one bargaining unit of teachers in the province of British Columbia. PELRA also deemed the BC Teachers' Federation (BCTF) as the certified bargaining agent for all employees in the bargaining unit and the BC Public School Employers' Association (BCPSEA) as the accredited bargaining agent for every board of education in British Columbia.

The two provincial bargaining agents have exclusive authority to bargain a collective agreement for the bargaining unit. That collective agreement includes all provincial matters and local matters as agreed to by the parties.

Under PELRA, the provincial bargaining agents have designated the provincial matters and local matters to be determined by collective bargaining in Letter of Understanding (LoU) No. 1 to the Collective Agreement.

Under section 8 of PELRA, BCPSEA must establish policies and procedures with respect to the delegation of authority to boards of education to enter into local agreements in respect of local matters.

In accordance with PELRA and the BCPSEA Constitution and Bylaws, BCPSEA Policy 95-05 sets out the Policies and Procedures for Local Teacher Bargaining. This document explains the scope of bargaining authority delegated to boards of education as well as procedures to be followed in local bargaining.

Through this Policy, BCPSEA delegates bargaining authority over those items which have been designated as "Local Matters" by BCPSEA and the BCTF pursuant to PELRA. A list of the issues which have been designated by the provincial parties as "Local Matters" is set out in Appendix 2 of LoU No. 1 to the Collective Agreement. As a result, a board's delegated bargaining authority is limited to those matters set out in Appendix 2 of LoU No. 1.

It is important to understand that the list of "Local Matters" in Appendix 2 of LoU No. 1 does not correspond with the "local language" applicable in your district which was locally negotiated prior to PELRA coming into force. Only those matters listed in Appendix 2 of LoU No. 1 are "Local Matters" as defined in PELRA.

Any agreements reached at the local level on local matters must be approved by the board of education and ratified by the Board of Directors of BCPSEA in accordance with the Policy.

The Policy establishes the following responsibilities of each board of education:

- To inform BCPSEA of its bargaining proposals
- To inform BCPSEA of the bargaining proposals of the local teachers' association/union
- To inform BCPSEA of developments in the negotiation process
- To adhere to direction from the BCPSEA Board of Directors with respect to the conduct of local bargaining
- To keep current on provincial developments communicated to the Board of Education by BCPSEA.

A copy of the Policy is included as an Attachment to this guide.