
PUBLIC EDUCATION LABOUR RELATIONS ACT**CHAPTER 382***Contents**Section***PART 1 – INTRODUCTORY PROVISIONS**

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SCHEDULE 1**SCHEDULE 2****PART 1 – INTRODUCTORY PROVISIONS****Definitions****1** In this Act:

“**bargaining unit**” means the bargaining unit referred to in section 5;

“**employers’ association**” means the employers’ association established for school boards under section 6 of the *Public Sector Employers Act*;

“**local matters**” means matters that are designated under section 7 as matters to be determined by collective bargaining between teachers’ unions and school boards;

“**Provincial matters**” means matters that are designated under section 7 as matters to be determined by collective bargaining between the employers’ association and the Provincial union;

Section 2

“**Provincial union**” means the British Columbia Teachers’ Federation, or other union certified for the bargaining unit;

“**school board**” means a board as defined in the *School Act*;

“**teacher**” means a person included in the bargaining unit;

“**teachers’ union**” means a trade union representing the teachers employed by a school board.

Purpose

2 The purpose of this Act is

- (a) to improve collective bargaining practices and procedures in the public school system,
- (b) to establish a Provincial two-tiered system of collective bargaining for school boards and trade unions representing teachers, and
- (c) to promote positive working relationships in the public school system.

Application of *Labour Relations Code*

- 3 (1) The *Labour Relations Code* and the regulations made under it apply in respect of the matters to which this Act applies, but if there is a conflict or inconsistency between this Act and the *Labour Relations Code*, this Act applies.
- (2) The Labour Relations Board has exclusive jurisdiction to decide a question arising under this Act.

PART 2 – BARGAINING STRUCTURE**Employer bargaining agent**

4 The employers’ association

- (a) is deemed to be the accredited bargaining agent for every school board in British Columbia, and
- (b) has exclusive authority to bargain collectively for the school boards and to bind the school boards by collective agreement.

Bargaining unit

- 5 (1) For the purpose of collective bargaining, the bargaining unit is deemed to consist of all teachers, as defined in the *School Act*, and includes those employees of a school board referred to in Schedule 1 or included in the bargaining unit under subsection (2).
- (2) The Labour Relations Board may include additional employees in the bargaining unit or exclude employees from the bargaining unit if it considers that the inclusion or exclusion of the employees would be consistent with the purposes of this Act.

Employee bargaining agent

- 6 (1) The British Columbia Teachers' Federation
- (a) is deemed to be the certified bargaining agent for the employees in the bargaining unit, and
 - (b) has exclusive authority to bargain collectively for the bargaining unit and to bind it by a collective agreement.
- (2) Despite subsection (1), sections 18, 19 and 33 of the *Labour Relations Code* with respect to the change of bargaining agents and revocation of bargaining rights apply to union representation of the bargaining unit.

PART 3 – COLLECTIVE BARGAINING**Content of collective agreement**

- 7 (1) The collective agreement entered into under this Act with respect to teachers must include all Provincial matters and local matters that have been agreed on by the parties.
- (2) Subject to subsection (3), the employers' association and the Provincial union must designate the Provincial matters and local matters to be determined by collective bargaining.
- (3) All cost provisions, within the meaning set out in subsection (4), are deemed to be Provincial matters:
- (4) In subsection (3), “cost provisions” includes all provisions relating to
- (a) salaries and benefits,
 - (b) workload, including, without limitation, class size restrictions, and
 - (c) time worked and paid leave,
- that affect the cost of the collective agreement.
- (5) If the employers' association and the Provincial union are unable to agree on a designation under subsection (2) in the negotiations for the first Provincial agreement only, on the request of both parties or on his or her own motion, the Minister of Skills, Training and Labour may appoint a person to arbitrate a dispute with respect to the designation.
- (6) Section 55 of the *Labour Relations Code* does not apply with respect to collective bargaining under this Act.

Agreements on local matters

- 8 (1) The employers' association must establish policies and procedures with respect to delegation of authority to school boards to enter into local agreements with teachers' unions in respect of any local matters, except as provided in subsection (4).

Section 9

- (2) The Provincial union must establish policies and procedures with respect to delegation of authority to teachers' unions to enter into local agreements with school boards in respect of any of the local matters, except as provided in subsection (4).
- (3) If a school board and a teachers' union are unable to agree with respect to a local matter delegated to them under subsections (1) and (2), either party may refer the dispute to Provincial bargaining.
- (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 school board may declare or authorize a strike or lockout.

PART 4 – REGULATIONS

Power to make regulations

- 9 (1) The Lieutenant Governor in Council may make regulations referred to in section 41 of the *Interpretation Act*.
- (2) Without limiting subsection (1), the Lieutenant Governor in Council may make regulations to amend Schedule 1 or 2.

PART 5 – TRANSITIONAL

Transitional – collective agreements

- 10 (1) In this section:
 - “**local agreement**” means a collective agreement entered into between a school board and a teachers' union before the date on which this Act comes into force;
 - “**Provincial agreement**” means a collective agreement between the employers' association and the Provincial union covering the employees in the bargaining unit.
- (2) Nothing in this Act requires the expiry or extinguishment of a local agreement before the expiry date set out in the local agreement.
- (3) Despite any other provisions of this Act or the *Labour Relations Code*, the bargaining unit does not include employees covered by a local agreement until the expiry of that local agreement.
- (4) Subject to subsection (5), if no Provincial agreement is in effect at the expiry of a local agreement, the terms and conditions of employment set out in the local agreement are deemed to remain in effect until the date on which a Provincial agreement is concluded.

- (5) The provisions set out in Schedule 2 are deemed to be included in a local agreement and to replace any provisions of the local agreement that deal with the same or a similar matter.
- (6) If a Provincial agreement is in effect at the expiry of a local agreement, the terms of the Provincial agreement apply to Provincial matters, and the terms of the expired local agreement are continued with respect to local matters to the extent that they do not conflict with the Provincial agreement, the *School Act* or any other enactment.
- (7) Employees whose local agreements have not expired must not participate in a strike vote or a strike.
- (8) Employers whose local agreements have not expired must not participate in a lockout vote or a lockout.
- (9) A local agreement that expires after June 30, 1994 may be terminated on a specific date that is before the expiry date in the local agreement if
 - (a) before July 1, 1994, the teachers' union gives written notice to the school board, the Provincial union and the employers' association that the agreement will expire on June 30, 1994, or
 - (b) after June 30, 1994, the teachers' union and the school board give written notice of a specific date of expiry to the Provincial union and to the employers' association, provided that the notice is received on or before the specified date of expiry.
- (10) If a local agreement is terminated under subsection (9), subsection (4) applies to the terms and conditions in the local agreement as they read on June 30, 1994 or, if another date of expiry is specified, as of the specified date.

Transitional – accreditations

- 11** The accreditation of any employers' organization as bargaining agent for any school board that is in force on the day on which this Act comes into force is cancelled and any rights or obligations of the employers' organization with respect to the accreditation are transferred to the employers' association.

Transitional – regulations

- 12** (1) The Lieutenant Governor in Council may make regulations considered necessary or advisable for the purpose of more effectively bringing into operation this Act and to prevent any transitional difficulties encountered in so doing, and without limiting the generality of this, the regulations may, for a period the Lieutenant Governor in Council specifies, suspend the operation of a provision of an enactment if that provision would impede the effective operation of this Act.
- (2) Unless earlier repealed, a regulation under subsection (1) is repealed one year after it is enacted.

SCHEDULE 1*(Section 5)*

<i>Employer</i>	<i>Employees</i>
School District No. 23 – Central Okanagan	Speech/language pathologists and physiotherapists employed by The Board of School Trustees of School District No. 23 (Central Okanagan) in the School District.
School District No. 13 – Kettle Valley	Persons employed to substitute for teachers.
School District No. 69 – Qualicum	Speech pathologists and occupational therapists employed by The Board of School Trustees of School District No. 69 (Qualicum) in the School District.
School District No. 43 – Coquitlam	Associated Professionals within School District No. 43 (Coquitlam).
School District No. 34 – Abbotsford	Speech therapists and multicultural itinerant employed by The Board of School Trustees of School District No. 34 (Abbotsford) in the School District.
School District No. 64 – Gulf Islands	Speech/language pathologists employed by The Board of School Trustees of School District No. 64 (Gulf Islands) in the School District.
School District No. 35 – Langley	Persons employed to give tuition or instruction in courses in English as a Second Language (E.S.L.) at the Langley Education Centre (Sundel) and the Aldergrove Education Centre.

SCHEDULE 2*(Section 10 (5))***Conflict**

- 1 In the event of any conflict between the *Public Education Labour Relations Act* and a provision of this collective agreement, the provisions of that Act prevail.

Employer bargaining representative

- 2 The employers' association established for school boards under section 6 of the *Public Sector Employers Act* is the exclusive bargaining representative for the school board under the *Public Education Labour Relations Act*.

Union recognition

- 3 (1) The school board recognizes the Provincial union established under the *Public Education Labour Relations Act* as the bargaining agent for employees covered by this agreement in accordance with that Act.
- (2) Any right provided to the union under the terms of this agreement is also provided to the Provincial union, except as affected by the *Public Education Labour Relations Act*.

Leave of absence for Provincial bargaining

- 4 The school board shall grant a leave of absence without pay to an employee designated by the Provincial union for the purpose of participating in collective bargaining activities on behalf of the Provincial union.

PUBLIC EDUCATION LABOUR RELATIONS — HISTORICAL TABLE

Legislative History

PUBLIC EDUCATION LABOUR RELATIONS ACT

RSBC 1996, chapter 382

Section	History
1	1994-21-1.
2	1994-21-2.
3	1994-21-3.
4	1994-21-4.
5	1994-21-5.
6	1994-21-6.
7	1994-21-7.
8	1994-21-8.
9	1994-21-9.
10	1994-21-10.
11	1994-21-11.
12	1994-21-12.
Sch. 1	1994-21-Sch. 1.
Sch. 2	1994-21-Sch. 2.

EXPLANATORY NOTE

Amendments Not in Force: If there are any legislative changes to the Act that are not in force as of December 31, 1996, these are identified in *italics* at the beginning of the historical table. The “Section” column identifies the affected provisions of the Act. The “Citation” column identifies the amending legislation by its citation in the 1996 Statute Revision Supplement.

Legislative History: The second part of the table provides a legislative history of each section of the Act between the 1979 Statute Revision and the 1996 Statute Revision. The “Section” column identifies all sections of the Act in force on December 31, 1996. The “History” column for each section begins with the citation of the section immediately before the 1996 Statute Revision. This is followed by a list of citations for the legislation that enacted or amended the section between the 1979 Statute Revision and the 1996 Statute Revision (if a section was repealed and replaced during that period, these last citations begin at the most recent replacement).

Legislative citations have the format of “year-chapter-section”.