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**EDUCATION SERVICES COLLECTIVE AGREEMENT ACT****CHAPTER 1***Assented to January 27, 2002****Contents******Section***

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**SCHEDULE**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

**Definitions****1** In this Act:

“**BCTF**” means the British Columbia Teachers' Federation;

“**employers' association**” means the British Columbia Public School Employers' Association;

“**parties**” means the BCTF and the employers' association.

**Constitution of teachers' collective agreement**

- 2 (1) The following are deemed to constitute a collective agreement between the parties:
  - (a) the collective agreement between the parties that expired on June 30, 2001, as amended by
    - (i) deleting Article A.1 entitled “Term, Continuation and Renegotiation” and substituting the provisions set out in the Schedule to this Act,
    - (ii) increasing the amounts set out in the salary grids under the agreement as follows:
      - (A) by 2.5%, effective July 1, 2001;
      - (B) by 2.5%, effective July 1, 2002;
      - (C) by 2.5%, effective July 1, 2003,

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- (iii) the provisions referred to in paragraph (b) of this subsection,
  - (iv) section 4 of this Act, and
  - (v) section 27.1 (5) of the *School Act*, as enacted by the *Public Education Flexibility and Choice Act*;
- (b) the provisions that have been negotiated and agreed to between the parties during collective bargaining.
- (2) Subject to the limits set out in section 27 of the *School Act*, as amended by the *Public Education Flexibility and Choice Act*, the parties may vary the collective agreement constituted under subsection (1) of this section, except for the matters referenced or provided by or under subsection (1) (a) (i), (ii), (iv) and (v) of this section.
- (3) Despite subsection (2), a provision of the collective agreement constituted under subsection (1) that creates an obligation for the government must not be varied unless the Minister of Finance approves the variation.

**Resolution of disputes regarding agreed provisions**

- 3
- (1) If there is a dispute as to what provisions have been agreed to by the parties for the purpose of section 2 (1) (b), either party may, within 60 days from the day on which this Act comes into force, refer the dispute to an arbitrator appointed by the minister.
  - (2) The arbitrator appointed under subsection (1) must resolve all disputed issues within 30 days from the date that the dispute is referred to the arbitrator under that subsection.
  - (3) Sections 89 to 92 of the *Labour Relations Code* apply in respect of an arbitration under this section.
  - (4) A decision of the arbitrator appointed under subsection (1) is final and binding on the parties.

**Amalgamation**

- 4 Effective July 1, 2002, the provisions of an agreement referred to in Column A of the following table, which provisions form part of the collective agreement constituted under section 2 (1) of this Act, are deemed to apply for the purposes of all teachers employed by the school board in the school district referred to in the same row in Column B, and the agreements referred to in Column C are void and cease to have any effect:

Column A	Column B	Column C
02 Cranbrook Agreement	School District No. 5 (Southeast Kootenay)	01 Fernie Agreement

Column A	Column B	Column C
04 Windermere Agreement	School District No. 6 (Rocky Mountain)	03 Kimberley Agreement 18 Golden Agreement
07 Nelson Agreement	School District No. 8 (Kootenay Lake)	86 Creston-Kaslo Agreement
14 Southern Okanagan Agreement	School District No. 53 (Okanagan-Similkameen)	16 Keremeos Agreement
31 Merritt Agreement	School District No. 58 (Nicola-Similkameen)	17 Princeton Agreement
65 Cowichan Agreement	School District No. 79 (Cowichan Valley)	66 Lake Cowichan Agreement
88 Terrace Agreement	School District No. 82 (Coast Mountain)	80 Kitimat Agreement
89 Shuswap Agreement	School District No. 83 (North Okanagan-Shuswap)	21 Armstrong-Spallumcheen Agreement
56 Nechako Agreement	School District No. 91 (Nechako Lakes)	55 Burns Lake Agreement

#### Review of collective bargaining structures, practices and procedures

- 5 (1) The minister may appoint a commission, consisting of one or more persons, to do the following:
- (a) inquire into the structures, practices and procedures for collective bargaining by the employers' association, school boards and the BCTF;
  - (b) make recommendations, after taking into consideration the factors referred to in subsection (2), with a view to improving those structures, practices and procedures;
  - (c) report the recommendations to the minister within the time set by the minister.
- (2) The commission must consider the following factors:
- (a) the public interest in stable industrial relations in the public school system and a bargaining environment that
    - (i) reduces the potential for disruption in the provision of educational programs to students,
    - (ii) does not interfere with any student's access to a quality education, and
    - (iii) results in expeditious settlement of disputes;

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- (b) the need for effective and efficient structures, practices and procedures for collective bargaining by the employers' association, school boards and the BCTF;
  - (c) the views of the employers' association, school boards and the BCTF on how to achieve effective and efficient structures, practices and procedures referred to in paragraph (b);
  - (d) any other factor that the commission considers relevant or that the minister may direct.
- (3) The commission may not recommend the expiry or extinguishment of the collective agreement constituted under this Act before the expiry date set out in that collective agreement.
- (4) For the purposes of an inquiry under this section, a person appointed to the commission has the protection, privileges and powers of a commissioner under sections 12, 15 and 16 of the *Inquiry Act*.
- (5) A person appointed to the commission may be paid remuneration and expenses set by the minister.

**Application of *Labour Relations Code***

- 6 The *Labour Relations Code* and the regulations under it apply in respect of a matter to which this Act applies, but if there is a conflict or inconsistency between
- (a) this Act, and
  - (b) the *Labour Relations Code* or the regulations under it,
- this Act applies.

**Repeal**

- 7 (1) This Act may be repealed by regulation of the Lieutenant Governor in Council.
- (2) Despite subsection (1), the collective agreement constituted under this Act is a collective agreement for the purposes of the *Labour Relations Code*, and the collective agreement remains in force until expiry of the collective agreement.

**SCHEDULE**

(Section 2 (1) (a))

**ARTICLE A.1: TERM, CONTINUATION AND RENEGOTIATION**

In this Collective Agreement, "**Previous Collective Agreement**" means the Collective Agreement constituted under the *Public Education Collective Agreement Act*, S.B.C. 1998, c. 41, that was in effect between the parties for the period July 1, 1998 to June 30, 2001, including any amendments agreed to by the parties during that period.

1. Except as otherwise specifically provided, this Collective Agreement is effective July 1, 2001 to June 30, 2004. The parties agree that not less than four (4) months preceding the expiry of this Collective Agreement, they will commence collective bargaining in good faith with the object of renewal or revision of this Collective Agreement and the concluding of a Collective Agreement for the subsequent period.
2. In the event that a new Collective Agreement is not in place by June 30, 2004, the terms of this Collective Agreement are deemed to remain in effect until the date on which a new Collective Agreement is concluded.
3. All terms and conditions of the Previous Collective Agreement are included in the Collective Agreement, except where a term or condition is amended or modified by or under the *Education Services Collective Agreement Act* or in accordance with this Collective Agreement.
4.
  - (a) If employees are added to the bargaining unit established under section 5 of the *Public Education Labour Relations Act* during the term of this Collective Agreement, the parties shall negotiate terms and conditions that apply to those employees.
  - (b) If the parties are unable to agree on terms and conditions applicable to those employees, either party may refer the issues in dispute to a mutually acceptable arbitrator who shall have jurisdiction to impose terms and conditions.
  - (c) If the parties are unable to agree on an arbitrator, either party may request the Director of the Collective Agreement Arbitration Bureau to appoint an arbitrator.
5.
  - (a) Changes in those local matters agreed to by a local union and the employer will amend the Previous Collective Agreement provisions and form part of this Collective Agreement, subject to paragraph (b) below.
  - (b) A local union and the employer must agree to the manner and timing of implementation of a change in a local matter.
  - (c)
    - (i) This Collective Agreement continues previous agreements between the parties with respect to the designation of provincial and local matters (See Letter of Understanding No. 1).
    - (ii) The parties may agree to another designation which is consistent with the *Public Education Labour Relations Act*.