

EDUCATION SERVICES COLLECTIVE AGREEMENT AMENDMENT ACT, 2004

CHAPTER 16

Assented to April 29, 2004

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

1 *Section 2 (1) (a) (v) of the Education Services Collective Agreement Act, S.B.C. 2002, c. 1, is repealed and the following substituted:*

(v) effective July 1, 2002,

- (A) deleting Article D.1 entitled “Staffing Formula – Non-Enrolling/English as a Second Language Teachers”,
- (B) deleting Article D.2 entitled “K-3 Primary Class Size”,
- (C) deleting sections D.1, D.2 and D.3 of Appendix 1 of Letter of Understanding No. 1, dated May 31, 1995,
- (D) in Addendum C to Letter of Understanding No. 1, which addendum is dated April 23, 1997, deleting the heading “Professional Development and Teacher Assistants” and substituting “Professional Development” and deleting the heading “Teacher Assistants:” and the paragraph immediately under that heading,
- (E) deleting paragraphs 1 to 5 and everything after paragraph 8 of Letter of Understanding No. 3, dated June 4, 1999,
- (F) deleting Letter of Understanding No. 4, dated June 22, 1999,
- (G) deleting Letter of Understanding No. 5, dated June 19, 2000, and
- (H) in respect of an agreement referred to in Column A of the document entitled “Teachers’ Collective Agreement Deletions” tabled in the Legislative Assembly on the date of First Reading of the *Education Services Collective Agreement Amendment Act, 2004*, deleting those words, phrases and provisions, or parts of provisions, as set out in the same row in Column B of that document; .

2 *The Schedule is amended by striking out “is amended or modified by or under” and substituting “is amended, modified or deleted by or under”.*

Section 3

Consequential Amendments*School Act*

3 *Section 27.1 of the School Act, R.S.B.C. 1996, c. 412, is repealed.*

4 *Section 28 is amended by adding the following subsection:*

- (3) For certainty and despite any decision of a court to the contrary made before or after the coming into force of this subsection, nothing in this section is to be construed as authorizing a board or the Provincial union to enter into a collective agreement that includes a provision that is prohibited under section 27 (3) or void under section 27 (2), (5) or (6).

Retroactive effect

- 5** (1) Despite any decision of a court to the contrary made before or after the coming into force of this section,
- (a) the deletion under section 1 of words, phrases, provisions and parts of provisions from a collective agreement between the British Columbia Teachers' Federation and the British Columbia Public School Employers' Association is deemed to have taken effect on July 1, 2002, and
 - (b) those deleted words, phrases, provisions and parts of provisions must not for any purpose, including any suit or arbitration commenced or continued before or after the coming into force of this section, be considered part of that collective agreement on or after July 1, 2002.
- (2) This section is retroactive to the extent necessary to give full force and effect to its provisions and must not be construed as lacking retroactive effect in relation to any matter merely because it makes no specific reference to that matter.

Commencement

- 6** The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Sections 1 to 3	January 28, 2002, and are retroactive to the extent necessary to give them force and effect on and after that date