

Inclusion of Summer School Teachers in the BCTF Bargaining Unit

On June 11, 2009, the BC Teachers' Federation (BCTF) wrote to BCPSEA stating its position that summer school teachers are properly included in the teachers' statutory bargaining unit in accordance with the *Public Education Labour Relations Act*. (PELRA). The BCTF was seeking confirmation that BCPSEA agreed with its position and stated that in the event the parties were not able to reach an agreement, they would pursue this issue through other available channels such as the Labour Relations Board (LRB). As a matter of general labour relations practice, the *Labour Relations Code* provides a mechanism to deal with inclusion issues.

BCPSEA sought clarification regarding the scope of the BCTF's position. The BCTF clarified that its position regarding the inclusion referred to summer school teachers teaching educational programs. Subsequent to the clarification, the parties engaged in dialogue in an effort to explore the implications of the BCTF request. This agreement provides for a more manageable process in comparison to the LRB process to deal with the specific inclusion and bargaining unit composition issues raised by the existence of these positions, while still respecting the principles established by LRB practice and jurisprudence.

On January 19, 2010, the BCTF and BCPSEA reached an agreement on a process to engage in discussions in an attempt to resolve the inclusion issue prior to a process such as the LRB. The agreement also includes a process to resolve any outstanding dispute regarding the inclusion. The parties have not reached an agreement on the merits of the issue.

Key elements of the settlement include the following:

- The parties will engage in without prejudice discussions to determine whether or not summer school teachers teaching educational programs should be included in the BCTF bargaining unit; and
- If the parties are unable to reach an agreement, the parties will follow an expedited arbitration process to determine whether or not summer school teachers teaching educational programs should be included in the BCTF bargaining unit and, if they are to be included, the terms and conditions of the collective agreement that would be applicable to the newly included employees.

The process is designed to be concluded either by agreement or by expedited arbitration in early April.

Questions

BCPSEA will be contacting potentially affected districts. If you have any questions regarding the agreement, please contact your district labour relations liaison.