

## Responding to Calls for Local Bargaining

Many boards of education around the province have recently been approached by their teachers' union local with an invitation to discuss "reinstatement of expanded local bargaining." The invitation usually calls for trustees (often only a select few) to meet informally with members of the union local to discuss why a return to local bargaining would be in the best interests of everyone and allow the parties to draw on their "positive local relationship." This province-wide common call for a return to local bargaining flows out of the BC Teachers' Federation (BCTF) fall bargaining conference and President Susan Lambert's statement that everything "except wages, benefits, hours of work and paid leaves" needs to be bargained locally.

Arising from a series of meetings with the BCTF, on November 26, 2010 BCPSEA advanced the following alternative to them, suggesting that we move beyond the discussion of bargaining forum to a discussion that identifies and seeks to address the matters at issue:

"We propose that the provincial parties meet to discuss the most effective approach to this round of bargaining without a predetermined process outcome. This approach will ensure that we can tailor any solution to the actual issues. We further propose that the parties should seek to ensure any process for collective bargaining:

- is constructive for both parties
- minimizes the possibility of disruption and harm to local relationships
- is sustainable for both parties
- is cost effective with limited duplication of effort and cost
- is efficient
- is best able to address issues unique to one district or region.

In order to begin this process, one possible approach would be for the provincial parties to:

- identify all matters at issue
- identify matters unique to one district or region
- develop a process to address such matters subject to the principles above.

We further propose that, for the upcoming round of collective bargaining, the BCTF and BCPSEA together review the February 2007 Final Report for Collective Bargaining Options and incorporate the process options that the parties believe will facilitate bargaining."

This proposal effectively gives the parties the opportunity to review any and all issues at hand toward determining which are common to all (or many) districts and thus should be negotiated provincially, and which are truly only local issues and should be dealt with at that level. This would ensure that unique local issues could be negotiated at the district level, while ensuring

significant common/provincial issues are dealt with in an effective and appropriate manner by the provincial representative bodies.

To date, the BCTF has failed to respond to this BCPSEA proposal.

BCPSEA does not see that re-establishing what is now a decades-past system of local board of education–local teachers’ union bargaining, and the resulting degree of duplication of effort, provides the most efficient means possible in a time when districts have sought to streamline processes in order to ensure the greatest possible resources are available at the school level. It would simply not be in the best interest of boards and the communities they represent to engage in centrally managed local bargaining on common provincial issues during a time of constraint and uncertainty.

Arbitrator/Mediator Vince Ready, in his official role as Industrial Inquiry Commissioner to review teacher bargaining, has written on the issue as recently as 2007. His final report following the successful 2006 round of provincial bargaining included the following statement:

“Having just achieved such a singular success, I am reluctant to recommend a wholesale change in the process of collective bargaining. Imposing solutions for collective bargaining which have worked in other jurisdictions may very well disturb the commitment of the parties which was evident during 2006. This would be contrary to the public interest.”

In addition, he had earlier in the review process commented:

“Although the history of local bargaining before 1994 was fraught with disputes and other difficulties, the evidence is overwhelming that the parties have not conducted meaningful negotiations in the decade since the *Public Education Labour Relations Act* established the present bargaining structure. It is clear that, unless both sides are committed to collective bargaining, the process will be fruitless no matter what system is adopted or legislated. As a starting point, all parties must recognize this failure to engage in meaningful negotiations. This will require them to establish a realistic bargaining agenda and then commit to concluding collective bargaining within realistic timeframes. These are basic steps in the collective bargaining process, but they have been sadly lacking between these parties.”

Boards of education as well as senior district staff will likely face significant pressure from both the BCTF and their union local in the coming weeks to modify the existing terms of reference for bargaining. When reviewing any proposals put forward by your union local, you will want to consider:

- the BCTF’s motivation for encouraging a change toward full local bargaining
- the coordinated and governed approach of the BCTF toward local bargaining
- the proposal from BCPSEA regarding a review of issues to determine which are truly unique and local items and which remain common provincial items
- your district’s priorities at a time of limited human and financial resources
- the success of the 2006 round of provincial bargaining and the comments of Vince Ready
- the bargaining priorities you wish to bring forward at the upcoming BCPSEA Representative Council.

**Questions**

BCPSEA can provide additional information regarding previous rounds of bargaining as well as more detailed information for boards to consider when discussing the question of local vs. provincial bargaining. Please contact your BCPSEA labour relations liaison for details. In addition, BCPSEA will be sending to districts responses and clarifications to any new BCTF statements or publications in the coming weeks in order to assist boards with this potentially controversial matter.