



**British Columbia
School Superintendents' Association**

A PROFESSIONAL ASSOCIATION OF SUPERINTENDENTS, ASSISTANT SUPERINTENDENTS & DIRECTORS

VIA FAX

September 25, 2003

Mr. Don Wright
c/o Deputy Minister's Office
Ministry of Skills, Development and Labour
PO Box 9594 STN PROV GOVT
Victoria, BC V8W 9K4

Dear Mr. Wright:

Thank you for the opportunity to respond to your request for input into the development of draft terms of reference for a commission to review the structures, practices and procedures for collective bargaining by the employer's association, school boards, and the British Columbia Teachers' Federation.

On behalf of our associations we believe that there are the following three major themes that need to be considered in developing the terms of reference:

Theme 1: Structure Complexity: Bargaining structure is complex with:

Inter-dependent components

There have been a series of changes to the bargaining structure that have been piecemeal; not a part of a comprehensive review. For example:

- Full scope bargaining in 1987 without recognizing the unique nature of the two negotiating parties. Local school boards and a centrally-organized trade union that bargained *provincially* district by district.
- Provincial bargaining in 1994 with no transitional provisions to assist in the transition from 75 local agreements to a master agreement. There was an unrealistic expectation that the normal course of bargaining would result in one agreement.
- Essential services 2001 that served to protract the dispute. The model was based on the health "life and limb" model that was not easily adapted to public education.
- Scope of bargaining 2001. We need to assess the implications for bargaining now that school organization matters are outside the scope of bargaining.

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Theme 2: More than One Component:

Each of the elements that comprise the structure must be examined

- Right to bargain -scope (What you bargain?)
- Who does the bargaining?
- Where the bargaining occurs: provincially; regionally; some combination of provincial/regional; locally; some combination of P,L,R.
- What happens if you can't reach an agreement?

Theme 3: Unique History:


Bargaining in the BC K-12 sector has a unique history. The relationship between districts and locals, BCPSEA and the BCTF, and the ability of the parties to negotiate an agreement are products of this history. It is essential that any solution is respectful of the history and that a model from another jurisdiction is not transplanted here as a quick solution. If the model is inconsistent with the history, it is sure to fail.

The terms of reference must permit:

- Identification of the problem the government is trying to solve.
- An examination of the bargaining history.
- A review of other jurisdictions including the reasons why a particular structure exists; identification of best practices.
- The mandate of the bargain: what is to be bargained? This should be defined very clearly. If the provincial government sets public policy, then precisely what is in the bargain – wages, hours, and benefits?
- The dispute resolution process: what is the process if there is no agreement on the contract?
- A review of process and procedures that determine how the bargain will be funded.
- With the current agreement expiring on June 30, 2004, what will the impact of this commission have on starting a new bargain? Will bargaining be put on hold until the completion of the review?

Once again, thank you for the opportunity. Please call if you have any questions, or if we can be of additional assistance.

Yours truly,


Lyle J. Boyce, CGA
President, BCSDSTA


Julie MacRae
President, BCSSA

LJB:jr