

Appendix A – Section 5 of the Education Services Collective Agreement Act

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;
 - (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.