



## Public School Employers' Association

The BC Public School Employers' Association (BCPSEA) supports public education through innovative human resource practices, partnerships, and services. We provide a full range of human resource services to the province's public school districts, with a focus on the development, coordination and facilitation of human resources best practices.

As the employers' association for all 60 public boards of education, including the Conseil scolaire francophone de la Colombie-Britannique (CSF), our statutory mandate is set out in section 6 of the *Public Sector Employers Act*:

- (2) The purposes of an employers' association are to coordinate the following with respect to a sector:
  - (a) compensation for employees who are not subject to collective agreements;
  - (b) benefit administration;
  - (c) human resource practices;
  - (d) collective bargaining objectives.
- (3) In addition, it is a purpose of an employers' association
  - (a) to foster consultation between the association and representatives of employees in that sector, and
  - (b) to assist the council in carrying out any objectives and strategic directions established by the council for the employers' association.

Representatives from the 60 boards elect nine school trustees to the Board of Directors including the Chair and the Vice-Chair; they are joined by four government representatives and a non-voting representative each from the BC School Superintendents' Association and the BC Association of School Business Officials. The Chair of BCPSEA is Melanie Joy from School District No. 8 (Kootenay Lake); the Vice Chair is Alan Chell from School District No. 19 (Revelstoke). Hugh Finlayson is the association's chief executive officer.

In accordance with our statutory mandate, BCPSEA has responsibility for:

1. Determining collective bargaining objectives for the public education sector.
2. Negotiating provincially with the British Columbia Teachers' Federation (the teachers' union) for a provincial teachers' collective agreement covering the 60 public school

boards and their employees, for coordinating local bargaining between the school boards and their local teachers' associations.

3. In our capacity as the accredited bargaining agent for all 60 school boards, we provide assistance, resources and coordination for support staff collective bargaining. While bargaining is done at the local school board level, approval of the negotiated compensation provisions is required by our association.
4. Providing labour relations advice and services to school boards, including contract interpretation and grievance/arbitration case management.
5. Coordinating compensation for employees who are not subject to collective agreements; in most cases, these are the administrative and management staff in school districts.
6. Coordinating benefits administration among the various school districts in order to maximize coverage in the most cost-effective manner.
7. Promoting effective and cooperative human resources practices in the public school system that contribute to the betterment of public education.

As a way of facilitating these responsibilities, BCPSEA (along with the other employers' associations in the public sector) is a member of the Public Sector Employers' Council (PSEC), established by the provincial government to provide a link between the government and public sector bodies on compensation and other human resource management issues.

## Conflict of Interest

BCPSEA Bylaw 2.4 states:

No person with a direct or indirect pecuniary interest, within the meaning of the *School Act*, in teacher or support staff collective bargaining is eligible:

- a. To be elected to the Board of Directors of the Association
- b. To represent a member at any general meeting of the Association
- c. To represent a member at any other function of the Association.

We then turn to the *School Act* for the following definitions:

- Pecuniary interest “means, with respect to a trustee, an interest in a matter that could monetarily affect the trustee and includes an indirect pecuniary interest...” (s.55)
- Deemed pecuniary interest means “...the pecuniary interest of a spouse or of a parent or child of the trustee is, if known to the trustee, deemed to be also the pecuniary interest of the trustee.” (s.57)
- Child means “a person whom the trustee has demonstrated a settled intention to treat as a member of his or her family.” (s.55)
- Section 59(d) provides the only relevant exception to a conflict of interest  
“Section 58 does not apply to a pecuniary interest in any matter that a trustee may have  
d) by reason only of a pecuniary interest of the trustee that is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the trustee.”

Under the Constitution and Bylaws, as soon as a trustee has a conflict within the meaning of the *School Act*, the trustee is not eligible to participate in all matters of the Association regardless of whether there is an actual conflict in a particular activity.

Each potential conflict of interest situation must be assessed on its own merits, guided by legal opinion and jurisprudence to date. For further information, please contact the BCPSEA office.

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