

**British Columbia Government Lawyers Association  
Extraordinary General Meeting**

**Friday, June 22, 2018 12:30 – 1:30pm**

Victoria: Victoria Central Library, Meeting Room (736 Broughton Street)  
Vancouver: 12<sup>th</sup> floor Boardroom (865 Hornby Street)

**AGENDA**

1. Approval of Agenda.
2. Resolutions:

**Response to Government position on recognizing our collective bargaining rights**

**A. RESOLVED** as a special resolution that:

1. The Board of Directors reject the government's position that in order to collectively bargain for our terms & conditions of employment the members of the association must join the Professional Employees Association; and
2. The members approve of the Association through the Board of Directors commencing legal action against the government in order to challenge the government's position.

**B. RESOLVED** as a special resolution if RESOLUTION A above is not approved, that the Board inform the government that the Association members do not want to join the Professional Employees Association, wants to continue the Association's role and relationship with government, and no longer seeks recognition as the members' bargaining agent; and

**C. RESOLVED** as a special resolution if RESOLUTIONS A and B above both are not approved, that the Board inform government that it accepts the government's position, and the Board will advise the membership to join the Professional Employees Association and bargain accordingly.

**Board Statement**

As communicated in the April 2018 Update to Members, the government made a decision as to what form of collective bargaining rights recognition they wanted to provide to the members. The government informed us that if we wanted to collectively bargain for our terms & conditions of employment, that they would remove the exclusion of government lawyers from the *Public Service Labour Relations Act*, and we could then join Professional Employees Association which is the bargaining agent for the licensed professionals bargaining unit. They cannot, however, force our inclusion in that bargaining unit.

The government ignored our position that being placed within that bargaining unit was inappropriate since, by virtue of our quasi-constitutional and statutory roles, we have an oversight role with respect to the members of that bargaining unit. We also do not have a community of interest with the existing 1,200 members of that bargaining unit, which consists of foresters, scientists, engineers, psychologists, agronomists etc. No other

government lawyer association in Canada bargains for a contract shared with non-lawyers.

The government stated that their reason for not being prepared to recognize us as our own association is that it would result in a proliferation of bargaining units; too many for them to deal with. In fact, there are currently only 5 bargaining units, including the Crown Counsel Association.

This is the same response the government gave to the BC Crown Counsel Association many years ago when they first sought recognition of their collective bargaining rights. The Crowns rejected the government's position, and continued to press by way of negotiation, protest and litigation, for independent recognition which they eventually received.

Before coming to you for direction, we have received the advice of our existing legal counsel as well as additional legal counsel who have experience representing government lawyers on these issues to advise and assist us.

**We see three options:**

1. Accept the government position, and advise our members to join the PEA and the licensed professionals bargaining unit. The BCGLA would not be your bargaining agent;
2. No longer seek recognition of our freedom of association and collective bargaining rights and advise government we'd like to continue as is with no ability to collectively bargain or access a third party grievance process; or
3. Not accept the government's position and continue to seek independent recognition of our collective bargaining rights or alternatively form of recognition which involves working with the Crown Counsel Association.

It is your Board's opinion that if we choose Option 1: accepting the government's position, and joining the PEA, our independent oversight role will be placed in jeopardy, and our 30 years of hard fought parity with Crown Counsel Association compensation terms may erode. This may then result in a change to Crown Counsel Association comparators and impact their bargaining position as well as other lawyer bargaining units across the country. As recent as 2003 the PEA and excluded management were Crown Counsel Association comparators.

It is also your Board's opinion that if we choose Option 2: hope to continue the status quo, it will show government that we are not serious about wanting collective bargaining rights and a third party grievance rights. This may cause government to resist any furtherance of our rights. In summary: they will see that we don't need to be taken seriously and we will not have gained their respect.

**Your Board recommends Option 3 (RESOLUTION A):** choose to not accept government's position and continue to seek independent recognition of our collective bargaining rights or a form of recognition which involves working with the Crown Counsel Association. This may require us to challenge their position in the courts. We are of the view that, like the Crown Counsel Association before us, we will only gain the respect of our employer if we take the steps necessary to secure appropriate recognition. Our employer may not fully understand our special statutory role and responsibilities. We may need to take this to the courts.

3. Other business.
4. Adjournment of meeting.