

CONTRACT INTERPRETATION MANUAL

Article 58 AMENDMENTS

Interpretation Guidelines

Either the Nurses' Bargaining Association (NBA) or HEABC is required to send a written notice to bargain within 4 months of the expiry date of the PCA to initiate bargaining on a new agreement. This is to conform with Section 46 (1) of the Labour Relations Code.

The party serving notice to bargain is also required to provide a copy of the notice to the Associate Chair Mediation Services at the BCLRB, pursuant to Section 46 (2) of the Labour Relations Code.

If no notice is served 90 days or more before the term of the Collective Agreement expires, both parties are deemed to have served notice pursuant to Section 46(4) of the Labour Relations Code.

Once notice has been served the parties are required to commence collective bargaining within 10 days, to "...bargain in good faith, and make every reasonable effort to conclude a Collective Agreement or a renewal or revision of it" (Section 47 of the Labour Relations Code).

Bargaining rarely begins within the 10 day time limit. In 2004, HEABC filed a complaint with the BCLRB that the NBA had failed to commence collective bargaining in good faith and to make every reasonable effort to conclude a collective agreement. The BCLRB confirmed the mandatory nature of Section 47 and ordered the NBA to immediately commence collective bargaining. The BCLRB also confirmed that one party cannot dictate how bargaining proceeds and that it was normal to discuss exchange of data and other protocols for bargaining before tabling a package of proposals (BCLRB Decision, HEABC and NBA, April 22, 2004 (OBrien)).

The provisions of the PCA continue until a new collective agreement is concluded pursuant to the continuation clause (Article 61).

Additional Resources

Legislation

1. Labour Relations Code - Part 4 Collective Bargaining Procedures, Sections 46, 47. www.lrb.bc.ca

BCLRB Decisions

1. BCLRB 143/2004, HEABC and NBA, April 22, 2004 (OBrien). The NBA was found in violation of Section 47 of the Code and ordered to immediately commence bargaining. However, the BCLRB confirmed that it was appropriate to exchange data and discuss protocols for bargaining before tabling a package of proposals. <http://www.heabc.bc.ca/public/strike/B146-2004.pdf>.

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