

TILMA Taskforce Report

By Deb Thomas.

In 2007, the British Columbia and Alberta provincial governments signed the Trade, Investment, and Labour Mobility Agreement (TILMA) that came into force on April 1st of that year. After a two-year transition period, the agreement would also cover municipalities effective April 1, 2009. A number of the measures covered in the agreement provoked concern among municipal governments and others in the MASH (municipal, academic, schools and hospitals) sector.

One of the most controversial and potentially problematic aspects of the agreement is a clause that requires government entities, with some exceptions, to tender purchases above \$10,000 for goods, \$75,000 for services, and \$100,000 for construction. Municipal governments were sufficiently concerned that, at the 2007 Union of BC Municipalities (UBCM) AGM, they passed a resolution to either amend TILMA to exempt municipalities or rescind the agreement. The agreement was not rescinded but TILMA was amended to, among other things, increase the tendering threshold to \$75,000 for goods and \$200,000 for construction.

At the 2007 AGM, the Information Policy Committee (IPC) put libraries on notice of the potential effects of TILMA by putting forth a resolution unanimously passed by the membership requesting that BCLA:

- oppose TILMA,
- lobby the BC government and the opposition,
- communicate the decision to library boards across the province encouraging them to express their opposition to TILMA,
- and finally, urge the Library Association of Alberta to pass a similar resolution.

Unfortunately, firm action by BCLA was sidetracked by another significant issue: Vancouver Public Library's lengthy and contentious strike.

In 2008, the IPC tried again with a more focused resolution requesting that BCLA:

- urge the BC government to carry out a public consultation process and to delay implementation until this process is complete;

- work with UBCM to get library and information services exempt from the act;
- invite CLA and other provincial library associations to "jointly obtain an assessment of the potential impacts on school, public, and academic libraries in Canada of the premiers' January 2008 proposal to make the AIT* enforceable;"
- and finally, that BCLA "provide frequent updates to the BC library community on developments concerning TILMA and the AIT that are relevant to library and information services."

* AIT – Agreement on Internal Trade

Again the resolution was unanimously passed.

In the fall of 2008, members of the IPC formed the TILMA Taskforce to act on the recommendations outlined in the resolution. The first action of the group was to commission a report from Ellen Gould, a consultant and policy analyst who has worked with the Canadian Centre for Policy Alternatives. The report concluded that school and academic libraries were covered in the MASH sector but the status of public libraries was more ambiguous. Neither public libraries nor the Library Act were specifically mentioned in the exemptions listed in the agreement and it was unclear whether all types of public libraries – especially regional, municipal, and public library associations who have library boards and are at arm's length from local government – would be covered by amendments that covered municipal governments.

Once the report had been presented to the BCLA Board, it was widely circulated among both BCLA and BC Library Trustees Association (BCLTA) members and was also sent to the Alberta Library Trustees Association (ALTA) and the Library Association of Alberta (LAA) with letters from the respective BC library associations (BCLA and BCLTA) advising them of our actions to date and asking for a vote of approval for these actions. No response has been received from either group to date.

A presentation was made to the BCLTA Board in January 2009. The Board decided to pursue a legal opinion on the potential implications of TILMA for public libraries. Don Lidstone, who had negotiated for the municipal amendments, was hired to pursue this opinion.

Guy Gensey, Assistant Director, Trade Initiatives, Economic Competitiveness Division, Ministry of Small Business, Technology and Economic Development was consulted for a government interpretation of how public libraries will be treated under TILMA and he offered the following:

"As government entities, libraries have been covered by the AIT's procurement rules since 2002 in BC - \$100,000 (goods), \$100,000 (services), \$250,000 (construction). For procurements above these thresholds, advertisements must be done nationally in Canada.

As of April 1, 2009 libraries must openly procure above TILMA MASH thresholds at \$75,000 (goods), \$75,000 (services), \$200,000 (construction). For procurements above these thresholds and below the AIT thresholds (above), procurements must be advertised on an electronic system which is accessible by Alberta and BC suppliers. BC Bid is an acceptable means of advertising above both AIT

and TILMA thresholds" (personal communication, email 12 March 2009).

BCLA continues to seek a general exclusion from the TILMA agreement.

When Mr. Lidstone's recommendations are presented to BCLTA, the intent is to make a formal submission to government and potentially enter into negotiations to protect key library interests in advance of the legislation coming into full effect on April 1, 2009.

For anyone interested in further information on TILMA, there will be a link under the [Advocacy](#) section of the BCLA website to a page with links to the Gould Report, the act itself and other related sites and documents.

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