

1975

c 81 The Provincial Schools Negotiations Act, 1975

Ontario

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CHAPTER 81

**An Act respecting the Negotiation of Collective
Agreements between the Provincial Schools
Authority and Teachers**

Assented to July 18th, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "agreement" means a written collective agreement made pursuant to this Act between the Authority and the employee organization in respect of matters that are negotiable under this Act;
- (b) "Authority" means the Provincial Schools Authority established under this Act;
- (c) "Commission" means the Education Relations Commission established under *The School Boards and Teachers Collective Negotiations Act, 1975*; ^{1975, c. 72}
- (d) "employee organization" means the organization that is formed pursuant to this Act by teachers;
- (e) "principal" means a teacher who is appointed to be in charge of a school;
- (f) "school" means a school operated by,
 - (i) the Ministry of Correctional Services,
 - (ii) the Ministry of Health, or
 - (iii) the Ministry of Education,

but does not include the Ontario Teacher Education College, a summer course or a correspondence course;

(g) "teacher" means a person,

(i) who holds a valid certificate of qualification as a teacher in an elementary or secondary school in Ontario,

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(ii) who holds a letter of standing granted by the Minister under *The Education Act, 1974*, or

(iii) whose appointment as a teacher has been authorized by the Minister of Education,

and who is employed in a school under a contract of employment as a teacher;

(h) "vice-principal" means a teacher who is appointed to be in charge of a school in the absence of the principal;

(i) "written collective understanding" means a written collective agreement in operation immediately before this Act comes into force respecting terms of employment of teachers.

Provincial
Schools
Authority

2.—(1) There shall be a Provincial Schools Authority that shall consist of five members appointed by the Lieutenant Governor in Council.

Chairman
and vice-
chairman

(2) The Lieutenant Governor in Council shall designate one of the members of the Authority as chairman and one as vice-chairman.

Secretary

(3) The Authority shall appoint a secretary.

Remunera-
tion

(4) The members and the secretary of the Authority shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

Moneys

(5) The moneys required for the purposes of the Authority are payable, until the 31st day of March, 1976, out of the Consolidated Revenue Fund, and thereafter out of moneys appropriated therefor by the Legislature.

Teachers
to be
employees of
Authority

3. When this Act comes into force,

(a) the teachers cease to be Crown employees and their contracts of employment are vested in the Authority;

(b) the sick leave credits and the termination of employment benefits standing to the credit of a teacher

whose contract of employment is vested in the Authority under clause *a* shall stand to the credit of the teacher in the system of sick leave credit gratuities of the Authority; and

- (c) *The Labour Relations Act* does not apply to the teachers or to the Authority. R.S.O. 1970, c. 232

4.—(1) Subject to subsection 2, the Authority is responsible for all matters relating to the employment of teachers, and for such purpose has all the powers and is subject to the duties and liabilities of a board under *The Education Act, 1974*. Employment of teachers 1974, c. 109

(2) All matters relating to administration in respect of teachers who teach in a school operated by a Ministry referred to in clause *f* of section 1 are the responsibility of the deputy minister of the Ministry, and each such Ministry that operates a school shall provide the salaries and benefits of the teachers of such school in accordance with the contracts of employment of such teachers. Administration

(3) Every written collective understanding is binding on the Authority and the teachers covered by the written collective understanding. Interim provision

(4) For the purposes of *The Teachers' Superannuation Act*, a teacher employed by the Authority shall be deemed to be employed as a teacher by the minister of a ministry of the government of Ontario. Application of R.S.O. 1970, c. 455

(5) For the purposes of subsection 7 of section 155 of *The Education Act, 1974*, employment by the Authority shall be deemed to be employment with the Ministry of Education. Continuity of sick leave credits

(6) Part IX of *The Education Act, 1974* applies *mutatis mutandis* to the teachers and to the Authority. Application of Part IX, 1974, c. 109

5. Where the teachers propose to negotiate an agreement, they shall, for such purpose, form one employee organization, which shall represent them for the purposes of this Act. Employee organization

6.—(1) The provisions of *The School Boards and Teachers Collective Negotiations Act, 1975*, except clauses *a* to *g*, *i* to *k* and *m*, *n* and *p* of section 1, section 4, clauses *a* and *b* of section 8, sections 60 and 63, clause *d* of section 74, subsection 2 of section 78 and sections 83 and 84, apply *mutatis mutandis* as if such provisions were enacted in and formed part of this Act, and references therein to "board", "branch affiliate" and "parties" shall be deemed to be references Application of 1975, c. 72

respectively to the Authority, the employee organization, and the Authority and the employee organization.

Form of
contracts
1975, c. 72

(2) For the purposes of subsection 2 of section 55 of *The School Boards and Teachers Collective Negotiations Act, 1975*, the teachers who are employed in schools immediately before this Act comes into force shall be deemed to have contracts of employment in the form of contract prescribed by the regulations under *The Education Act, 1974*.

1974, c. 109

Where
approval
required

(3) Where the Authority proposes to act in accordance with subsection 1 or 4 of section 69 of *The School Boards and Teachers Collective Negotiations Act, 1975*, it shall do so only with the approval of the Minister responsible for the Ministry that operates the school or schools that will be affected.

Contra-
ven-
tion by
employee
organization

(4) For the purposes of subsection 1 of section 78 of *The School Boards and Teachers Collective Negotiations Act, 1975*, "person" includes the employee organization and the Authority.

Compell-
ability of
witnesses

(5) In addition to the persons referred to in section 82 of *The School Boards and Teachers Collective Negotiations Act, 1975*, a minister of the Crown and his deputy minister are not compellable witnesses in any proceedings under this Act.

Commence-
ment

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. This Act may be cited as *The Provincial Schools Negotiations Act, 1975*.