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c 403 Provincial Schools Negotiations Act

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CHAPTER 403

Provincial Schools Negotiations Act

1. In this Act,

(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;

(c) "Commission" means the Education Relations Commission under the School Boards and Teachers Collective Negotiations Act;

(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 Education, or

   (iii) the Ministry of Health,

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,

   (ii) who holds a letter of standing granted by the Minister under the Education Act, 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 the 18th day of July, 1975 respecting terms of employment of teachers. 1975, c. 81, s. 1.

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

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

(3) The Authority shall appoint a secretary.

(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.

(5) The moneys required for the purposes of the Authority are payable out of moneys appropriated therefor by the Legislature. 1975, c. 81, s. 2, revised.

3. Commencing on the 18th day of July, 1975,

(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. 1975, c. 81, s. 3.

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.
(2) All matters relating to administration in respect of teachers who teach in a school operated by a Ministry referred to in clause 1 (f) 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.

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

(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.

(5) For the purposes of subsection 158 (7) of the *Education Act*, employment by the Authority shall be deemed to be employment with the Ministry of Education.

(6) Part IX of the *Education Act* applies with necessary modifications to the teachers and to the Authority. 1975, c. 81, s. 4.

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. 1975, c. 81, s. 5.

6.—(1) The provisions of the *School Boards and Teachers Collective Negotiations Act*, except clauses 1 (a) to (g), (i) to (k), (m) and (n), section 4, clauses 7 (a) and (b), sections 59 and 62, clause 73 (d) and subsection 77 (2), apply with necessary modifications, 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 respectively to the Authority, the employee organization, and the Authority and the employee organization.

(2) For the purposes of subsection 54 (2) of the *School Boards and Teachers Collective Negotiations Act*, the teachers who are employed in schools immediately before the 18th day of July, 1975 shall be deemed to have contracts of employment in the form of contract prescribed by the regulations under the *Education Act*.

(3) Where the Authority proposes to act in accordance with subsection 68 (1) or (4) of the *School Boards and Teachers Collective Negotiations Act*, 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.
(4) For the purposes of subsection 77 (1) of the School Boards and Teachers Collective Negotiations Act, "person" includes the employee organization and the Authority.

(5) In addition to the persons referred to in section 81 of the School Boards and Teachers Collective Negotiations Act, a minister of the Crown and his deputy minister are not compellable witnesses in any proceedings under this Act. 1975, c. 81, s. 6.