1976

c 1 The Metropolitan Toronto Boards of Education and Teachers Disputes Act, 1976

Ontario
CHAPTER 1

An Act respecting the Metropolitan Toronto Boards of Education and Teachers Disputes

Assented to January 16th, 1976

WHEREAS the boards of education in The Municipality of Metropolitan Toronto and their secondary school teachers have been negotiating terms and conditions of employment; and whereas strikes by the teachers against the boards of education have continued since the 12th day of November, 1975; and whereas some of the boards of education have locked out the teachers employed by them; and whereas the boards of education and their secondary school teachers have been unable to make an agreement as to terms and conditions of employment; and whereas the Commission has advised the Lieutenant Governor in Council that, in the opinion of the Commission, the continuance of the strikes and lock-outs will place in jeopardy the successful completion of courses of study by the students affected; and whereas the public interest, and in particular the interests of students, requires that the secondary school teachers return to and resume their duties, that the boards of education terminate the lock-outs and that means be found for the settlement of the matters in dispute between the boards of education and their secondary school teachers;

Therefore, 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,

(a) "arbitrator" means the arbitrator appointed under this Act;

(b) "boards of education" means,

(i) The Board of Education for the Borough of East York,

(ii) The Board of Education for the Borough of Etobicoke,
(iii) The Board of Education for the Borough of North York,

(iv) The Board of Education for the Borough of Scarborough,

(v) The Board of Education for the City of Toronto,

(vi) The Board of Education for the Borough of York, and

(vii) The Metropolitan Toronto School Board,

or any of them;

c) "branch affiliates" means,

(i) the organization composed of all the teachers employed by The Board of Education for the Borough of East York who are members of The Ontario Secondary School Teachers' Federation,

(ii) the organization composed of all the teachers employed by The Board of Education for the Borough of Etobicoke who are members of The Ontario Secondary School Teachers' Federation,

(iii) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of L'Association des Enseignants Franco-Ontariens;

(iv) the organization composed of all the teachers employed by The Board of Education for the Borough of North York who are members of The Ontario Secondary School Teachers' Federation,

(v) the organization composed of all the teachers employed by The Board of Education for the Borough of Scarborough who are members of The Ontario Secondary School Teachers' Federation,

(vi) the organization composed of all the teachers employed by The Board of Education for the City of Toronto who are members of The Ontario Secondary School Teachers' Federation, and
(vii) the organization composed of all the teachers employed by the Board of Education for the Borough of York who are members of The Ontario Secondary School Teachers' Federation,

or any of them;

(d) "Commission" means the Education Relations Commission established under The School Boards and Teachers Collective Negotiations Act, 1975;

(e) "lock-out" has the same meaning as in The School Boards and Teachers Collective Negotiations Act, 1975;

(f) "parties" means the boards of education and the branch affiliates;

(g) "strike" has the same meaning as in The School Boards and Teachers Collective Negotiations Act, 1975;

(h) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the boards of education.

2.—(1) The teachers who are on strike against the boards of education shall, on the first Monday following the day this Act comes into force, return to and resume their duties in accordance with their contracts of employment and written collective understandings in effect on the 31st day of August, 1975 with the boards of education, and the boards of education shall, on the first Monday following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts and written collective understandings and open and resume the normal operation of the schools in which the teachers are employed.

(2) During the period from and including the first Monday after the day this Act comes into force until the day an agreement that includes the decision of the arbitrator comes into effect, no teacher shall take part in a strike against a board of education and no board of education shall lock out a teacher.

(3) During the period from and including the first Monday after the day this Act comes into force to and including the 30th day of June, 1976 and notwithstanding Ontario
Regulation 546/73 but only in relation to the teachers to whom this Act applies, the days designated by the boards of education as professional activity days pursuant to Ontario Regulation 546/73 shall not be professional activity days but shall be instructional days within the meaning of that regulation.

Exception

(4) Nothing in this Act precludes a teacher from not returning to and resuming his duties with a board of education for reasons of health or by mutual consent in writing of the teacher and the board of education.

Arbitration

3.—(1) The parties shall be deemed to have agreed to refer all matters remaining in dispute between them that may be provided for in an agreement under The School Boards and Teachers Collective Negotiations Act, 1975 to an arbitrator for determination under and in accordance with Part IV of that Act.

Appointment of arbitrator

(2) The Lieutenant Governor in Council shall forthwith after this Act comes into force appoint the arbitrator referred to in subsection 1.

Costs of arbitration

(3) The arbitrator shall be paid by the Province of Ontario such remuneration and expenses as the Lieutenant Governor in Council determines.

Notices of matters remaining in dispute

(4) The parties shall each give written notice to the arbitrator within seven days after the day this Act comes into force setting out all the matters the parties have agreed upon for inclusion in an agreement and all the matters remaining in dispute between the parties, and the notice shall be deemed to be notice to the Commission in accordance with subsection 1 of section 29 of The School Boards and Teachers Collective Negotiations Act, 1975.

Procedure

(5) The arbitrator upon receipt of a notice shall examine into and decide all matters that are in dispute between the parties as evidenced by the notices referred to in subsection 4 and any other matters that appear to him to be necessary to be decided in order to make a decision.

Application of 1975, c. 72

(6) Except as otherwise provided in this Act, The School Boards and Teachers Collective Negotiations Act, 1975 applies to the arbitrator, to the proceedings conducted before him, to the parties and to the teachers.

Term of agreement

4.—(1) Notwithstanding subsection 1 of section 51 of The School Boards and Teachers Collective Negotiations Act, 1975, the agreement giving effect to all matters
agreed upon by the parties and the decision of the arbitrator shall be for the period commencing on the 1st day of September, 1975 and expiring on a date not later than the 31st day of August, 1977.

(2) Notwithstanding subsection 1 of section 36 of The School Boards and Teachers Collective Negotiations Act, 1975, the arbitrator shall complete the consideration of all matters in dispute between the parties and shall report in writing his decision on the matters to the parties and to the Commission within thirty days after his appointment as arbitrator or within such longer period of time as may be provided in writing by the arbitrator and consented to by the Commission.

5.—(1) Every teacher, party or board of education that contravenes any provision of this Act is guilty of an offence.

(2) The provisions of The School Boards and Teachers Collective Negotiations Act, 1975, respecting offences and penalties and the procedures relating thereto apply in respect of a contravention of any provision of this Act.

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

7. This Act may be cited as The Metropolitan Toronto Boards of Education and Teachers Disputes Act, 1976.