1974

c 1 The York County Board of Education Teachers Dispute Act, 1974

Ontario
CHAPTER 1

An Act respecting a certain Dispute between the York County Board of Education and certain of its Teachers

Assented to March 15th, 1974

WHEREAS the York County Board of Education and its secondary school teachers have been negotiating terms of employment; and whereas these negotiations are deemed to have reached an impasse after approximately ten months of free collective bargaining and mediation; and whereas many secondary school students of York County have been severely disadvantaged for approximately six weeks due to their lack of access to a full educational program; and whereas the public interest, and in particular the interests of students, requires that teachers return to their duties, and that means be found for the settlement of the matters in dispute between the Board and its 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) "Board" means the York County Board of Education;

(b) "Minister" means the Minister of Education;

(c) "teachers" means the secondary school teachers employed on permanent or probationary contracts by the York County Board of Education on the 30th day of January, 1974.

2. --(1) The teachers who withdrew their services as a result of submitting resignations effective on the 31st day of January, 1974, shall, on the day following the day this Act comes into force, resume their employment with the Board in accordance with their contracts of employment in effect on the 30th day of January, 1974 as they may be varied by an award made under this Act, and the Board shall, on the day
following the day this Act comes into force, resume the employment of such teachers in accordance with such contracts of employment.

Exception

(2) Nothing in this Act precludes a teacher from not resuming his employment with the Board for reasons of health or by mutual consent in writing of the teacher and the Board.

Arbitration

3. —(1) The Board and The Ontario Secondary School Teachers' Federation on behalf of the teachers shall, within fifteen days after the day this Act comes into force, submit to final and binding arbitration under this Act the matters considered by the Board or the teachers, as the case may be, to be matters remaining in dispute by each sending to the Minister a notice in writing setting forth the matters considered to be matters remaining in dispute, and the Minister shall forward such notices to the board of arbitration.

Pupil-teacher ratio

(2) Pupil-teacher ratio is arbitrable and shall be deemed to be included as a matter in dispute in the notices referred to in subsection 1.

Duties and procedures

(3) The board of arbitration constituted under this section, upon receipt of a notice referred to in subsection 1, shall examine into and decide all matters that are in dispute between the Board and the teachers as evidenced by the notices referred to in subsection 1 and any other matters that appear to the board of arbitration to be necessary to be decided in order to make an award and shall determine its own procedures but shall give full opportunity to the Board and the negotiators for the teachers to present evidence and to make submissions.

Appointment of arbitrators

(4) The Board and The Ontario Secondary School Teachers' Federation shall, within seven days after the day this Act comes into force, each appoint to a board of arbitration a person who has indicated his willingness to act and shall notify each other and the Minister of the name and address of the person so appointed, and where the Board or The Ontario Secondary School Teachers' Federation fails to appoint a member of the board of arbitration within such period, the Minister shall appoint such member.

Appointment of chairman

(5) The two persons appointed under subsection 4 shall, within seven days after they have been appointed, appoint a third person to act as chairman of the board of arbitration and, where no chairman can be agreed upon within such time, the persons so appointed shall notify the Minister who shall thereupon appoint the chairman.
(6) No person shall be appointed a member of the board of arbitration who has any direct pecuniary interest in the matters coming before it or who is acting or who has, within a period of six months immediately preceding the date of his appointment, acted as mediator, solicitor, counsel, negotiator or agent of either the Board or the teachers, but no person shall be deemed to have a direct pecuniary interest by reason only of his being a ratepayer within the area of jurisdiction of the Board.

(7) Where a member appointed under subsection 4 ceases to act by reason of withdrawal, death or otherwise before the board of arbitration has completed its work, a replacement shall be appointed by whoever made the appointment of the member who has ceased to act, and the board of arbitration shall continue to function as if such member were a member of the board of arbitration from the beginning.

(8) Where the chairman of the board of arbitration is unable to enter on or to carry on his duties so as to enable a decision to be rendered within a reasonable time after his appointment, the Minister shall appoint a person to act as chairman in his place and the arbitration shall begin de novo.

(9) Sections 4 to 8 and 10 to 23 of The Statutory Powers Procedure Act, 1971 apply to proceedings under this Act and the parties to the proceedings are the Board and the teachers as represented by their negotiators.

(10) The Arbitrations Act does not apply to the arbitration under this Act.

(11) Where the members of the board of arbitration are unable to agree on matters of procedure or as to the admissibility of evidence, the decision of the chairman governs.

(12) Where, before or during the proceedings before the board of arbitration, the parties have agreed upon some matters to be included in the award and they so notify the board in writing of the matters agreed upon, the decision of the board shall be confined to,

(a) the matters not agreed upon by the parties; and

(b) such other matters that appear to the board necessary to be decided in order to make an award,

and where, before an award is made, the parties have settled all matters in dispute and have entered into an agreement, upon the board being notified thereof in writing by the parties, the board of arbitration is dissolved.
The board of arbitration shall make an award in writing within three months after receiving a notice referred to in subsection 1 or, with the approval of the Minister, within such further period as may be provided from time to time in writing by the board of arbitration.

The decision of a majority of the members of the board of arbitration is the decision of the board and, if there is no majority, the decision of the chairman is the decision of the board of arbitration.

The Board and the teachers covered by the award shall pay the expenditures incurred by them respectively in appointing or retaining any person in relation to the arbitration, and all other expenses, excluding the honorarium and expenses of the chairman, which shall be paid by the Province of Ontario, shall be shared equally by the Board and the teachers covered by the award and shall be paid within thirty days after the date of the award and, where the moneys required to be paid by the teachers are not paid within thirty days after the date of the award, the Ontario Secondary School Teachers' Federation shall pay such moneys.

Subject to section 4 and to the award made under this Act, the provisions of the understanding in operation between the Board and its teachers on the 30th day of January, 1974 shall continue in force until the award made by the arbitrators under this Act comes into operation.

The award made under this Act shall also include all matters agreed upon by the Board and the teachers and is final and binding upon the Board and the teachers.

The rates of salaries for teachers in Categories I to IV as set out in the Schedule to this Act are effective on and after the 1st day of September, 1973 until the award made by the board of arbitration under this Act comes into operation, and the decision of the board of arbitration shall not provide for rates of salaries in Categories I to IV less than the rates of salaries as set out in the Schedule for such Categories.

Where, on the application of the Board or a teacher, a judge of the Supreme Court is satisfied that the Board or any teacher has failed to comply with section 2, he may make an order requiring, as the case may be,

(a) the Board to employ the teacher who has attempted to comply with section 2; or
(b) the teacher who has failed to comply with section 2 to resume his employment with the Board, in accordance with his contract of employment in effect on the 30th day of January, 1974.

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

7. This Act may be cited as The York County Board of Education Teachers Dispute Act, 1974.

SCHEDULE

RATE OF ANNUAL SALARY

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