

FIFTH SESSION
THIRTY-FIRST LÉGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC



Bill 113

**An Act respecting certain disputes between teachers
and school boards**

First reading
Second reading
Third reading

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Minister of Education

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

The object of this bill is to ensure that teaching is resumed in certain school boards from 27 October 1980, and to submit the dispute causing the disruption of services to arbitration.

It also provides that, from the same date, the agreement reached on 26 May 1980 between the Comité patronal de négociation des commissions pour catholiques and the Centrale de l'enseignement du Québec applies to the teachers of those school boards and specifies the scope of the agreement as to the rules on the distribution of functions and responsibilities between teachers.

Bill 113

**An Act respecting certain disputes between teachers
and school boards**

**HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:**

DIVISION I

INTERPRETATION

1. In this act, unless otherwise indicated by the context,

“teacher” means a teacher within the meaning of the Education Act who on 24 October 1980 is an employee of a school board and is included in the bargaining unit for which an association of employees is certified;

“association of employees” means an association of teachers that is certified in respect of a school board and that on 24 October 1980 is a member of, belongs to or is affiliated to the Centrale de l’enseignement du Québec;

“school board” means the Commission scolaire régionale Carignan, the Commission scolaire de Sorel, the Commission scolaire régionale des Vieilles Forges, the Commission scolaire du Cap-de-la-Madeleine, the Commission scolaire de Grand-Pré, the Commission scolaire des Chenaux, the Commission scolaire de Chavigny and the Commission scolaire de Trois-Rivières;

“collective agreement”, “dispute”, “strike”, “lockout” and “employee” have the same meaning as in the Labour Code.

DIVISION II

RESUMPTION OF SERVICES

2. From 00:01 hours on 27 October 1980, every teacher, taking account of his work schedule, shall appear for work and perform all the duties attached to his functions pursuant to the conditions of employment that are applicable to him.

3. From the time named in section 3, every school board shall do what is necessary to see that the services for which it is responsible by law are provided.

4. Every association of employees must take appropriate measures to induce the employees it represents to comply with section 2.

DIVISION III

TEMPORARY CONDITIONS OF EMPLOYMENT

5. The conditions of employment already approved in accordance with chapter 14 of the statutes of 1978 in the agreement reached on 26 May 1980 between the Comité patronal de négociation des commissions pour catholiques and the Centrale de l'enseignement du Québec apply to the teachers, the associations of employees and the school boards from 27 October 1980.

DIVISION IV

SETTLEMENT OF DISPUTES

6. After 15 days from the coming into force of this act, a school board or an association of employees may, on making a written application to the Minister of Labour and Manpower, submit, to an arbitrator appointed by the Minister, a dispute regarding a matter dealt with by a clause that must be negotiated and approved at the local or regional level in accordance with chapter 14 of the statutes of 1978 and the decrees adopted by the Government pursuant to the second paragraph of section 5 of that act.

7. The arbitrator is bound by the agreement referred to in section 5.

8. Every clause agreed to in writing between the parties during the negotiations must be written in the award, to the extent that this clause is in conformity with the agreement mentioned in section 5.

In no case may the arbitrator amend the stipulation except to bring it into concordance with a provision of the award.

9. The award of the arbitrator and the agreement referred to in section 5 are the collective agreement binding between the school board and the association of employees.

10. Section 76, the second paragraph of section 77, section 79, the first paragraph of section 80, sections 81 to 87, the first paragraph of section 88, sections 89, 90 and 91, the second paragraph of section 93 and sections 139 and 140 of the Labour Code apply, *mutatis mutandis*, to the arbitrator and to the award.

DIVISION V

GENERAL PROVISIONS

11. The clauses negotiated and approved at the local or regional level must be conformable to the clauses already approved at the national level and provided for in the agreement mentioned in section 5.

Subject to the provisions that are subject to arbitration in clause 8-9.01E, in no case may a school board undertake to engage a number of teachers based on the rules prescribed in section 8-9.00 but it must apply the rules concerning the formation of pupil groups provided in section 8-5.00 and those concerning the teacher's teaching load provided in section 8-2.00.

The school board may, nevertheless, agree to rules providing terms and conditions for the recall of teachers on availability or not re-engaged for surplus of personnel up to the total number of teachers obtained by the application of section 8-9.00 of the agreement. The said rules must conform to the provisions of paragraphs 1 and 4 of clause 5-3.18 of the agreement. However, in no case may the school board be bound to engage additional teachers by the effect of those rules.

12. Section 11 applies to a collective agreement being negotiated that will be entered into after 24 October 1980 between a school board and an association of employees, and to an arbitration award that will be in lieu of a collective agreement.

It also applies to a collective agreement being negotiated that will be entered into after 24 October 1980 between a local or regional school board not mentioned in section 1 and an association of employees not contemplated in section 1 which is certified in

respect of that school board to represent teachers and which is a member of, belongs to or is affiliated to the Centrale de l'enseignement du Québec on 23 October 1980.

It does not apply, however, to a written agreement dealing with the whole of the conditions of employment reached before 24 October 1980, if that agreement is subsequently signed by the parties.

DIVISION VI

SANCTIONS

13. Every association of employees that contravenes section 4, and an association of employees, as well as the federation, confederation or Centrale to which the association of employees belongs or is affiliated or of which it is a member, that authorizes, encourages or incites a person to contravene section 2 or to participate in a strike or a slowdown during the period included between the date of the coming into force of this act and the date of expiration of the collective agreement is guilty of an offence and is liable, in addition to costs, to a fine of \$5 000 to \$50 000 for each day or part of a day during which the offence continues.

Where any of such associations, federations or confederations or the Centrale is guilty of an offence contemplated in the first paragraph, each of its officers, directors, employees, agents or advisers who participated in the commission of the offence or who acquiesced in it is deemed a party to the offence and is liable to the fine provided for in the first paragraph of section 14, whether the association, federation, confederation or the Centrale has or has not been prosecuted or convicted.

14. Every officer, director, employee, agent or adviser of an association of employees, federation, confederation or the Centrale contemplated in section 13, who authorizes, encourages or incites a person to contravene section 2 or to participate in a strike or a slowdown during the period contemplated in the first paragraph of section 13, is guilty of an offence and is liable, in addition to costs, to a fine of \$1 000 to \$10 000 for each day or part of a day during which the offence continues.

An association of employees, federation, confederation or the Centrale contemplated in the first paragraph of section 13, of which an officer, director, employee, agent or adviser is guilty of an offence contemplated in the first paragraph, is a party to the offence and is liable to the fine provided for in the first paragraph of section 13.

15. Every employee who contravenes section 2, or participates in a strike or slowdown during the period contemplated in the first paragraph of section 13, is guilty of an offence and is liable, in addition to costs, to a fine of \$100 to \$200 for each day or part of a day during which the offence continues.

16. Every commissioner, director, employee, agent or adviser of a school board who participates or acquiesces in a lock out during the period contemplated in the first paragraph of section 13 or in an act done by the school board contrary to section 3, is guilty of an offence and is liable, in addition to costs, to a fine of \$1 000 to \$10 000 for each day or part of a day during which the offence continues.

17. Proceedings are instituted in accordance with the Summary Convictions Act (R.S.Q., c. P-15) by the Attorney General or by a person generally or specially authorized by him for that purpose.

18. Where of the opinion that less than 70% of the teachers represented by an association of employees have complied with section 2, the Government may order that the obligation to pay union dues to that association cease.

19. From the time the government decision is communicated to a school board, the school board is prohibited from withholding union dues from the salary of the teachers represented by that association of employees.

20. The order suspending the obligation to pay union dues provided for under section 18 and the prohibition provided in section 19 are effective for a period of two months for each day or part of a day during which less than 70% of the teachers comply with section 2.

21. Every commissioner, director, employee, agent or adviser of a school board who participates or acquiesces in an act contrary to section 19 is guilty of an offence and is liable to the fine provided for in section 16.

DIVISION VII

FINAL PROVISIONS

22. This act does not have the effect of exempting a school board, teacher or association of employees from the application of the Labour Code.

23. This act comes into force on the day of its sanction.