



CHAPTER 22

An Act respecting certain disputes between teachers
and school boards

[Assented to 24 October 1980]

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

DIVISION I

INTERPRETATION

Interpreta-
tion:

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

"teacher";

"teacher" means a teacher within the meaning of the Education Act who on 23 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 employ-
ees";

"association of employees" means an association of teachers that is certified in respect of a school board and that on 23 October 1980 is a member of, belongs to or is affiliated to the Centrale de l'enseignement du Québec;

"school
board";

"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",
"employee".

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

DIVISION II

RESUMPTION OF SERVICES

- Return to work. **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.
- Resumption of services. **3.** From the time named in section 2, every school board shall do what is necessary to see that the services for which it is responsible by law are provided.
- Compliance. **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

- Agreement. **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

- Arbitration. **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.
- Mandate. **7.** The arbitrator is bound by the agreement referred to in section 5.
- Written agreement. **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.

Restriction.

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

Collective agreement.

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.

Applicability of the Labour Code.

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

Local clauses.

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.

Hiring of teachers.

12. Subject to the provisions that are subject to arbitration in clause 8-9.01E of the agreement, 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.

Recall of teachers.

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.

Applicability.

13. Section 12 applies to a school board mentioned in section 1.

Applicability.

It also applies to a local or regional school board not mentioned in section 1 that will, after 23 October 1980, enter into a collective agreement now being negotiated with 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.

Exception. It does not apply, however, to a school board contemplated in the second paragraph if the collective agreement entered into after 23 October 1980 is the ratification of a written agreement respecting the whole of the conditions of employment entered into before 24 October 1980.

Arbitration award. Where section 12 applies to a school board, no award granted under Division IV of this act or under Division I of Chapter IV of the Labour Code may contain a conclusion that conflicts with section 11.

DIVISION VI

SANCTIONS

Offences and penalties. **14.** 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 the coming into force 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.

Parties to an offence. 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 15, whether the association, federation, confederation or the Centrale has or has not been prosecuted or convicted.

Offences and penalties. **15.** Every officer, director, employee, agent or adviser of an association of employees, federation, confederation or the Centrale contemplated in section 14, 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 14, 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.

Parties to an offence. An association of employees, federation, confederation or the Centrale contemplated in the first paragraph of section 14, 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 14.

Offences
and pen-
alties.

16. Every employee who contravenes section 2, or participates in a strike or slowdown during the period contemplated in the first paragraph of section 14, 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.

Offences
and pen-
alties.

17. 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 14 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.

Proceed-
ings.

18. 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.

Union
dues.

19. 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.

Union
dues.

20. 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.

Union
dues.

21. The order suspending the obligation to pay union dues provided for under section 19 and the prohibition provided in section 20 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.

Offences
and penal-
ties.

22. Every commissioner, director, employee, agent or adviser of a school board who participates or acquiesces in an act contrary to section 20 is guilty of an offence and is liable to the fine provided for in section 17.

DIVISION VII

FINAL PROVISIONS

Applicabil-
ity of the
Labour
Code.

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

Coming
into force.

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