

BILL NO. 15

(as passed)



*2nd Session, 58th General Assembly
Nova Scotia
50 Elizabeth II, 2001*

Government Bill

Teachers' Collective Bargaining Act (amended)

CHAPTER 20 OF THE ACTS OF 2001

The Honourable Jane S. Purves
Minister of Education

[First Reading](#): April 3, 2001

Second Reading: May 18, 2001

[Third Reading](#): May 29, 2001

Royal Assent: June 1, 2001



An Act to Amend Chapter 460

of the Revised Statutes, 1989, the Teachers' Collective Bargaining Act

Be it enacted by the Governor and Assembly as follows:

1 Clause 2(h) of Chapter 460 of the Revised Statutes, 1989, the *Teachers' Collective Bargaining Act*, is amended by

(a) striking out "and" at the end of paragraph (i)(E);

(b) adding immediately after paragraph (i)(F) the following paragraphs:

(G) subject to paragraph (H) and subsections (2) and (3) of Section 13, any other matters except those matters coming within subclause (ii), and

(H) any matter coming within subclause (ii) agreed upon by the Minister of Education and the Union pursuant to subsection (2) of Section 13 and designated by the Minister pursuant to subsection (3) of Section 13,

(c) striking out paragraphs (ii)(E), (F) and (G) and substituting the following paragraph:

(E) such of the terms and conditions of employment or any other matters, not included in a professional agreement with the Minister of Education, that are provided for in a professional agreement with any school board in effect upon the coming into force of this paragraph,

2 Subsection 13(2) of Chapter 460 is repealed and the following subsections substituted:

(2) The Minister of Education and the Union may agree in writing that specific matters contained within subclause (ii) of clause (h) of Section 2 including, for greater certainty, specific terms and conditions of employment or other matters under paragraph (E) of subclause (ii), are the subject of bargaining between the Minister of Education and the Union.

(3) Upon receipt of a copy of an agreement made pursuant to subsection (2), the Minister shall, by order, designate the matters referred to in the agreement as matters that thereafter are to be the subject of bargaining between the Minister of Education and the Union and the designation by the Minister is regulations within the meaning of the *Regulations Act*.

(4) Upon the Minister making an order pursuant to subsection (3), the matters referred to in the agreement are the subject of bargaining between the Minister of Education and the Union and cease to be matters that may be the subject of bargaining between a school board and the Union and, for the purpose of this Act, the Minister of Education is the employer in respect of those matters.

(5) Notwithstanding clause 19(f) of the *Interpretation Act*, the Minister may not rescind, revoke, amend or vary an order made pursuant to subsection (3).

3 Notwithstanding Sections 1 and 2,

(a) a professional agreement between a school board and the Nova Scotia Teachers' Union in effect at the time Sections 1 and 2 come into force, respecting matters contained within paragraphs 2(h)(ii)(E) to (G) of Chapter 460 as those paragraphs read immediately before the coming into force of Sections 1 and 2, continues in effect with respect to those matters until such time as a professional agreement respecting those matters is made between the Minister of Education and the Union pursuant to subclause 2(h)(i) of Chapter 460;

(b) a grievance proceeding that has commenced and is ongoing at the time Sections 1 and 2 come into force, respecting a matter contained within paragraphs 2(h)(ii)(E) to (G) of Chapter 460 as those paragraphs read immediately before the coming into force of Sections 1 and 2, may continue in respect of the matter and, for the purpose of the continuation and

completion of the grievance proceeding, including any appeals, those paragraphs continue in force and a school board that is a party to a grievance is the employer for the purpose of the grievance proceeding;

(c) a professional agreement between a school board and the Nova Scotia Teachers' Union, respecting matters contained within paragraphs 2(h)(ii)(A) to (E) of Chapter 460 that is in effect at the time the Minister of Environment and Labour makes an order pursuant to subsection 13(3) of Chapter 460, continues in effect with respect to those matters until such time as a professional agreement respecting those matters is made between the Minister of Education and the Union pursuant to subclause 2(h)(i) of Chapter 460, including, for greater certainty, any matters that are the subject of bargaining between the Minister of Education and the Union as a result of the order made pursuant to subsection 13(3) of Chapter 460; and

(d) a grievance proceeding respecting a matter contained within paragraphs 2(h)(ii)(A) to (E) of Chapter 460, that has commenced and is ongoing at the time the Minister of Environment and Labour makes an order pursuant to subsection 13(3) of Chapter 460, may continue in respect of the matter and, for the purpose of the continuation and completion of the grievance proceeding, including any appeals, those paragraphs continue in force and a school board that is a party to a grievance is the employer for the purpose of the grievance proceeding.

