

Teaching Profession Act

CHAPTER 462 OF THE REVISED STATUTES, 1989

as amended by

2018, c. 1, ss. 42-47



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Published by Authority of the Speaker of the House of Assembly
Halifax

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CHAPTER 462 OF THE REVISED STATUTES, 1989
amended 2018, c. 1, ss. 42-47

**An Act to Revise and Consolidate
the Acts Relating to
the Nova Scotia Teachers Union**

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Short title

1 This Act may be cited as the *Teaching Profession Act*. R.S., c. 462, s. 1.

Interpretation

2 In this Act, unless the context otherwise requires,

(a) “Council” means the Council of the Union as established pursuant to the by-laws of the Union;

(aa) “education entity” means an education entity as defined in the *Education Act*;

(b) “Executive” means the Executive of the Council;

(c) “local” means a local organization of members of the Union formed pursuant to the by-laws of the Union;

(ca) “manager” means a manager as defined in the *Teachers’ Collective Bargaining Act*;

(cb) “member” means a member of the Union;

(d) “Minister” means the Minister of Education and Early Childhood Development;

AUGUST 1, 2018

(e) “public school” means any school established or maintained pursuant to the *Education Act*;

(f) *repealed 2018, c. 1, s. 42.*

(g) “teacher” means a teacher as defined in the *Teachers’ Collective Bargaining Act*;

(h) “Union” means the Nova Scotia Teachers’ Union. R.S., c. 462, s. 2; 2018, c. 1, s. 42.

Union continued

3 (1) The Nova Scotia Teachers’ Union, as incorporated by Chapter 100 of the Acts of 1951, shall continue as a body corporate subject to the provisions of this Act.

(2) The by-laws, members, Council, Executive, officers, committees, locals and local executives of the Union existing immediately prior to this Act shall continue in effect or in office until changed or replaced pursuant to this Act. R.S., c. 462, s. 3.

Constitution

4 The Constitution of the Union shall consist of

(a) this Act;

(b) the by-laws; and

(c) the standing orders of the Council. R.S., c. 462, s. 4.

Liability of members

5 No member of the Union shall be liable for the debts or liabilities of the Union unless the member shall have made himself personally liable therefor. R.S., c. 462, s. 5.

Membership

6 The members of the Union shall consist of persons who are members pursuant to subsection 12(1) and, subject to subsection 12(1A), such other persons as the Council by by-law determines. R.S., c. 462, s. 6; 2018, c. 1, s. 43.

Objects

7 The objects of the Union are to advance and promote the teaching profession and the cause of education in the Province. R.S., c. 462, s. 7.

Powers of Union

8 The Union shall have power to do all things necessary or desirable for the attainment of the objects of the Union or incidental thereto, including, but not so as to restrict the generality of the foregoing, power for such purpose to

- (a) purchase, acquire, lease and hold real and personal property and sell, convey, lease, mortgage or transfer the same;
- (b) borrow money from any person or corporation and give security for any money so borrowed on any of the real and personal property of the Union by way of mortgage or otherwise;
- (c) accept all gifts, legacies or bequests which may be given to the Union;
- (d) expend any money of the Union;
- (e) fix membership fees and special assessments of members and collect such fees and assessments;
- (f) subject to this Act, suspend, expel or otherwise discipline any member and to re-instate any member so suspended or expelled. R.S., c. 462, s. 8.

Exercise of powers

9 Unless otherwise provided in this Act or by by-laws of the Union, the powers of the Union may be exercised by the Council. R.S., c. 462, s. 9.

Council by-laws

10 (1) The Council may make by-laws not inconsistent with this Act dealing with or providing for

- (a) the management of the Union and its property;
- (b) the constitution of the Union and of locals, including the basis of representation of locals on the Council;
- (c) the officers, executive and committees of the Union and their respective powers and duties;
- (d) the government, discipline and control of members;
- (e) all other matters necessary or useful to carry out the objects and to exercise the powers of the Union.

(2) Every by-law shall be passed by a vote of at least two thirds of the members of the Council present at a meeting thereof, notice of the intention to propose such by-law at such meeting having been given in writing by notice mailed postage prepaid at least thirty days before such meeting to each member of the Union at the members last recorded address.

(3) In lieu of the notice provided for by subsection (2), notice of the intention to propose a by-law may be given by such notice being printed in an issue of a publication of the Union mailed to all schools in the Province at least thirty days before the meeting of the Council at which it is to be considered and a number of copies of the proposed resolution equal to at least ten per cent of the number of members of each local having been mailed to the respective secretary of each local at least thirty days before such meeting. R.S., c. 462, s. 10.

Professional Committee

11 (1) There shall be a Professional Committee of the Union, elected according to the by-laws.

(2) The Professional Committee may, on the request of a local, the executive of a local or the Executive, inquire into any charge and determine if a teacher has been guilty of conduct unbecoming a member of the teaching profession.

(3) When any such request is made by a local, a copy thereof shall be forwarded to the Executive at the time such request is made.

(4) Any member so charged shall be given at least thirty days notice in writing of the charge and shall be given full opportunity to be heard by the Professional Committee and to be represented by counsel.

(5) The Professional Committee shall dismiss the charge or reprimand, suspend or expel the member.

(6) The Executive shall transmit the decision of the Professional Committee to the teacher by prepaid registered post to the last recorded address of the teacher.

(7) The Executive shall transmit to the Minister such recommendations concerning the certification of the teacher as the Professional Committee may make. R.S., c. 462, s. 11.

Union membership

12 (1) Every teacher who has a permanent contract, a probationary contract or a term contract, within the meaning of the *Education Act*, with an education entity in a teaching, supervisory or other professional capacity relating to education shall be an active member of the Union unless the teacher is expelled therefrom or unless the teacher resigns by written notice addressed to the Union at its head office and mailed by prepaid registered post.

(1A) A manager is not a member of the Union and may not be determined to be a member of the Union by the Council pursuant to Section 6.

(1B) Any manager who, immediately before August 1, 2018, was a member of the Union ceases to be a member on that date.

(2) Subject to subsection (3), the resignation of a teacher from the Union shall take effect at the end of the school year in which the resignation is tendered and shall be effective for one year following such school year.

(3) When a teacher is first employed in a public school, a resignation by the teacher from the Union shall take effect immediately if

(a) it is given before the first day of October when the teachers employment began on the first day of the school year; or

(b) it is given within one month after the teachers employment began.

(4) A teacher whose resignation from the Union is in effect may continue not to be a member of the Union from year to year provided that during each school year following the teachers resignation the teacher gives written notice as provided in subsection (1) of intention not to be a member for the succeeding school year.

(5) A teacher who has resigned or has been expelled from the Union and who continues to be employed as a teacher shall pay to the Union through regular deductions, in the manner provided in Section 14, an amount equivalent to the regular fees for membership as are prescribed by the Union. R.S., c. 462, s. 12; 2018, c. 1, s. 44.

Report on membership and union fees

13 (1) Not later than the fifteenth day of August in every year, the Union shall send to the Minister

(a) a list of the names and addresses of the persons who have resigned as active members of the Union and whose resignations are effective for the current school year; and

(b) a scale of the fees payable to the Union by its active members for the then current school year.

(2) Within ten days after the effective date of the resignation, other than a resignation that is effective at the end of a school year, of a member from active membership in the Union or the expulsion of a member or the readmission of a member, the Union shall send the name and address of the member to the Minister.

(3) The Minister shall cause to be kept a list of the names and addresses of all persons who have resigned as active members of the Union or who have been expelled from the Union and who have not been readmitted to the Union as active members.

(4) The Minister shall cause to be sent to each education entity

(a) on or about the fifteenth day of September in each year, a list of the names of the teachers employed by it whose resignations as active members of the Union became effective at the end of the preceding school year or who were expelled from the Union during the preceding school year; and

(b) the name of each member employed by it who has resigned, been expelled or been readmitted to the Union, within ten

days after receiving notice of the resignation, expulsion or re-admission pursuant to subsection (2). R.S., c. 462, s. 13; 2018, c. 1, s. 45.

Payment of fees

14 (1) Every member of the Union shall pay to the Union annually such fees as are prescribed by the Union and every teacher who has resigned or has been expelled from the Union and who continues to teach shall pay an amount equivalent to such fees.

(2) On or about the fifteenth day of September in each year, the Minister shall cause to be sent to each education entity a copy of the scale of fees payable to the Union by its members as furnished to the Minister pursuant to Section 13.

(3) Every education entity shall deduct from the salary of each member of the Union and each teacher employed by it who has resigned or has been expelled from the Union an amount equal to the fees payable by the person to the Union according to the scale furnished by the Minister, and shall make such deductions in twelve equal monthly instalments, or in such other number of equal monthly instalments as may be agreed upon by the board and the Union, beginning in the month of September or in the month following receipt of notice that the person has become or been readmitted as a member of the Union.

(4) Every education entity shall remit each month to the Secretary-treasurer of the Union the amount of deductions made by it pursuant to subsection (3) within ten days after the end of the month in which the fees are deducted.

(5) The Minister shall cause to be withheld, from the amount payable by the Minister under the *Education Act* to a [an] education entity in any year, an amount equal to the difference between the sum of the deductions made by the board pursuant to subsection (3) and the amount remitted by it to the Secretary-treasurer of the Union pursuant to subsection (4).

(6) The Minister shall cause all amounts withheld by the Minister pursuant to subsection (5) to be remitted to the Secretary-treasurer of the Union at such times and in such amounts as the Minister determines. R.S., c. 462, s. 14; 2018, c. 1, s. 46.

Benefit plan or service

15 (1) In this Section, “benefit plan or service” has the meaning prescribed by the regulations.

(2) Notwithstanding that managers are not members of the Union, the Union shall permit a manager to participate, on the same terms as a teacher, in any benefit plan or service established, sponsored or administered or otherwise provided by the Union for the benefit of teachers.

(3) The Minister may, in accordance with the regulations, compensate the Union for the reasonable costs it incurs by allowing managers to participate in any benefit plan or service.

(4) The Governor in Council may make regulations

(a) prescribing the meaning of “benefit plan or service”;

(b) respecting the compensation of the Union for the reasonable costs it incurs by allowing managers to participate in the Union’s benefit plans and services.

(5) The exercise by the Governor in Council of the authority contained in subsection (4) is a regulation within the meaning of the *Regulations Act*, 2018, c. 1, s. 47.
