

## Government Intervention in Collective Bargaining for Teachers in Quebec

**"He who pays the piper calls the tune."**

**An appropriate epilogue to existing Government Policy.**

Prior to 1964 the educational organization of Quebec was based mainly on local school boards, of which there were more than 1,500. These school boards were responsible for education at both the elementary and secondary levels in their respective areas. The teachers whom they employed either held individual contracts with the school board or were under a collective agreement between the teachers' association and the school board. Financing education was largely the responsibility of the local school board which fulfilled its responsibilities by levying a real estate tax on the property owners in its area. In the cases where school boards were unable to raise sufficient funds, the Government provided a subsidy to them to cover the difference.

In 1964 two major legislative changes occurred in the Province. The first of these was the amending of the Labour Code<sup>1</sup> granting the teachers the right to strike. The second was the establishment of the Department of Education,<sup>2</sup> also known as Bill 60.

The outcome was predictable. On the one hand the teachers had now obtained the right to strike resulting in their demands in negotiations becoming more and more costly for the school boards. The greatest increase could be pinpointed as teachers' salaries. Another area to which teachers paid greater attention was that of participation in decision making wherever educational policies were in the making.

On the other hand with the establishment of the Department of Education, the Government became increasingly involved in educational policy making throughout the Province. The fact that the negotiated settlements were becoming more and more costly meant that the Government was asked to contribute larger amounts. Thus

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<sup>1</sup> 12-13 Eliz. II, S.Q., 1964, c. 45.

<sup>2</sup> 12-13 Eliz. II, S.Q., 1964, c. 15.

the Government felt that it had to find controls to both of the above situations.

Initially the Government tried to impose restrictions in a flexible manner. The Department of Education simply stated that inadmissible expenditures were entirely the responsibility of the school board, which could impose a surtax of 10% of the normal tax rate on immoveable property. If this amount was insufficient to meet the additional expense, then the Department undertook to pay one-half of the balance remaining.

The inevitable, of course, occurred. Costs went up and were attributed largely to the negotiated settlements between school boards and teachers' associations.

When this Government Policy failed to stop the rising costs of education, the Department introduced the "October 14th, 1966 Norms." These were a series of controls which virtually paralyzed local negotiations. Firstly, they contained a salary scale which was not a minimum scale, but a maximum scale. Then, among other things, it required the school boards to have their negotiated settlement approved by the Department before it could come into force.

It did not take long before the first of many teacher strikes occurred. With the introduction of this "third party" into local negotiations, the true meaning of collective bargaining in the sense of the Labour Code, became meaningless. An agreement would be reached according to established procedures and nullified by the "third party" because it did not conform to "its" restrictions.

When teachers' associations were unable to settle their contract disputes by using the long accepted methods of negotiations, they exercised their right to strike according to the Labour Code. In February of 1967 there were approximately 13,000 teachers out on strike affecting some 291,000 pupils, all because the school boards were ham-strung by the Government and its norms. With this situation causing a great deal of public unrest, the Government imposed its "coup de grâce", Bill 25, on February 17, 1967 under the dubious title of: *An Act to ensure for children the right to education and to institute a new schooling collective agreement plan.*<sup>3</sup>

The result of this piece of legislation was twofold.

1. It forced all of the striking teachers back to work by establishing a salary scale and removing the right to strike from all teachers until June 30th, 1968. It also extended existing collective agreements

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<sup>3</sup> 15-16 Eliz. II, S.Q., 1966-67, c. 63.

until the above date. All collective agreements under negotiation would be required to contain the salary scale of Bill 25.

2. It established a procedure by which all negotiations would be carried out at the Provincial level, the parties being the Government, the Federation of Catholic School Commissions, and the Quebec Association of Protestant School Boards on the one hand, and the Quebec Teachers Corporation, The Provincial Association of Catholic Teachers and the Provincial Association of Protestant Teachers on the other hand.

With the removal of negotiations from the local level, the local school board and teachers' association had lost what was once considered their right to negotiate a collective agreement. Their responsibility now could only consist of implementing the provincially negotiated agreement after a token signature makes it a binding contract between the two parties.

It became obvious that the school boards had relinquished their right to negotiate with the teachers they employed. They would not take a definite stand on the issue and constantly used the Government as their scapegoat when it came to a question of money.

On the teachers' side these events had far reaching effects on their organizational structures. One of the most difficult to overcome was changing the basic strong locally oriented structure into a strong provincially oriented one. In many instances what were strong local associations proved to be less than effective associations when provincial orientation had to be undertaken. The explanation was that since the action was now so far from the individual member in the classroom it was difficult to arouse interest. In addition, many association leaders were very pessimistic about the Government, the legislative body, being a full partner in the negotiations. Many felt that the Government would simply pass additional legislation if it felt that things were not going according to plans.

The following is an example to illustrate the determination of the Government in its Provincial Policy. When June 30th, 1968 came and went without a settlement, it passed Bill 43,<sup>4</sup> which states in part:

...Every collective agreement within the meaning of the Act 15-16 Elizabeth II, chapter 63, which takes effect during the period between the 30th of June 1968 and the 1st of July 1970, between an association of teachers and a school board within the meaning of the said act or an association of such school boards shall be deemed to contain every provision negotiated and approved at the provincial level in accordance with section 15 of the said Act.

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<sup>4</sup> 17 Eliz. II, S.Q., 1968, c. 62, s. 4.

This was done in order to ensure that no locally negotiated collective agreements would come into force before the conclusion of the provincial negotiations.

I should mention here that there were also elements in certain teachers' associations that favoured provincial negotiations. The Provincial Association of Protestant Teachers and the Provincial Association of Catholic Teachers were heavily against provincial negotiations, while the Quebec Teachers' Federation (CEQ) voted in favour of provincial negotiations by a majority of three votes out of over 211 ballots cast.

The question as to whether negotiations will ever return to the local level is one over which a great deal of pessimism is expressed by many association leaders. For all intents and purposes with the Government action in other public and quasi-public sectors, it seems that there is little hope of this ever occurring.

In the explanatory notes of Bill 23<sup>5</sup> recently approved by the National Assembly we find the following:

The main object of this bill is to establish a Department of the Civil Service whose functions will be to prepare and propose to the government measures for increasing the efficiency of the personnel of the civil service, to supervise the application of such measures and, under the direction of the government, to co-ordinate the carrying out of the same; it will also advise the government on the conditions of employment of the personnel of the public sector and negotiate, on behalf of the government, collective agreements to which the latter is a party and co-ordinate the carrying out thereof. The department will also be especially responsible for the preparation of plans of organization dealing with all the civil servants required for the administration of the government and of its departments and bodies, and with the assignment and use of such civil servants.

In negotiations recently completed in the quasi-public sector including such groups as the hospital employees, police and firemen, Hydro-workers and CEGEP professors, Government participation was far greater than during previous negotiations.

In concluding, I would simply suggest that there seems absolutely no hope for returning to local negotiation in any of the public and quasi-public service departments including teachers. I foresee an even greater centralization tendency in this area. Marcel Masse, now Minister of Inter-Governmental Affairs, stated, at the Conference on Labour Relations in the quasi-public sector, that the whole concept of bargaining for the quasi-public employees had to undergo change — and particularly the number and make-up of negotiating bodies

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<sup>5</sup> *Civil Service Department Act*, 18-19 Eliz. II, 1969, c. 14.

had to be "rethought". Too many separate syndical units had tended to complicate negotiations, especially when negotiations were carried out at the provincial level. It stands to reason that the Government would want to increase its participation in establishing budgetary controls through participation in negotiations since, as I stated at the outset, "he who pays the piper calls the tune."

What role did the teachers play in this evolution from local to provincial negotiations? It is my opinion that the Government used the teachers in order to feel its way with this new centralization policy and when it saw that very little and disorganized opposition was expressed, it took the necessary steps to further implement its goals.

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