



Nova Scotia Teachers Union

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MEMORANDUM

TO: NSTU Members

FROM: Staff

DATE: February 15, 2017

RE: **Bill 75 - An Act Respecting a Teachers' Professional Agreement and Classroom Improvements - Analysis**

Government has now introduced Bill 75 – *An Act Respecting a Teachers' Professional Agreement and Classroom Improvements* in the Legislature.

This Act is complex and would have significant implications for teachers in Nova Scotia. An explanation of the Act and its effects on teachers in Nova Scotia is outlined below. A copy of Bill 75 and the Government's Backgrounder on the Act are attached as well.

In the explanations provided below:

- Tentative Agreement 1 is the Agreement reached on November 12, 2015
- Tentative Agreement 2 is the Agreement reached September 2, 2016
- Tentative Agreement 3 is the Agreement reached January 20, 2017
- TPA is the Teachers' Provincial Agreement
- LOU means Letter of Understanding
- Act means the *Act Respecting a Teachers' Professional Agreement and Classroom Improvements*

An Act Respecting a Teachers' Professional Agreement and Classroom Improvements

Section	Explanation
1	Provides the title of the Act once passed.
2	Provides definitions for terms used in the Act.
3	Indicates that the TPA that expired on July 31, 2015 is amended by this Act.

Section	Explanation
4 - 11	Requires the formation of the Commission on Inclusive Education to be established, by the Minister and the NSTU, within 30 days of Royal Assent of this Act. Sets out the parameters for the Commission on Inclusive Education as outlined in an LOU in Tentative Agreement 3. A notable difference is that an interim report, including recommendations, is due by June 30, 2017. Although not in the Act, the Government's Backgrounder on the Act indicates that the interim report is due on that date to allow for implementation prior to the 2017-2018 school year.
12	Confirms that the current class size guidelines, with the clarifications obtained in Tentative Agreement 3, will remain in effect for the 2017-2018 and 2018-2019 school year. These guidelines are included as Schedule B of the Act.
13	This section requires teachers to follow Sections 26 and 31 of the <i>Education Act</i> anytime schools are in sessions with teachers present. The effect of this Section is to eliminate any future Work-to-Rule job action by teachers.
14	This section prevents an arbitrator, arbitration board, or the Labour Board from considering the constitutionality of this Act in any decisions.
15	Provides for the potential development, at some point in the future, of a teacher deciding to take a payout of their Service Award. Note that this will be accomplished by, as yet, unwritten regulations but this Section references a "formula". The effect of a formula will be to reduce the payout of the Service Award in recognition of receiving the Award at an earlier date than retirement.
16	Provides for Cabinet to create regulations under this Act: <ul style="list-style-type: none"> • To determine the period of time that a teacher can choose to take the voluntary payout of Service Award in Section 15. • To establish the formula used to calculate the voluntary payout of Service Award in Section 15. • To provide definitions of words and expressions not defined in the Act. • To provide further definitions of words and expressions that are defined in the Act. • To do anything Cabinet feels is necessary to effectively carry out the purpose of the Act.

Schedule A – Amendments to Teachers' Professional Agreement

Article	Title	Comparison of Bill 75 to Tentative Agreements
5	Employer's Responsibilities	Same as Tentative Agreements 1, 2, and 3
6	Discrimination and Intimidation	Same as Tentative Agreements 1, 2, and 3
8	Printing and Distribution of the Agreement	Same as Tentative Agreements 2 and 3 except that current 8.02 is deleted. 8.02 denotes that the signed document is the document of reference when there are English and French versions of this Agreement. This legislation will be the document of reference.
9A	Professional Committee	Not included in any Tentative Agreement – The proposed language is the current language in the TPA
11	Duties of Teachers	Same as Tentative Agreements 1, 2, and 3
12	Teacher's Personal File	Same as Tentative Agreements 2 and 3
18	Teaching Experience	Same as Tentative Agreements 2 and 3

Article	Title	Comparison of Bill 75 to Tentative Agreements
25	School Year	Same as Tentative Agreements 2 and 3
26	Leave for Injury on Duty	Not included in any Tentative Agreement – the proposed language is housekeeping in nature and consistent with similar changes made in Tentative Agreements 2 and 3
27	Pregnancy Leave, Parental Leave, and Adoption Leave	Same as Tentative Agreements 1, 2, and 3
28	Compassionate Care Leave	Same as Tentative Agreements 1, 2, and 3
29	Leave for Birth of Child	Same as Tentative Agreements 2 and 3
32	Substitute Teachers	Same as Tentative Agreements 1 and 2
42	Grievance Procedure	Same as Tentative Agreements 2 and 3 with the modification of “the signing date of this Agreement” to “the coming into effect of this Agreement” to reflect that the Agreement is being legislated
43	Salary	Same as Tentative Agreements 1 and 2 This means the raises will be: <ul style="list-style-type: none"> • August 1, 2015 – 0% • August 1, 2016 – 0% • August 1, 2017 – 1% • August 1, 2018 – 1.5% • July 31, 2019 – 0.5%
49	Distance Education	Same as Tentative Agreements 2 and 3
58	Long Term Disability Insurance	Not included in any Tentative Agreement – modifications of “the signing date of this Agreement” to “the coming into effect of this Agreement” to reflect that the Agreement is being legislated
59	Marking and Preparation Time	Same as Tentative Agreement 2 with the modification of “the signing date of this Agreement” to “the coming into effect of this Agreement” to reflect that the Agreement is being legislated. This means that the only significant change to Marking and Preparation Time is that teachers who are required to fill in when a substitute is not hired will have the lost Marking and Preparation Time rescheduled within ten (10) days.
60	Professional Development Fund	Same as Tentative Agreements 2 and 3
61	Service Award/Death Benefit	Same as Tentative Agreements 1, 2, and 3
68A	Assessment	Same as Tentative Agreement 3
68B	Working Conditions	Same as Tentative Agreements 2 and 3

Article	Title	Comparison of Bill 75 to Tentative Agreements
68C	Council to Improve Classroom Conditions	Revision of Partnership on Systemic Working Conditions contained in Tentative Agreement 3 Notable changes from Tentative Agreement 3: <ul style="list-style-type: none"> • Only one representative of the NSTU • Although not in the Act, the Minister's remarks at the Bill Briefing indicated that the Department's representatives would include parents and students. • 9 teachers appointed collectively by the Superintendents • Four additional priority items identified <ul style="list-style-type: none"> ○ Student attendance policy(s) ○ Complex classrooms ○ Class sizes, all levels ○ Student discipline policy(s) • Recommendations on the five immediate priorities (data collection and reporting; assessment and evaluation; movement of pupil evaluation and classification days; student attendance policy; and technology and work processes, including PowerSchool and TIENET) to be made by April 28, 2017.
69	Duration and Termination	Same as Tentative Agreements 1, 2, and 3
LOU#4	Implementation Date	Same as Tentative Agreements 1, 2, and 3
LOU#5	Joint Committee	Same as Tentative Agreements 2 and 3
LOU#7	Marking and Preparation	Same as Tentative Agreements 1, 2, and 3
Schedule D	Salary	Same as Tentative Agreement 1 and 2
Schedule E	Administrative Allowance	Same as Tentative Agreement 1 and 2

Articles from Tentative Agreement 3 Not Included in Bill 75

Article	Title	Description
31	Other Absences	Two personal days of leave for teachers