

**Submission by NSTU President Liette Doucet
to the Law Amendments Committee
on Bill No. 72 - The Education Reform Act
March 5, 2017**

I am Liette Doucet, President of the Nova Scotia Teachers Union –I am here proudly representing all public school teachers, including teachers with administrative responsibilities. We are all teachers first.

I am here to ask the government to remove the provisions of Bill 72 that would:

- prohibit principals, vice-principals and administrators from belonging to the Nova Scotia Teachers Union and, in fact, from belonging to any union,
- strip collective agreement rights from them and prohibit them from collective bargaining,
- delete their Education Act right to a third-party adjudicator to request reinstatement if they have been suspended or discharged without just cause,
- delete their collective agreement right not to be demoted without just cause, and
- deprive them of any arbitration process to challenge employer actions.

These provisions of Bill 72 are not about providing supports for students, or improving public education. These provisions of Bill 72 are about government's disrespect for teachers, for the NSTU, and for unionized employees and unions in general. These provisions of Bill 72 are aimed at making administrators vulnerable –

- no union,
- no collective agreement,
- no binding arbitration procedure,
- no right to challenge discharges, suspensions or demotions for just cause, AND
- no right to request reinstatement.

Principals and VPs would not even have the minimum protections of the Labour Standards Code, which give employees just cause protection and the right to reinstatement after 10 years, because teachers are excluded from the Code.

What is this really about?

Is this about efficient administration? NO

Resolving a manufactured conflict of interest? NO

This is punishment, pure and simple, for the strong role that principals, vice-principals and administrators have played in the NSTU since its inception, up to and including the work to rule last year and the first province wide strike in the history of the NSTU. This is retribution, pure and simple.

Bill 72 strips principals, vice-principals and other administrators of employment protections that they have had for decades.

From the NSTU's beginnings in 1895, principals and vice-principals have been integral to the leadership and advancement of the NSTU and public education in Nova Scotia. They were involved in the creation of the NSTU, occupied the positions of president, executive director, and were elected members of the provincial executive. In the early decades, the main concerns of the NSTU were:

- (1) enhancing the qualifications required for teachers, as government standards for teachers were very low, in fact, substandard, and
- (2) preventing the practice of under-bidding, where a teacher could be displaced by another teacher offering to do the job for less.

The first professional association of the NSTU was the School Administrators Association, formed in 1961 and still active today.

It was in 1965 that the School Administrators Association requested that the NSTU insist on legislative measures that would provide job security for teachers: permanent and probationary contracts and Boards of Reference (now Boards of Appeal) for terminations.

Success was realized in 1969, when legislation was passed to provide for permanent and probationary contracts, and to allow permanent teachers to appeal terminations to a board of reference. All teachers, including principals, vice-principals and other administrators. (How ironic)

In 1975, teachers gained the right to bargain collectively on a provincial-basis, and the right to strike. 1975. All teachers, including administrators.

The first Teachers' Provincial Agreement was signed in 1975, covering all teachers. Including principals, vice-principals, and administrators, to have the protection, like every other teacher,

- of collective agreement provisions that define their work day,
- that define their days of work and their time off,
- that define their work load,
- that compensate them appropriately for their work load,
- that protect them from being demoted without just cause, AND
- that provided them with binding arbitration when the employer breached the collective agreement.

Administrators have had the protection of local collective agreements, since before 1975, that provide for things like

- sick leave, seniority and job transfer provisions.

These collective agreement protections, both regional and provincial have existed for decades

If Bill 72 is allowed to pass...the next date of note will be...2018.

In 2018 these collective agreement protections, both regional and provincial, after having existed for decades, disappear for administrators through legislation by the McNeil Liberal government under the guise of making public education better. This will be your legacy.

What does just cause mean?

It means fairness,
it means due process.

It means a right to be reinstated if you are terminated without just cause. It is the very basic benefit of belonging to a union. But in Nova Scotia, teachers right to just cause protection isn't in the collective agreement: it is in the Education Act itself. It is a right each individual teacher has. There is no reason to deprive administrators of their statutory right.

I wonder if Minister Churchill, in his cross-province discussions with administrators, told them that you would be depriving them

- of their job security,
- that you would be nullifying their long-standing right to access a Board of Appeal to reinstate them if

they've been discharged without just cause?

-That you would be depriving them of the right not to be demoted without just cause?

If Bill 72 passes, administrators will be at the mercy of the provincial government.

No doubt, the Province has told administrators: trust us.

Trust us? Trust us? When there is no trust to begin with...and just when there seemed to be a **chance of beginning to re-build trust. After all, we all want the same thing- DON'T WE? Better education for our students. Removing administrators does nothing to improve public education.**

If Bill 72 passes, this government can never be trusted again.

We can never trust, that once a collective agreement is reached, the government won't come back to force collective agreement amendments during the next legislative session.

We can never trust that a collective agreement – a contract – is worth any more than the paper it is written on. This government's strong-arm approach to unions and collective bargaining has the potential to destroy collective bargaining in this Province for the foreseeable future.

We are asking the government to show us it can be trusted.

That its word is worth something.

That the contracts it enters into are worth something.

That it respects teachers.

That it wants to provide teachers with job security and with protection from arbitrary action.

That it wants to begin repairing the relationship with teachers, including administrators, and with the teachers' union.

I ask, on behalf of all NSTU members, that you table the provisions of Bill 72 that punish administrators and the union.

Come to the bargaining table and talk to us about your concerns and let's work through them.

Don't use the legislative hammer again

-to force unfair and punitive concessions on the union,

-to destroy administrators' right to belong to a union and to have the benefit of a collective agreement,

AND

-to destroy their Education Act right not to be suspended or discharged without just cause.

Thank you.