

Bill 100

As with most new legislation, the seeds of *Bill 100* were sown long before it was introduced in the legislature in the spring of 1975. It formalized a maturity in the relationship between employers and teachers, which began a century before when individual men and women came forward, often with little formal education themselves, and agreed to do what they could to teach the children of their community in whatever room or building was available. Teachers had little security either in salary or in working conditions. Schools, and later boards, also had little recourse if a teacher left before the school year ended.

Relations between boards and teachers became formalized, first through individual contracts between the board and the teacher, and then through collective agreements negotiated by teacher associations. The latter began negotiating salaries for teachers as early as the 1920's,¹ and salary schedules were developed by the 1940's. The associations were not recognized by law as certified bargaining agents, however, and the "salary agreements" as they were called, had no legal status. In their early days, the associations served primarily as a forum for discussion and debate on teaching methodologies, encouraged their members to become better educated, and promoted the interests of the profession generally.

The forties in Ontario, as elsewhere in the country, saw the first seeds of a legislative framework for teacher collective bargaining. The requirement of boards to agree to minimum terms and conditions in an individual contract became law in 1943 with the amendment of the *Department of Education Act*. The Act provided the terms and conditions of employment between school boards and individual teachers: basically the length of time the teacher was to be employed and the salary that would be received. The statutory contract has continued substantially unchanged since then.

A year later, the formal recognition which had been accorded individual contracts was extended to collective agreements. The *Teaching Profession Act*, introduced in 1944, established the Ontario Teachers' Federation (OTF), recognized the right of its affiliates to bargain collectively for teachers, and accorded it the right to discipline members for breaches of professional ethics. Unlike most sectors, where unions had to undergo certification drives to enlist members, teachers were required by law to belong to an OTF affiliate and school boards were required to deduct teachers' dues at source.

This legislative framework, which governed collective bargaining for teachers until the introduction of *Bill 100* in 1975, had a number of inherent principles. The government appeared to recognize that teachers' associations or federations should be supported because they served the public interest in promoting the professionalism of teachers. Teachers had a right to negotiate with boards over salaries and to be protected from arbitrary dismissal. Boards had the right to determine matters such as staffing and class size.

Collective bargaining between teachers and boards proceeded in a relatively amicable fashion throughout the fifties and the early part of the sixties. Boards generally determined when negotiations would take place and what, beyond salaries, benefits and a limited range of working conditions, would be negotiated. The term *collective negotiations* was preferred to the more

combative *collective bargaining*. Most teachers saw themselves as professionals belonging to associations or federations, rather than *workers* who belonged to unions. Prior to 1970, there were no school closings due to an impasse in teacher-board negotiations.

As in most sectors in North America, militancy of teacher organizations grew in the late sixties. The economy had enjoyed unprecedented growth, demand for qualified teachers was high, and inflation was escalating. Changes in the education environment also played a role. In 1968, the *Hall Dennis Report* proposed a more humanistic approach to education placing new demands on teachers and higher expectations from parents. The role of the teacher seemed much broader and much less defined. In 1969, the Ontario government consolidated 1400 school boards to 77 public boards and 49 separate school boards. Subsequently, the number of school boards was increased to 166. The creation of these larger administrative units dramatically changed many of the comfortable and "informal" relationships that had previously existed. In 1973, the government increased the minimum qualifications of teachers to a university degree.

In the context of increased teacher demand, higher accreditation requirements, a less clearly defined role, and more formalized requirements from both the government and the newly consolidated school boards, teacher organizations put pressure on boards to negotiate a wide range of issues that were formerly within the exclusive purview of the boards, including class size and other conditions of employment.

Teacher federations were now using professional negotiators, increasing their bargaining effectiveness through carefully orchestrated communications strategies and extensive analysis of data and jurisprudence.

Pressure from teachers to expand the scope of bargaining and maintain the right to strike came to a head in the early seventies. Between 1972 and 1975 there were 28 strikes. In 1973, 8,000 teachers threatened to resign and backed demands with public demonstrations, advertisements in newspapers and lobbying of the legislature. A province-wide strike was held on December 18, 1973 to protest government plans to replace the right to strike with binding arbitration and maintain limits on the scope of bargaining. The government withdrew proposed legislation and began a year-long process of discussions and negotiations with teacher associations. The result was *Bill 100*, the *School Boards and Teachers Collective Negotiations Act*, introduced by the Honourable Thomas Wells in 1975.²

Bill 100 addressed a number of key and often controversial issues around school board and teacher collective bargaining. Unlike the umbrella legislation, governing collective bargaining in Ontario, the *Labour Relations Act*, *Bill 100* contains no certification or decertification procedures. Pre-existing units of the OTF continued to be legally recognized as the bargaining agents for teachers. Bargaining was placed at the local rather than the provincial level. Full scope bargaining was adopted as opposed to protecting formerly management prerogatives. Principals and vice-principals were included in the bargaining unit. A number of mandatory and voluntary dispute resolution mechanisms were put in place. Teachers had the right to strike and boards could lock-out after a strike began. The Act also established the Education Relations Commission to administer the Act and to compile statistical information on a wide range of matters relating to teacher-board negotiations.

