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THE ORIGIN AND DEVELOPMENT OF THE NEWFOUNDLAND TEACHER (COLLECTIVE BARGAINING) ACT 1973

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THE ORIGIN AND DEVELOPMENT OF THE NEWFOUNDLAND TEACHER (COLLECTIVE BARGAINING) ACT 1973

By

Basil Joseph Myers, B.A.(Ed)

©

A Thesis submitted in partial
Fulfillment of the Requirements for the
Degree of Master of Education

Faculty of Education
Memorial University of Newfoundland

1978

St. John's Newfoundland

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ABSTRACT

The purpose of this study is to describe the decision making process which led to the development of The Newfoundland Teacher (Collective Bargaining) Act, 1973.

To accomplish this purpose the writer interviewed executive members of the Denominational Education Committees, of the Newfoundland Teachers' Association, and of the Federation of School Board Associations of Newfoundland. Personnel from the Departments of Education, Finance, and Manpower and Industrial Relations were also interviewed. In addition, a thorough analysis was made of correspondence, documents and other pertinent information.

The model used in this study suggests that inputs in the form of demands and supports were converted by the political system into outputs or decisions.

The conversion process is conceived to be Ian E. Housego's formulation of the politics of interest groups. He stated that the pattern of policy development in education at the provincial level is typically that of the politics of interest groups; that is, that policy emerges from the interactions among the executives of the teachers' association, the trustees' association and the senior administrators of the department of education.

The research revealed that dominant roles in the formulation of the legislation were played by the Newfoundland Teachers' Association, the Federation of School Board Associations of Newfoundland and the Government of Newfoundland.

Three factors were found which affected the ultimate shape of the legislation.

First, the reorganization of the Newfoundland Teachers' Association allowed its president to apply his resources to Association business.

Secondly, the Federation of School Board Associations of Newfoundland was in its infancy and was experiencing internal organizational and administrative problems.

Thirdly, the unstable political situation in Newfoundland during this period helped the teachers to obtain their goal.

Collective bargaining legislation was passed unanimously by the members of the House of Assembly on May 1st, 1973. The teachers thus obtained a process through which they negotiate a collective agreement with their employers, an agreement which covers wages, working conditions and grievance procedures.

ACKNOWLEDGEMENTS

I wish to express my appreciation to The Roman Catholic School Board of Labrador for the sabbatical grant which enabled me to undertake this year of study; to the memory of the late Dr. K. Wallace, without whose encouragement this thesis would not have been; to Dr. J. Stapleton whose cirtical analysis and support enabled me to complete this work; and to my wife Edna for her patience and sacrifice.



CHAPTER I

INTRODUCTION

Teachers in all of Canada's ten provinces have statutory access to collective bargaining. Alberta, Quebec and Nova Scotia have a statutory right to strike. British Columbia, Manitoba and Prince Edward Island have access to binding arbitration. Saskatchewan, New Brunswick, Ontario and Newfoundland have the statutory right to strike or access to arbitration.[1]

In most instances this demand for collective bargaining legislation was initiated by employee groups. Before the demands resulted in legislation, many interested parties made inputs, including school boards, provincial cabinets and the legislatures. Each group can and usually did have significant influence on the form of the final legislation.

In the case of the Newfoundland legislation, consultations involved the teachers, a government committee (two members from the Department of Education and three members from the Treasury Board) and, at a later stage, the Federation of School Board Associations. On May 1st, 1973 a statute called "An Act to Provide for Collective Bargaining Respecting Teachers' Salaries and

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[1] The Canadian Education Association, Education Canada (Toronto, Ontario: Spring 1976), p.10.

Working Conditions" was passed by the Newfoundland Legislature. This Act gave Newfoundland teachers the legal right to bargain collectively with respect to salaries and a range of working conditions.

Since 1975 negotiations for a new collective agreement for the Newfoundland teachers have been conducted under this act. It is, therefore, important that teachers, administrators, school board members and the public possess knowledge of the negotiation process; that they understand the history, purposes and principles of the 1973 Act; and that they know the important factors that contributed to the passage of the law. This study is an attempt to fulfill those purposes.

LABOUR-MANAGEMENT RELATIONSHIPS

C. A. Good and Douglas E. Scates state in their book Methods of Research that "history does not exist in a vacuum".[2] If one wishes to study an event of the past he must know something about the subject matter which he plans to study. It is with this in mind that we move now to a review of collective bargaining legislation.

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[2]Carter V. Good and Douglas E. Scates, Methods of Research (New York: Appleton - Century - Crofts, Inc., 1954), p.179.

In 1920, S. and B. Webb wrote a history of the development of trade unionism from 1666 to 1920. Allan Flanders, in Collective Bargaining, presents their view of the process "as one of several methods used by trade unions to further their basic purpose of maintaining or improving the conditions of their members' working lives".[3] The Webbs saw collective bargaining as a process of collective action which replaced individual bargaining for working conditions. When compared to bargaining by individuals this apparently simple process gave workers more strength.

Other aspects of collective bargaining are stated by Flanders:

> it is primarily a political institution because of two features...that it is a rule making process and involves a power relationship between organizations.[4]

A workers' manual of the International Labour Office says that collective bargaining

> ...may be defined as negotiations about working conditions and terms of employment between an employer, a group of employers, or one or more employers' organizations, on the one hand, and one or more representative workers' organizations on the other, with a view to reaching agreement.[5]

If an agreement is not reached, the negotiations are still considered to be collective bargaining, as long as both sides make valid efforts to reach an agreement.

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[3]Allan Flanders, Collective Bargaining (Baltimore: Penguin Books Ltd., 1969), p.11.

[4]Ibid., p.19.

[5]Author unknown, Collective Bargaining (Geneva: La Tribune de Geneve, 1960), p.3.

Lightenberg developed a similar but more complete definition of collective bargaining:

> Collective bargaining may be defined as negotiations about working conditions between an employer and an organization of employees with a view to reaching an agreement. The collective part of the term is usually viewed as the workers organized in some kind of association, the purpose of which is to seek for its members better wages and working conditions. The bargaining part is looked upon as the procedure sought to be followed by the workers' group in seeking its end.[6]

The above views of collective bargaining are taken from the profit-oriented world. A comparatively recent phenomenon has been the emergence of collective bargaining in the public sector. In Canada this happened in 1967, when the Federal Government passed the Public Service Staff Relations Act.

> This act established for employees of the Canadian Federal Government a system of collective bargaining which in all essential respects parallels that prevailing in the private sector; exclusive representation rights for unions selected by a majority of employees in a bargaining unit; prohibition of employer unfair practices; an obligation to bargain in good faith; a right to strike which is inhibited only slightly by considerations of national safety or security; and binding collective agreements which are enforceable through arbitration.[7]

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[6] John Lightenberg and Robert G. Andree, Collective Bargaining in Public Schools (Chicago: American Federation of Teachers Educational Foundation, Inc., 1966), p.3.

[7] H.W. Arthurs, Collective Bargaining by Public Employees in Canada: Five Models (Ann Arbor: Institute of Labour and Industrial Relations, 1971), p.19.

Teachers are part of the public sector, but of course, since education is a provincial responsibility, they were not affected by the passage of the 1967 Federal Act. Like their counterparts in the United States, teachers in the Canadian provinces sought collective bargaining rights.

Canadian teachers were undoubtedly affected by the debate between two groups of American teachers concerning the question of professional negotiation. The question of professional negotiations became a prominent issue.

During the 1960's the National Education Association (NEA), favored the professional negotiation approach. This approach would place administration of the process under a state department of Education, and remove teachers from the precedents set by labour. Lieberman and Moskow defined professional negotiation as:

> A term developed by the NEA referring to a set of procedures, written and officially adopted by the local association and the school board to negotiate on matters of mutual concern to reach agreement on these matters and to establish educational channels for mediation and appeal in the event of an impasse.[8]

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[8] Myron Lieberman and Michael H. Moskow, Collective Negotiations for Teachers: An Approach to School Administration (Chicago: Rand McNally and Company, 1966, p. 426.

The other major U.S.A. education organization, the American Federation of Teachers (AFT), favours the collective bargaining approach as used in the private sector. This approach would place administration of the process under Federal Department of Labour, and precendent set by labour would apply to the process.

The NEA is a "professional" oriented organization, which recruits all educators regardless of position and includes in its membership trustees and high-ranking government officials. The AFT is union oriented and recruits only classroom teachers. In a book published after several years of study of collective bargaining in United States schools, Perry and Wildman drew the following comparison:

> A number of National Education Association local and state affiliates manifest a deep-seated analytical or philosophical ambivalence and uncertainty regarding the applicability to schools of the basic assumptions of conflict and power which form in essence the theoretical and practical underpinning of collective bargaining. They are not so sure about the inevitable inherency, nature, and depth of conflict in the schools, are somewhat uncomfortable using the rhetoric of power and opposed interests to discuss the relationship of one segment of the educational fraternity vis-a-vis another, and are instinctively wary of collective bargaining as a suitable method of structuring the leader - led relationship within a school system.[9]

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[9] Charles R. Perry and Wesley A. Wildman, The Impact of Negotiations in Public Education: The Evidence from the Schools (Worthington, Ohio: Charles A. Jones Publishing Company, 1970), pp. 15-16.

Three different NEA orientations were noted by these authors:

(1) Some NEA state affiliates have the view that adversary procedures which employ any significant number of the key elements of industrial bargaining and which assume the existence of conflict are not appropriate for most school systems.

(2) A less mild orientation is exemplified by some state affiliates which will speak of the united profession, common interests, and the promotion of cooperation, and eschew the rhetorics of conflict and power, yet support passage of legislation considerably more rigorous and detailed than 'professional negotiations' statutes.

(3) A third recognizable stance within the NEA family - one perhaps not of willing espousal initially but of adaptation to circumstances - is illustrated by the ability of the Wisconsin and Michigan Education Associations to utilize and compete successfully under their states' laws which provide features of industrial collective bargaining to the public sector, including school districts.[10]

The position of the American Federation of Teachers is quite uniform and easier to characterize.

The AFT accepts the existence of significant conflict in the schools, declares the need of teachers for power to wield in that conflict, and sees collective bargaining on the industrial model as the appropriate means of gaining the power and handling the conflict.[11]

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[10] Ibid. pp.16-17.

[11] Ibid. p.18.

Although the philosophies of these two groups differ, the collective bargaining methods which they use, and the agreements which result from the bargaining are very similar.

Hawkes makes this comment on the situation:

> While the semantics of the terms may be interesting from a theoretical viewpoint, in actual practice both organizations have used the others' tactics as the local situation dictates.[12]

Shils and Whittier state that the difference between the two approaches is more in semantics than in fact,[13] Stinnett says that professional negotiation is quite similar to and perhaps only semantically different from collective bargaining.[14]

Many writers prefer to use the term collective negotiations in place of "collective bargaining" and "professional negotiations". Lieberman and Moskow give this formal definition of collective negotiations:

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[12]Paul E. Hawkes, "Collective Bargaining by Canadian Teachers: An Analysis of the Issues" (unpublished Master's thesis, University of New Brunswick, 1969), p.5.

[13]Edward B. Shils and C. Taylor Whittier, Teachers, Administrators and Collective Bargaining (New York: Thomas Y. Cromwell Company, 1968), p.125.

[14]Timothy M. Stinnett, Jack Deinmann and Martha Ware, Professional Negotiations in Public Education (New York: The MacMillan Company, 1966), pp.15-16.

> Collective negotiations (also collective bargaining, professional negotiations): a process whereby employees as a group and their employers make offers and counter offers in good faith on the condition of their employment relationship for the purpose of reaching a mutually acceptable agreement, and the execution of a written document incorporating any such agreement if requested by either party. Also, a process whereby a representative of the employees and their employer jointly determine their conditions of employment.[15]

A commission of inquiry set up by the New York City Board of Education to study the form, procedures and eligibility of organizations to act as representatives for teacher organizations used this definition of collective bargaining:

> ...collective bargaining is a way of arriving at decisions about the terms and conditions of employment. The objective is an agreement between representatives of the employees and those charged with managerial responsibility. Collective bargaining is thus a negotiating and agreement making process and not merely an opportunity to be heard or not heard.[16]

The two preceding definitions form the conception of collective bargaining used in this study. The late 1960's and early 1970's saw a rise in the desire for collective bargaining by many groups which previously did not have formal bargaining rights. The NEA, AFT, and the Federal Public Service were just three of them. About this time the Newfoundland Teachers' Association, as a result of many factors, which included a rise in the educational level of teachers, more men entering the profession, and

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[15] Lieberman and Moskow, op.cit., p.428.

[16] Hawkes, op.cit., p.6.

the 1971 strike, found itself moving towards seeking formal collective bargaining rights. The fact that groups such as the Federal Public Service were successful in obtaining this right must have encouraged people like teachers in their search for a formal agreement making process. Also, in this researcher's opinion, the fact that public servants and other such groups were obtaining collective bargaining rights reflected a more lenient attitude towards collective bargaining. So, teachers in Newfoundland moved with the times.

ATTITUDES TOWARD COLLECTIVE BARGAINING

Although the collective bargaining procedures may be spelled out in law, different approaches may be adopted by different parties to the relationship. These approaches or orientations have been characterized by Lieberman and Moskow as follows:

(1) economic, or marketing arrangements;

(2) professional arrangements;

(3) problem-solving arrangements.[17]

The market arrangement puts forward a pure economic relationship. The worker performs a service, for which he is paid. The manager and the worker both use market forces to gain a strong bargaining position.

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[17]Lieberman and Moskow, op.cit., pp.7-10.

> Under this agreement, bargaining is not continuous, communications are meagre, and the relationships between teacher and administrators are indeed strained.[18]

The professional arrangement stresses cooperation between the worker and manager (teacher and administrator) in areas where the worker has concern and expertise. This approach expands the worker's concern from the economic into the decision-making process at a low level. In the field of education, when this attitude is adopted, ground rules are sought during bargaining sessions. The school administrators and teachers work cooperatively within these rules in areas in which teachers have expertise. When this approach is used communication between the teacher and administrator can be constant and two-way.

The problem-solving arrangement goes beyond the economic and professional relationships. It involves the worker and manager, at a high level in decision-making regarding the total working environment. In education, this arrangement would have the problems of a school worked out between the teachers and administrators. Such an attitude involves continuous communication and bargaining. It demands a healthy professional relationship between manager and worker.

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[18] Thomas P. Gilroy, Anthony V. Sinicropi, Franklin D. Stone and Theodore R. Urich, Educator's Guide to Collective Negotiations (Columbus: Charles E. Merrill Publishing Company, 1969), p.28.

NEWFOUNDLAND COLLECTIVE BARGAINING

The development of The Newfoundland Teacher (Collective Bargaining) Act, 1973 is the prime interest of this study. The Act is similar to other labour legislation. It consists of the following major sections: (1) definitions; (2) certification procedures; (3) negotiation processes; and (4) penalties.

The certification section contains two sections of some interest. The Newfoundland Teachers' Association is to be the first bargaining agent for teachers.[19] Usually in labour legislation the bargaining agent is not named. The second point of interest is Section 5 (4) which permits people employed by schools operated or supported by companies in Labrador to form a separate unit. This is an exception to the principle of one level bargaining that is embodied in the Act.

Negotiations which are held under this Act must be between representatives of the teachers and a school board committee consisting of four school board representatives and three government representatives. One of the government representatives will be the chief negotiator.[20]

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[19]Section 10, The Newfoundland Teacher (Collective Bargaining) Act, 1973.

[20]Section 11, The Newfoundland Teacher (Collective Bargaining) Act, 1973.

The negotiation process makes provision for provincial bargaining, if necessary, followed by conciliation officers, conciliation board, and arbitration, if both parties agree. The Act does not state that teachers have the right to strike, but does not forbid it.[21]

Persons and organizations can be prosecuted under this Act. The penalty is not to exceed two hundred dollars against a natural person and not to exceed one thousand dollars in any other case.

There are several aspects of the Act which differ from usual labour legislation. Some of these aspects are:

(1) the Act excludes a group of teachers (those employed in schools operated or supported by companies in Labrador) from the main bargaining unit (Section 5 (4));

(2) it designates an organization (The Newfoundland Teachers' Association) as the first bargaining agent for all Newfoundland teachers (Section 10);

(3) the Act states that the chief negotiator is to make the sole and final decision on proposals negotiated where the direct or indirect expenditure of public money is involved (Section 12 (3));

(4) at present the Act does not give teachers the right to strike if the Government fails to appoint a conciliation board.

---

[21] Section 31, The Newfoundland Teacher (Collective Bargaining) Act, 1973.

THE PROBLEM

The purpose of this study is to trace the origin and development of The Newfoundland Teacher (Collective Bargaining) Act, 1973. While this study includes an attempt to identify and analyze the input of all pertinent groups and forces which led to the development of the Act, special emphasis is given to the role of the Newfoundland Teachers' Association.

LIMITATIONS

A study of this type has many limitations. First, the problem of subjectivity of response had to be dealt with because much evidence for the study was acquired from interviews with persons directly connected with the issue. Secondly, the interpretation of documents and interviews was subject to a degree of error. Also, since many of the events occurred two or more years ago, the material acquired by interview had to be recalled by the interviewer; this raised the question of the extent and accuracy of the person's recall. Thirdly, this is a study of one event; as a result the degree to which any conclusions could be generalized is limited. Fourthly, several key people have died in the interval; as a result the study suffers from the weakness of not having their comments on the event.

DELIMITATIONS

There are three delimitations of this study. First, it is a study of the development of collective bargaining legislation in Newfoundland with respect to teachers. Secondly, the time period covered by the study is from the mid 1960's to 1974. Thirdly, the study did not address itself to the question of whether or not Newfoundland teachers should be granted collective bargaining rights. In the budget speech of 1971 former Premier Smallwood had committed his administration to granting some form of collective bargaining to teachers and other groups, and his successor Premier Moores came to power committed to granting collective bargaining rights to teachers. In this study the emphasis was on the process.

SIGNIFICANCE OF THE STUDY

In the spring of 1973 the Newfoundland Teachers' Association announced the successful conclusion of negotiations for a collective agreement for its members with the Newfoundland Government. While this agreement was being ratified by teachers the legislature passed an Act which gave teachers the legal right to collective bargaining.

This study was conducted in the field of teacher collective bargaining in Newfoundland. Some of the reasons leading to the choice of the topic were: (1) it is a timely topic; (2) it affects the conditions in which teachers perform their jobs, and therefore the quality of their work could be affected; (3) few people, in the researcher's opinion, have a knowledge of The Teacher (Collective Bargaining) Act, 1973, the Act which granted teachers in Newfoundland the right to bargain collectively; (4) very little, if anything, has been written about the effects of collective bargaining for teachers, on the education system in this province; and, finally, (5) no research (except some done by the Newfoundland Teachers' Association prior to passage of the Act) has been carried out on collective bargaining for teachers in Newfoundland.

FUNDAMENTAL ASSUMPTIONS

This study is based on the following assumptions:

(1) that most of the significant influences were identified;

(2) that most of the significant persons and groups who influenced the situation were identified;

(3) that most of the significant documents were available to the researcher;

(4) that information provided in personal interview was valid; and

(5) that the various organizations involved represented the views of their members.

CHAPTER II

CONCEPTUAL FRAMEWORK

The purpose of this study is to trace the origin and development of The Newfoundland Teacher (Collective Bargaining) Act, 1973, by describing the process of decision making at the group level.

It is hypothesized that as a result of social, economic and other demands within the environment a perception formed within the Newfoundland Teachers' Association that legal collective bargaining rights for association members would be beneficial to teachers and to education in Newfoundland. The Association approached the Minister of Education with proposed legislation. As a result, the Cabinet of Newfoundland appointed a committee, the Collective Bargaining Committee, consisting of two members from the Department of Education and three members from the Treasury Board to deal with the proposal.

The model which this researcher used to describe this process is illustrated in figure 1. The model consists of four components: (1) the environment which is made up in part by forces and groups; (2) inputs in the form of supports and demands which can arise either in the system or from the environment;

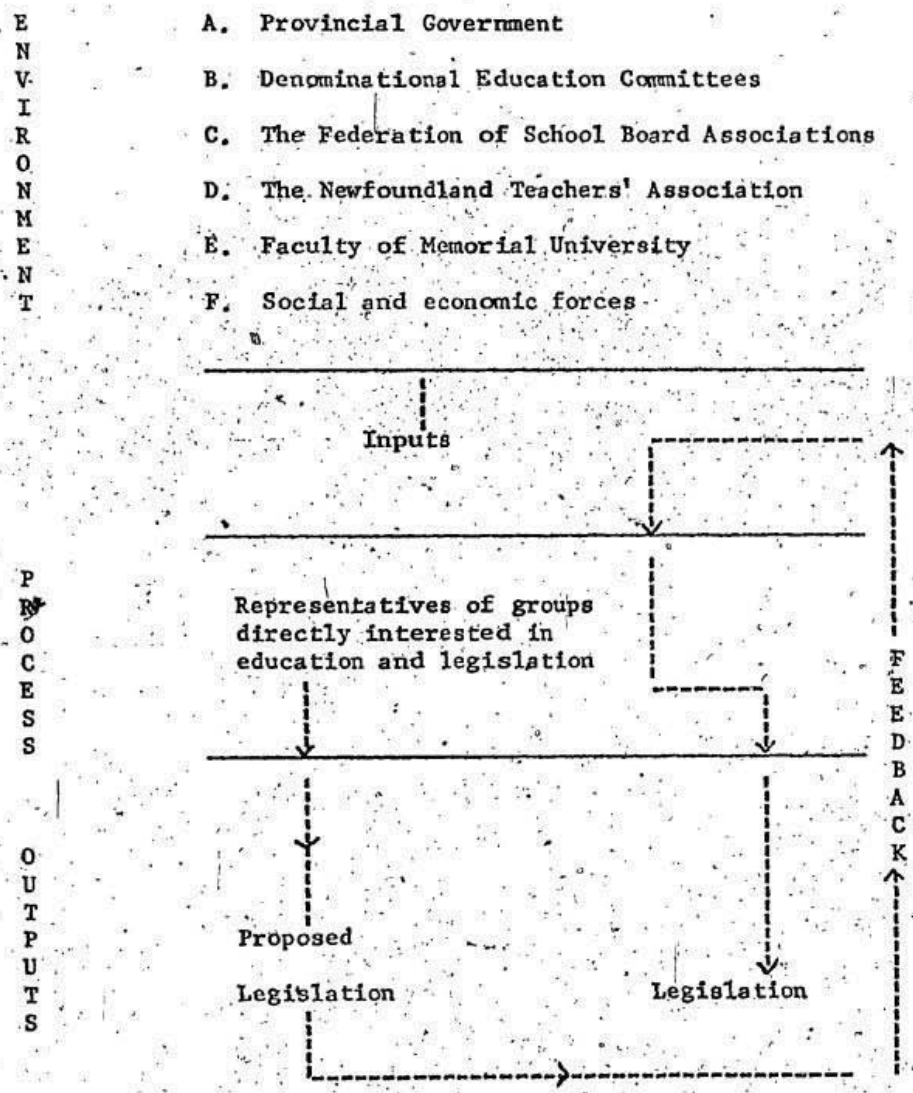

Figure 1

Conceptual Framework

(3) the conversion process, which is where and how inputs are changed into decisions and actions; (4) the outputs which are the decisions and actions resulting from the conversion process. "Inputs can serve as summary variables that concentrate and reflect everything in the environment which is relevant to political stress."[1]

The conversion process is conceived to be Ian E. Housego's formulation of the politics of interest groups.

Housego suggests "that policy develops as a result of the interplay of interest groups".[2] This is possible because "organized groups represent a concentration of resources of various kinds toward the realization of political influence".[3]

It is the contention of this study that the development of the collective bargaining legislation was a result of the politics of interest groups.

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[1]David Easton, A Framework for Political Analysis (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1965), p.113.

[2]Ian E. Housego, Pluralist Politics and Education Decision-Making in School Boards and the Political Fact, Edited.

[3]Harmon Zeigler, Interest Groups in American Society (Englewood Cliffs, N. J.: Prentice-Hall, 1963), p.32.

Housego comments further on this contention:

> ...that the influence system that gives rise to policy is made up of a limited, select number of interest groups. On major province-wide policy issues, settlement rests on the conflict and compromise of a limited number of interest groups - typically the executives of the provincial teachers' and trustees' associations and the senior administrators within the department of education. Depending upon the nature of the issue being settled, representatives from other groups, associations, or organizations may be involved.[4]

It is a further contention of this study that the final form of the teacher collective bargaining legislation resulted from the interactions of a small group of people representing groups with a direct interest in education.

The outcome of the conversion process was proposed legislation, which was presented to the interested groups by their committees. Feedback was provided by the interested groups. This feedback is represented in Diagram 1 by a broken line. Eventually proposed legislation which was acceptable to all parties was produced in the process stage. The Cabinet presented it to the Legislature in the form of a bill in May 1973. The Bill was passed unanimously and became The Newfoundland Teacher (Collective Bargaining) Act, 1973.

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[4] Housego, op.cit., p. 19.

CHAPTER III

RESEARCH METHOD

The heart of teacher collective bargaining is the Act under which it operates. As stated elsewhere, the development of The Newfoundland Teacher (Collective Bargaining) Act, 1973 is the focus of this paper.

This document came into being in May of 1973. In order to study its development, documentary research, supplemented with personal interviews, was used.

Hillway, in Handbook of Educational Research, states:

> When studying events and conditions of the past, or when interpreting educational documents, the investigator must find some method other than the survey or experiment. The survey has little applicability to studies of anything not related to a current situation, and the experiment requires manipulation and control of conditions - an obvious impossibility when an event has already occurred.[1]

The researcher turns, then, to documentary research. In Introduction to Research the same author makes the following statement concerning the use of documentary research:

> We study the records of the past and present, first, to understand them; second, to discover facts from this; third (if they are human records), to learn something of their authors, or originators; and finally, to make generalizations (hypotheses or conclusions) about them.[2]

---

[1] Tyrus Hillway, Handbook of Educational Research (Boston: Houghton Mifflin Company, 1969), p.43.

[2] Tyrus Hillway, Introduction to Research (Boston: Houghton Mifflin Company, 1964), p.142.

These goals are the ones which this study hopes to achieve.

The history of a systematic approach to problem solving contains two important methods of reasoning, deductive and inductive. Ary, Jacobs and Razavich, in their Introduction to Research in Education, make the following statement concerning deductive reasoning:

> Aristotle and his followers introduced the use of deductive reasoning, which can be described as a thinking process in which one proceeds from general to specific statements using prescribed rules of logic. It is a system of organizing known facts in order to reach a conclusion. This is done through a series of statements called a syllogism-, containing (a) the major premise, (b) the minor premise, (c) the conclusion. An example of syllogistic reasoning is as follows: (a) all men are mortal (major premise), (b) the emperor is a man (minor premise), (c) the emperor is mortal (conclusion).[3]

Deductive reasoning is logical and organized. If the original premises are true, the conclusion must also be true. If the original premises are false, the conclusion must also be false. This presents a problem to those who wish to use the method to make scientific discoveries: how does one know that the original premises are true? This handicap retarded the use of deduction in science but did not make it a useless tool by any means.

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[3]Donald Ary, L. C. Jacobs, and A. Razavich, Introduction to Research in Education (New York: Holt, Rinehart and Winston, Inc., 1972), pp.5-6.

Ary et al. state:

> It (deductive reasoning) provides a means for linking theory and observation. It enables researchers to deduce from existing theory, what phenomena should be observed. Deductions from theory can provide hypotheses, which are a vital part of scientific enquiry.[4]

Deductive reasoning continued to be the main type of reasoning used by thinking men until Francis Bacon (1561 - 1626) raised an idea that could overcome the weakness of the deductive method. Ary et al. define this new method in the following way:

> In Bacon's system, observations were made on particular events in a class, and then, on the basis of the observed events, inferences were made about the whole class. This is known as inductive reasoning.[5]

This distinction between the two methods can be seen in the following example:

1. Deductive: Every mammal has lungs. All rabbits are mammals. Therefore, every rabbit has lungs.

2. Inductive: Every rabbit that has ever been observed has lungs. Therefore, every rabbit has lungs.[6]

In the first method the premises must be known and true before true conclusions can be made. In the second method conclusions are made by observing examples of populations and generalizing to the whole population.

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[4] Ibid.

[5] Ibid., p.7.

[6] Ibid.

This method of research has one major weakness. In order to know with certainty that a conclusion is true one would have to observe all the examples of a population, past, present, and future. This task is beyond human capabilities at present.

Many major changes have been made in research since Bacon's time. One has been the combining of these two methods of research to form the scientific method. This method includes the second change, the development of mathematical formulae to predict the accuracy with which conclusions reached by studying a selected sample, can be applied to the general population.

The scientific method consists of five steps: (1) definition of the problem, (2) statement of the hypothesis, (3) deductive reasoning, (4) collection and analysis of data, (5) confirming or rejecting the hypothesis.

Social scientists and those conducting studies in the social science field have had difficulty applying the scientific method to their research. The most difficult problem is control of variables. Research in the area of social science involves research of human behavior. The human being is so complex that a precise control of variables in an experimental situation is almost impossible.

In spite of this handicap, methods have been developed, proven reliable and used to conduct research. One such method is documentary research.

Documentary, or historic, research has many characteristics in common with scientific research. Max D. Engelhart, in his book Methods of Educational Research, quotes Prof. Shotwell of Columbia University on the subject:

> ...it involves two distinct operations, one of which, investigation is in the field of science, while the other, the literary presentation, is in the field of art.[7]

Engelhart writes further on the topic:

> The scientific or investigatory aspects of historical research include (1) the defining of the problem, or limiting of the scope of an inquiry; (2) the search for sources and the evaluations of their authenticity (external criticism); (3) the evaluation of the relevance, meaning, and dependability of the data obtained from the sources (internal criticisms); (4) organization of data to secure an appropriate sequence which will reveal relationships; and (5) the formulation and testing of hypotheses resulting in generalizations which are accepted until disconfirmed.[8]

Documentary research then is a scientific method of conducting research because it uses scientific methodology. Its major weakness is that it lacks mathematical predictability. Since a researcher is studying one event which occurred only one time,

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[7]Max D. Engelhart, Methods of Educational Research (Chicago: Rand McNally and Company, 1972), p.451.

[8]Ibid.

he cannot predict that given the same circumstances, the same results will occur. This is because of the presence of so many variables which are not known and which cannot be controlled.

The information collected by this scientific method is useful in helping us document the methods, procedures, and attitudes of people who participated in events of the past. This information will help us better understand the past and can serve as a guide to people in similar situations in the future.

METHOD OF DATA COLLECTION

Much of the relevant data for this study came from a compilation and review of pertinent documents and correspondence of the parties involved in the development of collective bargaining for teachers. Interviews with persons who represented the interested parties supplemented the data gained from the document, correspondence research.

"The interview...is unique in that it involves the collection of data through direct verbal interaction between individuals."[9] Interaction is the source of the advantages and disadvantages of this method.

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[9] Walter R. Borg and Mercedes D. Gall, Education Research (New York: David McKay Company, Inc., 1971), p.211.

There are three advantages of the interview method of procuring information. First, it is adaptable. It provides immediate feedback and gives the interviewer an opportunity to obtain more information or greater clarity. Secondly, it provides greater depth than other methods of obtaining data. If the interviewer is patient and can maintain a good rapport with his subject he can gain an insight into the opinions and feeling of the respondent which other research methods cannot provide. Thirdly, it provides the interviewer an opportunity to obtain information from those directly involved in an event. Distortion of the facts is then minimized.

One disadvantage of the interview method results from the fact that there is a great deal of knowledge of the method that must be gained and mastered before one can use the instrument. Mastering this knowledge requires more of the researcher's time than do other research methods. The greatest disadvantage of the interview technique arises from its adaptability. It is very easy for the interviewer to bias his questions to prove a point he wishes to make. Antagonism can arise between the interviewer and the respondent. The respondent may be too eager to please the interviewer and provide him with the information he thinks will please rather than the facts. Finally when an interview is being analysed it is extremely easy for the interviewer to bias his interpretations of answers given by the respondent.

The interview instrument for this study was developed in two parts. The first section consisted of questions resulting from the development of the conceptual framework of this study. The second section consisted of questions arising from a study of the documents and correspondence studied by the researcher. Twelve interviews were conducted using the interview instrument.

The information gained from the above research was analysed by the researcher. First, all the material collected was reviewed and a time line of the events was constructed. Second, a time sequence for each organization found to have participated in the development of the legislation was drawn. Third, the role of the people who represented those organizations was analysed from information on the taped interviews. Finally, an attempt was made to cross-reference the documents with the information on the tapes to check their accuracy. The interviews themselves were also cross-referenced with each other.

EXTERNAL AND INTERNAL CRITICISM

The researcher was permitted to examine the files which pertained to the development of collective bargaining for teachers of (1) the Newfoundland Teachers' Association, (2) the Federation of School Board Associations, (3) the Collective Bargaining Unit

of Treasury Board of the Newfoundland Government,[10] and (4) the Denominational Education Committees. These files contained original letters and documents which were verified to be so by the signatures or initials they bore.

There were no minutes taken of the meetings between the Collective Bargaining Committee and the other groups who participated in the development of the teacher collective bargaining legislation. Each group did make notes on points which at the time were important to them. These notes were obtained from the people who made them and the researcher was permitted to make copies for his file.

In each case where the researcher was given access to files, a person who had participated in the original discussions was present to answer questions and to explain the meaning and significance of the various items in the files. The explanations, significance or meaning of each item were verified by cross-referencing with same item as explained by spokesmen from the other groups. The signed or initialed documents were used to

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[10] The researcher was refused access to the file of the Department of Education, by the Deputy Minister. His reason was that the files of that Department did not contain any pertinent documentation regarding the development of teacher collective bargaining.

check the validity of the information provided in the interviews. The personal notes taken at the original meeting were explained by the people who made them. These people, also, willingly answered any questions that were posed by the researcher.

Based on the above information the degree of confidence the researcher has in the external and internal criticism of the documents is very high.

CHAPTER IV

BACKGROUND TO THE PROBLEM

May 1st, 1973 was the day on which The Newfoundland Teacher (Collective Bargaining) Act, 1973 became law. This Act represents a change in the procedure used to establish wage and working condition for teachers in Newfoundland. Prior to the introduction of collective bargaining the Newfoundland Teachers' Association presented requests to the Minister of Education and later to a cabinet committee for an increase in teachers' salaries. It had to wait for the government reply which then had to be accepted. Now the provincial administration must negotiate with the teachers on a regular basis for wages as well as working conditions. The Federation of School Board Associations of Newfoundland has representation on the Government side of the negotiating table.

Collective bargaining permits Newfoundland teachers, as a group, to discuss working conditions with their employers. Collective bargaining, also, has the potential of changing the attitudes of teachers. It puts them in a position where they can view their relationship with the school board and school administrators either as a manager-worker relationship or as a professional relationship.

In view of the potential and actual effects of collective bargaining it would be of value to know more about the organizations which were involved in the formation of the Act which permitted Newfoundland teachers to bargain collectively. That is the aim of this chapter.

THE NEWFOUNDLAND TEACHERS' ASSOCIATION

The Newfoundland Teachers' Association was founded in 1890 as "...an association which would lay emphasis on teacher welfare and protection."[1] In 1898, it was revitalized for a short period of time as an Institute, which was a type of organization common in Great Britain at the time, having as its prime objective the raising of educational standards, and being controlled by superintendents of education and the employers of teachers. This attempt to revitalize the association failed when teachers "...refused to accept a clause in the constitution which would have extended honorary membership to people other than teachers."[2]

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[1] Harry A. Cuff, "The Newfoundland Teachers' Association 1890-1930: its Founding and its Establishment as a Stable, Influential and Permanent Professional Organization" (unpublished Master's thesis, Memorial University of Newfoundland, 1971), abstract.

[2] Ibid.

The association was revived again in 1908. Cuff states: "when the NTA was revived in 1908, the privilege of honorary membership was extended to Superintendents of Education, and the association pursued a concurrent policy of protective and professional objectives."[3] The NTA Journal was established on a permanent basis at this time. Resting on this foundation, the NTA began its process of growth.

By the 1960's the NTA had become a provincial organization. Regular membership included superintendents, supervisors and principals. Regular annual conventions were held, and the organization was in the process of building modern new headquarters. It continued to follow a policy which stressed both teacher welfare and professionalism.

There were several major problems facing the association during this period. One of these problems was the NTA's relationship with the government. This problem became more apparent each time the teachers sought an increase in salary. In Newfoundland virtually all teachers' salaries, except for a small group of teachers working in private schools in Labrador, were paid by the provincial government. Teachers received an increase in

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[3] Ibid.

salary in one of two ways. The Cabinet of the Provincial Government granted the teachers a raise in pay or the executive of the Newfoundland Teachers' Association informed the Minister of Education that teachers needed an increase.

In 1957 and 1958, when the Honourable F. W. Rowe was Minister of Education, the government gave the teachers successive increases of ten percent. In these years the government decided how the increased allocation in the salary bill should be distributed to the teachers: the existing salary scale would be upgraded by a percentage, so that the structure of the scale would not change.[4] When the 1962 increase came, its main feature was the addition of three new salary classifications for teachers with advanced qualifications. The announcement of these additional classifications came during the Budget Speech and followed a series of consultations between the Department of Education officials and the officers of the NTA.[5]

In 1966 the Association's control over the nature of salaries for its members nearly attained the highest possible peak. In an attempt to attract more and better qualified teachers the NTA presented a completely new salary scale to the Cabinet Liaison Committee of the government (a committee which had been set up

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[4] In an interview, July 9th, 1974, W.O'Driscoll stated that the ten percent increase granted in 1958 came as a complete surprise to the NTA officers, when it was announced in the Budget Speech.

[5] O'Driscoll, July 9th, 1974.

at about that time to communicate with the NTA). The scale was based on years of experience and training. It paid proportionately more to better qualified teachers, and represented a raise in salary for all teachers. The government accepted the NTA's right to determine the relative size of its members' salaries, for although it granted a smaller overall increase than was requested by reducing each category by 10%, it altered the figures only by amounts to make the yearly salaries easily divisible by twelve. The new scale came fully into effect in 1967. Although some branches expressed displeasure with the scale, it was generally accepted by the membership.[6]

In late 1969, the Newfoundland Teachers' Association prepared a request for an increase which was to be spread over two years to become effective in April 1970. The government's reactions to this request were to have wide ranging effects on the Newfoundland educational system. Apparently on the advice of the Minister of Education, Honourable F. W. Rowe, the government decision was to alter the structure of the salary scale as proposed by the Association, in addition to reducing the amount of increase requested.[7]

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[6] Ibid.

[7] Interview with G. Pike, June 27th, 1974. He was first full-time president of the Newfoundland Teachers' Association.

Mr. Gilbert Pike, the first full-time president of the Association, described the relationship with government during the 1960's in an interview:. "The relationship was very loose; government officials met with us as sort of a 'gentlemen's agreement' which worked well until a dispute or disagreement arose. Then what did you do? There was no method of really pursuing objectives."[8]

The NTA was now, however, beginning to have a louder voice in determining the amount as well as the nature of salary increases for teachers.

THE DENOMINATIONAL EDUCATION COMMITTEES

Historically, education in Newfoundland has been the particular concern of the religious denominations. The terms of the union between Canada and Newfoundland guarantee the rights of the recognized churches in the field of education.

Prior to 1968, the Department of Education was organized along religious lines. On December 2nd, 1964 Premier Joseph R. Smallwood appointed a Royal Commission to make a thorough study of the Newfoundland educational scene. This Commission was chaired by Dr. P. J. Warren of Memorial University.

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[8] Interview with Mr. Gilbert Pike, first full-time president of the Newfoundland Teachers' Association, June 27th, 1974.

Many of the recommendations of the Commission were implemented in 1968. One of the recommendations was that the Department of Education be reorganized along functional lines. The churches' strong objection to this recommendation resulted in the formation of the Denominational Education Committees. Their role is to protect the interests of the denominations in the field of education by making recommendations to the Lieutenant-Governor in Council concerning:

(1) the establishment and alteration of boundaries of school districts;

(2) the selection and appointment of members of School Boards;

(3) the dissolution of School Boards;

(4) the development and administration of religious education programs; and

(5) the selection, training, indenturing and initial certification of teachers.[9]

Capital grants, which the Provincial Government makes available to the school boards, are channelled through the Denominational Education Committees. As the 1960's drew to a close the committees were just beginning to function in this role.

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[9] The Department of Education Act, 1968, Section 17.

THE FEDERATION OF SCHOOL BOARD ASSOCIATIONS

The Federation of School Board Associations of Newfoundland came into being, in its present form, in 1970. Prior to that date the school boards of the province were loosely represented by two associations. The Amalgamated School Board Association represented those school boards which operated schools for Protestant children of all denominations. The Roman Catholic School Board Association represented the Roman Catholic boards. The remainder of the boards were not represented by an organization. After the reorganization of the Department of Education along functional lines in the late 1960's the Amalgamated Association became the Integrated Association and assumed responsibility for representing a larger number of non-Roman Catholic school boards.

The present federation, which is a federation of all school boards except the Pentecostal Assemblies, was preceded by an umbrella type organization which was supposed to represent the two associations which existed at the time. Eventually both associations ended up with the same executive secretary. This factor plus the disappearance of old prejudices and the provincial government's refusal to talk with either of the associations because they did not represent all school boards, led to the founding of the present Federation.

THE PROVINCIAL GOVERNMENT

Newfoundland has a responsible and representative government. Fifty-one members are elected to the House of Assembly by that part of the general population who are nineteen years of age and over. These members represent the people in the districts from which they are elected and are usually members of one of the major political parties active in the province. The party with the majority of members elected is asked by the Lieutenant Governor to form a government. The remaining members form the Opposition.

In order to execute the laws and rules made by the House of Assembly and to run the day to day affairs of the province, departments are established. These are usually presided over by one of the elected members of the winning party, chosen by the leader of that party. The heads of these departments are called ministers and the party leader becomes the first minister or premier. The premier, if he does not choose one of his elected members to head a department, may choose any competent person. All the ministers together form the cabinet.

When Newfoundland became the tenth province of Canada in 1949, Joseph R. Smallwood became Premier. His Liberal Administration lasted until January of 1972.

The late 1960's saw the formation of situations that were to culminate in the defeat of the Liberal party in Newfoundland. In 1969 the Liberal party held a leadership convention. A bitter fight developed between former Premier Smallwood and one of his Cabinet Ministers, John Crosbie, for the leadership of the party. Mr. Smallwood won that fight and shortly after, Mr. Crosbie and three other ministers left the party. Disenchantment with Premier Smallwood's resource development policy was one reason for this change. Smallwood was still Premier in 1971, but his government's term in office was to expire the following year; therefore, he had to call an election before then. That election was preceded by a teachers' strike, in which the Smallwood government won and the Newfoundland Teachers' Association lost.[10] But Smallwood did not win the election, and one result was that teachers shortly thereafter did obtain collective bargaining rights.

In this effort to obtain collective bargaining rights the teachers' representatives interacted with two departments. One was the Department of Education. This Department is responsible for all aspects of education in the province. The Newfoundland Teachers' Association first approached the minister of this department with the request that teachers be granted collective bargaining legislation. The minister presented the request to the Cabinet of the provincial government, which referred the request to the

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[10]This situation is more fully described in Chapter V, page 43.

Collective Bargaining Unit for action. The other was the Treasury Board which is that part of Government which controls the spending of public funds. The Collective Bargaining Unit of Treasury Board is the unit which bargains with civil servants to establish their wage and working conditions. It was this Unit which was given the task of interacting with the interested groups, to develop collective bargaining legislation for teachers in Newfoundland. The Minister of Finance is responsible for this department. At the time teachers were seeking collective bargaining legislation, John Crosbie was Minister of Finance.

OUTLINE

The information gained from research into the development of collective bargaining legislation for teachers in Newfoundland will be presented in the following chapters. Each chapter will be written around a theme. This method of presenting data was chosen because, when one reviews the information gathered, separate and distinct stages of development can be seen.

Chapter V which covers the years 1970 and 1971 presents a period of change. As a result of the political storms of the late 1960's there was a change in the administration of the provincial government. A new attitude toward labour accompanied the new administration.

The Newfoundland Teachers'Association and the Federation of School Board Associations of Newfoundland made an important policy decision by moving to seek collective bargaining for its members.

Finally, the Denominational Education Committees, established in 1969, were in the process of developing their new role during the years 1970 and 1971.

Chapter VI (1972 - mid-1973) covers a period of consultation. The Collective Bargaining Committee was set up by the provincial government. The Committee consisted of two members from the Department of Education and three from the Collective Bargaining Unit of the Provincial Government. The consultations which they had with groups interested in education resulted in The Newfoundland Teacher (Collective Bargaining) Act 1973.

Chapter VII contains the conclusions, summary and recommendations for future research which resulted from this study.

CHAPTER V

A PERIOD OF CHANGE

The purpose of this chapter is to trace changes which occurred in the Newfoundland Teachers' Association, the Federation of School Board Associations and the Provincial Government. These changes will then be related to the development of collective bargaining legislation for Newfoundland teachers.

THE NEWFOUNDLAND TEACHERS' ASSOCIATION

The years 1970-71 saw two changes evolve in the teachers' association. One change was structural; the other was a change in the attitude towards collective bargaining.

The Strike

As outlined in Chapter IV the NTA representatives on January 20th, 1970, in line with the existing procedure of the time, presented a request for an increase in teacher salaries to the provincial government through the Cabinet - NTA Liaison Committee. At the Annual Convention (March 31st - April 2nd, 1970) of the Newfoundland Teachers' Association, the Chairman of the Salary Committee reported that no official word had been received from the government regarding the salary request since it had been presented in January.

Teachers had not received a general increase in salary since 1967-68. It now appeared they would not receive another until at least 1971. Increases in the cost of living from 1968 to 1970 had almost negated the increase received by some categories of teachers in 1967. The convention decided to press for the increase recommended by the Salary Committee and to start an educational program to convince the general public that it would be in the best interest of the province to have a salary scale which would attract the best teachers.[1]

The following events related to salary discussions transpired between the Convention (March 31st - April 2nd) and early December, 1970.[2]

(1) In the Budget Speech of 1970, government promised that the matter of teachers' salaries would be dealt with favourably and generously.

(2) May 11th-12, 1970. Discussions began with a Cabinet Committee (Ministers of Finance, Education and Provincial Affairs).

(3) June 30th. NTA explained its case in detail to the Cabinet Committee.

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[1] "Convention Minutes '70", Newfoundland Teachers' Association (March 31st - April 2nd, 1970), p. 16.

[2] Bullen et al, op. cit., p.2.

(4) August 4th. The Minister of Education agreed to submit the NTA request to Cabinet.

(5) September 10th. Dr. Rowe, the Minister of Education, reported to the NTA that there was no formal reaction from Cabinet.

(6) October 23rd. The Cabinet decided to submit the teachers' salary request to Treasury Board and the Collective Bargaining Unit. A negotiation sub-committee was set up.

(7) Six meetings were held by the sub-committee between October 28th and November 12th.

During the first week of December 1970, the President of the NTA issued a statement to the press. The statement contained two main points:

(1) an announcement that negotiations with the government for a 26 per cent salary increase had been broken off by the government; and

(2) the announcement of the calling of an emergency session of the NTA provincial executive with the purpose of assessing all the reactions received by the NTA office from its 42 branches. Decisions that would result in a firm line of action were promised.[3]

[3] Statement by the President, Newfoundland Teachers' Association, regarding salary negotiation breakdown, December 1st, 1970.

As a result of this executive meeting, the membership was asked for direction. It replied by voting to withdraw services if satisfactory salary agreements were not reached.

Prior to October 28th, 1970, both the government and the Newfoundland Teachers' Association debated the merits of their respective cases in the public press. On October 28th, 1970, both sides agreed to conduct all further meetings in camera.[4] The NTA later claimed that the government by publishing an article on the teacher salary issue in the November 1970 issue of The Bulletin had broken the agreement of a publicity blackout.[5] After the announcement, on December 1st, 1970, of a breakdown in negotiations a battle was waged by the two parties by way of local newspapers, radio and television.

The battle in the media raged through December, January and February, 1970-71. The teachers conducted a four-week selected withdrawal of services. Teachers' professionalism was questioned. The government's sincerity was questioned. On January 8th, 1971, the government, by way of the press, made the teachers a final offer. The NTA considered this offer as no change in the government's position.

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[4] Bullen, loc. cit.

[5] The Bulletin was an information paper published monthly by the Liberal Government.

On February 27th, 1971, the President of the NTA stated that as a result of mediation efforts of the joint executive of the denominational education committees he could announce that the government was willing and anxious to enter into meaningful discussions. The President then asked all teachers to return to the classroom.[6]

When negotiations resumed it was discovered that the government would not move from its last offer. On March 25th, 1971, the NTA asked the president of Treasury Board to recommend to the government that the increases offered in January be reflected in teachers' salary cheques beginning in April, 1971.[7]

The January offer was less than teachers had requested. It gave teachers with fewer years of training a much larger increase than better qualified teachers and thus, in the opinion of the NTA, destroyed the incentive aspect of the pay scale.[8] But they were forced to accept it because they possessed no process to deal with an impasse with government.

Each person interviewed as part of the research for this project was asked the question, "Why, in your opinion, did teachers accept collective bargaining and the right to strike?" Every

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[6] Bullen, op.cit., p.27.

[7] Interview with William O'Driscoll, June 9th, 1974.

[8] Letter to Honourable E. Jones, President Treasury Board, March 25th, 1971, from W. A. Cull, President of Newfoundland Teachers' Association.

respondent held the opinion that the main reason was that teachers wished to avoid the situation which existed during the strike. Teachers understood for the first time, that when dealing with the government, especially for salary increases, a legislated process was necessary. The strike, in the researcher's opinion, also helped the membership see the need and possible benefit of the reorganization that was proposed at the 1971 convention of the NTA.

The 1971 Convention

The NTA's constitution had been revised in 1970. The new constitution was presented and accepted by the 1970 Annual Convention. The revised constitution updated the aims and functions of the NTA so that the Association could do a more efficient and comprehensive job for its members in both the professional and welfare fields.

The 1970 Convention passed two resolutions which changed the administration of the Association. These resolutions related to the election of a full-time president. The first full-time president, Mr. Gilbert Pike, was elected at the 1971 Convention. It was hoped that a full-time president would make the organization stronger. The president could now devote all his time and energy to the NTA instead of dividing it between his teaching position and the affairs of the Association.

Delegates at the Convention (1971) heard a report by Roger Simmons, Chairman of the Ad Hoc Committee on the structure of the NTA. One major change in the structure of the Association was suggested by this Committee. It involved the formation of the Representative Assembly. The function of the Assembly would be "to advise the Executive on the interpretation and implementation of AC policy, and to act as a continuing liaison with the membership."[9]

Its composition would consist of "approximately 30 persons, including the executive and representatives of geographical areas."[10]

As there were several major areas of concern which the Committee had not yet examined, the report was discussed only briefly. The proposed changes were not voted on until the 1972 Convention, at which the idea of a Representative Assembly was accepted. The Assembly has broader duties than was visualized in 1971, and consists of the branch presidents. They hold three meetings per year. It was hoped that the existence of the Assembly would improve communication between the NTA branches and its executive office in St. John's.

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[9] Minutes of the Annual Convention of the Newfoundland Teachers' Association 1971, p.60.

[10] Ibid.

The Seven Principles

Gilbert Pike, first full-time president of the Newfoundland Teachers' Association, recalled in an interview that as early as 1968 the NTA executive saw the need for a set of procedures that could be used if discussion with the government reached an impasse.[11] A strong minority who thought that the association should be a trade union had a motion regarding collective bargaining passed during the 1967 Convention.[12] This motion asked that the NTA seek from the government a method of collective bargaining that would include rights and processes outlined in a report to that year's Convention by the Secretary-Treasurer. At the 1969 Convention the executive, with the aid of the 'union minority', had passed a resolution supporting the 1967 motion.[13] This motion also supported the principle of negotiation at the local level. No action was taken on collective bargaining until the next convention in 1970. Another resolution was presented asking that the NTA seek collective bargaining legislation for salary and working conditions.[14] It, also, was passed. The executive held a two-day discussion on collective bargaining in May. By late August, 1970, the executive had decided that a vote would be held to

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[11] Interview with G. Pike, June 27th, 1974.

[12] Interview with Roger Simmons, Chairman, Ad Hoc Committee on Collective Bargaining, of the Newfoundland Teachers' Association.

[13] Ibid.

[14] The resolution was presented by William Turner and seconded by John Hunt both of whom were executive members.

ascertain the members' feelings concerning collective bargaining legislation. Some general principles of collective bargaining were approved and the Executive Secretary, William O'Driscoll, was asked to prepare a paper for the executive on the status which collective bargaining held in teacher organizations throughout Canada.

Mr. O'Driscoll presented his paper in early February of 1971. The impasse with the government occurred at the same time. A study of NTA's Executive Minutes of the first three months of 1971 revealed a flurry of activity related to collective bargaining during that period. The activity included the formation of an Ad Hoc Committee on Collective Bargaining. This Committee, under its Chairman, Roger Simmons, developed a major presentation for Convention '71 on collective bargaining. They also developed the seven collective bargaining principles which were passed by Convention (Appendix A).

By December of 1971, a draft of proposed collective bargaining legislation had been formulated and sent to all branches for their approval or rejection. Some branches suggested some minor changes, but all 42 branches supported the principles of the legislation.[15] Thus the minority of 1968 changed with the aid of the executive into an overwhelming majority by the time of the 1971 Convention.

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[15] O'Driscoll, op.cit.

Censured Education Minister

When two parties wage a media battle such as the one waged in 1970-71 by the Government and the NTA the emphasis often shifts from the main issue to side issues. This instance did not prove to be an exception. Both sides made charges and counter charges. At the height of the battle, on February 20th, 1971, several items appeared in The Daily News column, "A column of Liberal propaganda written by Liberal Propagandists", that were very critical of teachers. One of them stated:

> Surely we are not going to have to conclude that half a dead caplin has more guts than the entire membership of the Newfoundland Teachers' Association.
>
> Why don't they kick the turds out while their Association has some credibility left?[16]

In certain quarters, it was alleged that Dr. F. W. Rowe, the Minister of Education and Youth, wrote this column. Such an allegation was denied by both Premier Smallwood and by Dr. Rowe; the latter coming in the House of Assembly on March 6th, 1971.

During the Annual Convention of the NTA[17] Dr. Rowe was censured by the Convention for his general conduct during the strike.

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[16] The Daily News, St. John's, Newfoundland, February 20th, 1971.

[17] Held April 13th - 15th, 1971.

The motion read:

> (1) We the parliament of the NTA hereby declare our censure and disapproval of Dr. Rowe's interference with the legitimate goals and rights of the NTA; and
>
> (2) We the parliament of the NTA state emphatically to Dr. Rowe and those writing and supporting the above-mentioned article that we will not and do not tolerate deliberate and partisan interference of anyone with the objectives and aims of this Association for the education of our youth; furthermore, we salute the tremendous contribution of our Executive and Professional Staff to the cause of education in Newfoundland.[18]

The motion was carried unanimously.

Teachers' Attitude Toward Collective Bargaining

During the 1966 Convention of the Newfoundland Teachers' Association a resolution had been presented from the floor. The resolution asked that The Schools Act be amended to give teachers the right to strike. The motion was defeated by a large majority. When asked why the motion was defeated, Gilbert Pike (first full-time President of NTA) replied:

> The idea of a strike, and the idea of a labour connotation, or confrontation type concept that one gets from collective bargaining in the industrial setting would have been very, very repugnant to the teachers at that time; it would seem to be unprofessional; unbecoming a group of people who were dedicated to the education of children and the teaching profession.[19]

He stressed that the statement was made considering the general mood existing at that time.

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[18] Convention Minutes, Newfoundland Teachers' Association (April 13th - 15th), pp. 35-36.

[19] Interview with Gilbert Pike, first full-time President of the Newfoundland Teachers' Association, June 27th, 1974.

But moods change. During December, 1970, 88% of teachers voted to withdraw services if a satisfactory settlement was not reached in the permissive discussion between their representatives and government regarding salary.[20]

The following month, January, 1971, 86% of teachers voted to reject the latest government offer. On February 9th, 1971, Walter Cull, then president of the NTA, announced that teachers had no alternative but to take whatever steps were necessary to bring about a fair settlement.[21] A selective withdrawal of services followed. What had changed teachers' attitudes so much since 1966?

First, an analysis of the membership of the Association might help to answer this question. Table 1 shows that from 1966 to 1972 the number of men in the teaching profession in Newfoundland had increased from 2,033 to 2,763.[22] This represents an increase of 730. During the same period the number of women teachers increased 375. Obviously more men were entering the profession.

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[20] Frederick Bullen, Edward Hajeck, Joseph Price, and Maxwell Trask, "Odds and Ends: NTA Strike. 1971" (St. John's: Memorial University of Newfoundland, March 9th, 1972), p.2.

[21] Ibid.

[22] "Statistical Supplement to the Annual Report of the Department of Education and Youth for School Year ended June 30th, 1972" (Province of Newfoundland), p.11.

"Men, because they are traditionally responsible for supporting a family, might be expected to make teaching an economically and socially satisfying career."[23] One method of accomplishing this goal is the use of collective bargaining.

The educational level of teachers increased from 1966 to 1972 (see Tables 2 and 3). The increase in the number of Grade IV certificate teachers was very dramatic.[24] The increase in the number of teachers holding certificates of Grade IV, V, VI and VII accelerated during the years of change.

Increased levels of educational preparation and professional competence among teachers usually bring about the desire for increased professional status and greater recognition for the services they perform,[25] In order to increase professional status one must have a high degree of control over one's profession. It could be argued that the Association would achieve a larger measure of control if it enjoyed the right of collective bargaining.

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[23]Indeed, Paul E Hawkes, in "Collective Bargaining by Canadian Teachers: An Analysis of the Issues" (Unpublished Master's thesis, University of New Brunswick, 1969), p.14, goes as far as to state categorically that men, because they are traditionally responsible for supporting a family, are determined to make teaching an economically and socially satisfying career.

[24]The Grade IV Certificate usually indicates possession of a Bachelor's Degree.

[25]Hawkes, op. cit. p. 14.

Table 1

NUMBER OF TEACHERS BY SEX

		1971-72	1970-71	1969-70	1968-69	1967-68	1966-67	1965-66
Total Certificated	M	2,717	2,453	2,224	2,005	1,741	1,630	1,600
	F	3,663	3,483	3,326	3,092	2,787	2,608	2,416
Total Licenced	M	32	58	137	203	217	251	333
	F	162	303	487	674	777	820	934
Emergency Supply	M	14	43	37	69	114	105	98
	F	60	97	104	163	228	226	160
Total Teachers	M	2,763	2,554	2,398	2,277	2,072	1,986	2,033
	F	3,885	3,883	3,917	3,929	3,792	3,658	3,510

Source: Statistical supplement to the Annual Report of the Department of Education and Youth for School Year ended June 30th, 1972, Province of Newfoundland.

Table 2

Schools, Classrooms, and Teachers classified according to Certificate, 1965-66 to 1971-72

		1971-72	1970-71	Increase	Decrease	1969-70	1968-69	1967-68	1966-67	1965-66
A. Schools:										
Number of schools		781	826	-	45	893	981	1,046	1,127	1,216
Number of classrooms		6,607	6,488	119	-	6,394	6,211	5,813	5,299	5,175
B. Teachers:										
Certificate:										
Grade VII	Men	75	57	18	-	42	33	29	19	16
	Women	22	19	3	-	20	15	9	8	9
" VI	Men	422	337	85	-	258	199	128	81	47
	Women	126	93	33	-	64	46	38	24	22
" V	Men	610	488	122	-	415	381	296	214	194
	Women	333	236	97	-	179	149	105	86	63
" IV	Men	704	612	92	-	483	384	334	318	299
	Women	659	522	137	-	418	317	249	194	150
" III	Men	335	305	30	-	299	251	187	182	196
	Women	361	345	16	-	244	184	164	150	132
" II	Men	309	302	7	-	315	320	274	305	298
	Women	884	783	101	-	714	580	462	408	393
" I	Men	246	322	-	76	371	381	485	434	452
	Women	1,241	1,426	-	185	1,009	1,712	1,647	1,632	1,321
A Licence	Men	16	30	-	14	39	36	58	77	98
	Women	37	59	-	22	78	89	113	106	126
Total certificated	Men	2,717	2,453	264	-	2,734	2,003	1,361	1,630	1,600
	Women	3,663	3,483	100	-	3,326	3,092	2,787	2,608	2,416
Specialists(1)	Men	-	-	-	-	-	-	-	-	2
	Women	-	-	-	-	-	-	-	4	-
Licensed:										
B Licence	Men	1	-	1	-	2	5	2	3	18
	Women	17	36	-	19	53	84	120	137	150
Probationer(2)	Men	31	58	-	27	133	198	310	244	313
	Women	145	267	-	122	434	590	657	683	784
Total licensed	Men	32	58	-	26	137	203	312	251	333
	Women	162	303	-	141	487	674	777	820	934
Emergency supply	Men	24	43	-	29	37	69	114	105	93
	Women	60	97	-	37	104	163	228	224	160
Total teachers	Men	2,763	2,554	209	-	2,398	2,277	2,092	1,986	2,033
	Women	3,885	3,883	2	-	3,917	3,929	3,792	3,638	3,310
	Totals	6,648	6,437	211	-	6,315	6,206	5,884	5,624	5,343

(1) Teachers of special subjects who have no basic certificate or licence.
(2) Includes C Licence

Table 3

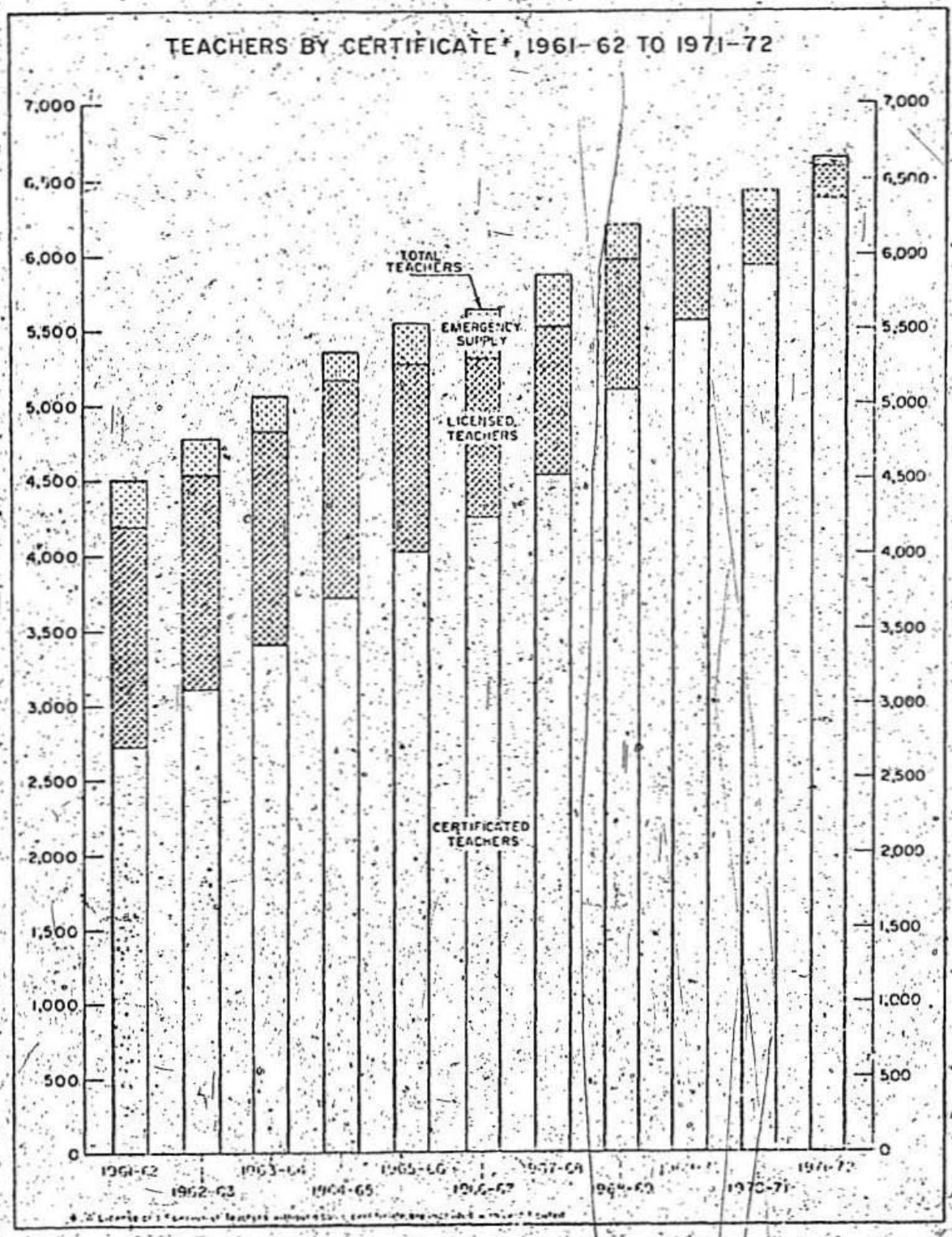
TEACHERS BY CERTIFICATE*, 1961-62 TO 1971-72
7,000
6,500
6,000
5,500
5,000
4,500
4,000
3,500
3,000
2,500
2,000
1,500
1,000
500
0
TOTAL TEACHERS
EMERGENCY SUPPLY
LICENSED TEACHERS
CERTIFICATED TEACHERS
1961-62
1962-63
1963-64
1964-65
1965-66
1966-67
1967-68
1968-69
1969-70
1970-71
1971-72

Table 4 indicates that between 1965 and 1971 the number of school boards in the province decreased from 270 to 36. In 1966, 200 boards were serving 500 or less students each.[26] The decrease in the number of boards resulted from a recommendation of the Royal Commission on Education and Youth. One result of this decrease was larger school districts. Another result was the increase in the bureaucracy associated with the schools.

These two factors tended to increase alienation of the individual teacher from having an effective voice in matters related to school policy and administration.[27] The teacher could seek relief through the collective bargaining process.

Hawkes states that:

> Teachers are impatient with what they consider to be economic injustice. Teachers dislike public resistance to increased salaries in a relatively affluent society. They want the salary that is paid to other employee groups that have similar levels of preparation and responsibility.[28]

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[26] Philip J. Warren, Report of the Royal Commission on Education and Youth, Vol. I, 1967, p.77.

[27] Hawkes, op.cit., p.13.

[28] Ibid.

Table 4

NUMBER OF SCHOOL BOARDS

	1965-66			1970-71
R.C.	41			12
Ang.	84	Ang.	Integrated	21
U.C.	86	U.C.		
Amal.	38	Amal.		
S.A.	19	S.A.		
Pent.	1			1
S.D.A.	1			1
Other	0			1
Total	270			36

Source: 1. Report of Royal Commission on Education and Youth, Vol. 1, 1967, p.77.

2. Office of Mr. F. Furey, Chief Administrative Officer, Department of Education, St. John's, Newfoundland.

The following article appeared in The Evening Telegram, July 14th, 1970;

Teachers' Salaries Lower than the Average

Newfoundland professionals of almost every variety earned more than the national averages in their professions in 1968 but at the same time only one out of every five Newfoundlanders earned enough to file a taxable return compared to a national average of one in three.

These and other statistics were revealed recently by the department of national revenue. The study breaks down all returns by occupation, age, sex, and province.

Newfoundland doctors headed the list of the highest paid provincial wage earners with an average income of $31,024 - almost $2,000 higher than the national average of $29,181.

Newfoundland lawyers were in an even better comparative position however as they earned an average of $28,460 - $4,849 higher than their mainland counterparts. Other professionals earning above the national average were engineers and architects - $24,385 compared with $22,707; owners of real estate agencies - $14,600 compared with $11,233; and insurance agents $14,666 compared with $10,480.

The province's teachers and professors, however, earned an average yearly wage of $4,494 compared with the average mainland salary of $6,834.[29]

This article demonstrates that Newfoundland teachers were receiving lower average salaries than teachers in other provinces, and less than other professionals in Newfoundland.

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[29] The Evening Telegram, St. John's, Newfoundland, July 14th, 1970.

It is beyond the competence of this thesis to state that the above factors - an increase in the number of men in the profession, an increase in the educational level of teachers, a decrease in the number of school boards, and teachers receiving lower salaries in Newfoundland than teachers in other parts of Canada, changed the attitude of Newfoundland teachers toward strikes and collective bargaining. However, these factors were present in other areas where teachers have accepted collective bargaining.[30] Because they were present in Newfoundland, it might be assumed that they did have some effect in the evolution of the attitude of Newfoundland teachers towards collective bargaining.

THE FEDERATION OF SCHOOL BOARD ASSOCIATIONS

The Federation of School Board Associations was reorganized in 1970. Reverend Donald Harvey, the second president of the Federation, described the function of the new organization: "The Federation was supposed to deal with all possible issues concerning school boards which were not peculiar to either the Integrated or Roman Catholic School Boards."[31] Issues which were peculiar to any of these boards were to be handled by either the Integrated Association or the Roman Catholic School Board Association, which still existed within the Federation.

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[30] Hawkes, loc.cit.

[31] Interview with Rev. D. Harvey, June 28th, 1974.

Under this structure the new Federation faced many problems. First, it was a newly formed organization. Many people did not understand its aims and functions. People within the organization had different aims they wished it to achieve. As a result the Federation seemed to lack significant power in its dealings with other groups in the education field in Newfoundland.[32]

Because membership in the organization was voluntary, and all boards were autonomous bodies, they could leave the Federation at any time. They could also refuse to become members of the Federation, as was the case with the Pentecostal School Board, which represents all schools operated by the Pentecostal Assemblies of Newfoundland. This made the Federation very weak for two reasons. First, it did not represent all the school boards in the province; and second, it could not make a final decision on behalf of the boards on any matter without the consent of each board. This has proven to be an unwieldy arrangement.

The first Executive Secretary of the Federation suffered from a very serious illness. One place this illness reflected itself was in the amount of work this key person could accomplish. This presented another problem with which the new organization had to contend.

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[32]This opinion was expressed by a majority of people interviewed and many others in casual conversation.

The Federation was facing many problems when in early 1971 it became aware that the Newfoundland Teachers' Association planned to petition the provincial government for collective bargaining legislation respecting teachers. Considering the condition of the Federation at the time, it is not surprising to find collective bargaining receiving little attention from it.

PROVINCIAL GOVERNMENT

The Federation was not the only organization suffering frustration. The Liberal Party which had formed the provincial government since Confederation had last gone to the electorate on August 16th, 1966. They had to face the electorate again sometime in 1970 or 1971.

The 1966 election had been a disaster for the official opposition, the Progressive Conservative Party. After this defeat that party began to rebuild under Gerald Ottenheimer. The first fruit of this effort came when the P. C. Party captured 53% of the popular vote and six of the seven seats in the federal election held in 1968. The culmination of the rebuilding program came in 1970 when the P. C. Party held a leadership convention, and Frank Moores was elected party leader.

David Butler commented in the St. John's Evening Telegram on Mr. Moores' election as party leader:

> At this point Frank Moores came into the picture. Still hot from his success in the 1968 federal election when he trounced incumbent Jim Tucker (despite the personal intervention by Premier Smallwood in Bonavista-Trinity-Conception), Moores won the leadership from several other hopefuls by a wide margin.[33]

A provincial election was set for October 28th, 1971. The Liberal Party, under the leadership of Joseph R. Smallwood, was opposed by the Progressive Conservative Party and its new leader Frank Moores. Each party fielded candidates in all ridings. The New Labrador Party contested several areas of Labrador. Three former Liberal cabinet ministers who had previously left the party participated in this election as candidates for the P. C. Party.

The result of the election was a tie. The Liberals held 20 seats, the Progressive Conservatives held 20 seats, the New Labrador Party held one seat, and one seat was in doubt. A power struggle resulted when Premier Smallwood refused to resign.

A recount was not possible in the one undecided seat because ballots from one polling station in the community of Sally's Cove were accidentally destroyed and the Supreme Court was asked to

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[33] David Butler, "PCs United Behind Frank Moores", The Evening Telegram, St. John's, (September 24th, 1971), p.21.

decide the matter. On January 11th, 1972, the Court awarded the seat to the Progressive Conservatives. This gave the P.C. Party 21 seats plus the support of the New Labrador Party member. Premier Smallwood, as a result, resigned three days later, on January 14th. The P.C. Party now was invited to and subsequently did form the government. But resignations, defections and a move by the New Labrador Party member to the Liberals kept the political scene in turmoil until March 23rd, 1972, when the second election held in Newfoundland within five months returned the Progressive Conservatives with 33 of the 42 seats.

A Change in Government Attitude

The political situation was one of the factors which enabled the Newfoundland Teachers' Association to seek and obtain collective bargaining rights for its members, because it represented a change in attitude by government towards labour.

In the Budget Speech of 1970, Premier Smallwood had promised collective bargaining with an emphasis on arbitration to civil servants and others. This promise was not fulfilled immediately. So, in early 1971, when teacher and government representatives reached an impasse in salary discussions, the government was not compelled to negotiate a settlement.

On November 15th, 1971, letters were sent by the NTA to Mr. Frank Moores as leader of the Progressive Conservative Party and Dr. H. Kitchen, then Liberal Minister of Education. The letters requested that collective bargaining legislation be placed on the priority list of both the P. C. Party and the Liberal Government's Department of Education.

On November 22nd, 1971, the following reply was received from Mr. Moores:

> Thank you very much for your letter of 15th November 1971.
>
> When you have your draft completed would you please forward a copy to Mr. John C. Crosbie. We are very interested indeed in your report and would like to read it at the very first opportunity.
>
> We will certainly be pleased to give this matter our attention and we will be contacting you in the near future.[34]

No reply was received from Dr. Kitchen. When questioned as to why he did not reply to the letter he stated that the Liberal Government had other priorities.[35]

When the Moores administration took office in Newfoundland, it proceeded to grant the teachers collective bargaining rights.

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[34] Letter from Moores to Gilbert Pike, President, Newfoundland Teachers' Association, November 22nd, 1971.

[35] Interview with Dr. Kitchen, former Minister of Education, June 9th, 1974.

SUMMARY

The years 1970-71 was a period which saw the results of a movement towards change for the Federation of School Board Associations of Newfoundland, the Provincial Government, and the Newfoundland Teachers' Association.

The Federation reorganized so that it could represent all school boards in as many areas as proved to be possible.

A provincial election was held which eventually resulted in a change in provincial administration. The Liberal Party moved out of office to be replaced by the Progressive Conservative Party. This change was accompanied by an improvement in relations between government and labour.

During 1970-71, the Newfoundland Teachers' Association made structural changes and accepted the principle of collective bargaining. The structural changes included:

(1) re-writing of the constitution in order to make the NTA more efficient;

(2) formation of the Representative Assembly, which was an attempt to improve communication with branches;

(3) the election of a full-time president.

The Association accepted collective bargaining for the following four reasons. First, the membership was becoming frustrated because it lacked a strong voice in professional and economic matters which concerned it. Second, the executive of the NTA saw a need for the establishment of a more satisfactory process to follow in their dealings with government. At the 1969 and 1970 Conventions of the Association, the executive attempted to determine what support collective bargaining might have with the membership. Third, the 1971 salary dispute convinced both the executive and membership of the necessity of a process to handle impasses with government. Fourth, the paper, "Collective Bargaining: A Background Paper," prepared by the Executive Secretary, Mr. William O'Driscoll, helped convince the executive that collective bargaining legislation was the process needed.

At the 1971 Convention the membership supported the executive decision and gave it a mandate to continue its efforts towards the achievement of collective bargaining legislation.

CHAPTER VI

THE PERIOD OF CONSULTATION: 1972-73

INTRODUCTION

At a meeting with the Minister of Education, John Carter, in late January 1972, members of the Executive of the Newfoundland Teachers' Association presented the Minister with an outline of their proposed collective bargaining legislation.[1]

A study of this draft revealed that the Association hoped to obtain an Act based on the following principles:

(1) that teachers and school boards have the right to bargain collectively and that legislation be enacted whereby the NTA and Government would bargain collectively;

(2) that the negotiating parties have access to assistance in the event of deadlock, including a conciliation board;

(3) that the onus and responsibility of the terms of the agreement be placed upon the parties to the agreement;

(4) that teachers have the right to strike;

(5) that the scope of the collective agreement include all conditions of employment and include all teachers employed by the School Board; and

(6) that the negotiating parties bargain in good faith.

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[1] Executive Minutes of the Newfoundland Teachers' Association, February, 1972.

The Association hoped to obtain an Act which contained eight items.

(1) It wanted a separate bargaining Act for teachers.

(2) It wanted an Act to allow for bargaining by all teachers, including district superintendents and pensioners.

(3) It wanted itself declared as the sole bargaining agent for the above mentioned teachers.

(4) It wanted the scope of bargaining to include remuneration, grievance procedures, and working conditions.

(5) It wanted two level bargaining. At a provincial level, the negotiable items were to be the base salary scale, sick leave, pensions, tenure, certification, criteria for placement on the salary scale, payment for special responsibility, isolation bonuses, sabbatical leave, compassionate leave, and conference leave. At the local level, the negotiable items were to be teacher aids, clerical help, supplies, class size, supervision, teacher prerogatives in the classroom, provision for safety and comfort of teachers, non-assigned teaching time, living conditions, working conditions in general, group insurance, travel allowances, contribution to tuition fees, moving allowances, and rights regarding inappropriate teaching assignments.

(6). It wanted impasse resolution methods available when a successful agreement could not be reached. Conciliation was to be made available, and if its application proved to be unsuccessful, then either a strike or binding arbitration could be applied.

(7) It wanted the Act to be administered by the Minister of Education.

(8) It did not propose the inclusion of the Federation of School Board Associations in the legislation.

On February 1st, 1972, five copies of the proposed legislation were sent to the Minister and one copy to the Federation of School Board Associations.[2] This step eventually led to consultation between the Provincial Government, the Federation of School Board Associations and the Newfoundland Teachers' Association.[3] The result of the consultations was a Bill providing for the granting of collective bargaining rights to Newfoundland teachers. The Bill was passed by the Newfoundland Legislature on May 1st, 1973.[4] The aim of this chapter is to document the series of consultations which occurred in 1972-73 and which contributed to the development of collective bargaining legislation for teachers in Newfoundland.

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[2]An explanatory letter was enclosed with copies of legislation.

[3]Interview with W. O'Driscoll, Executive Secretary of the Newfoundland Teachers' Association, July 9th, 1974.

[4]Ibid.

THE ROLE OF THE PROVINCIAL ADMINISTRATION

During the period of change (1970-71) the Executive of the Newfoundland Teachers' Association had played a leading role in the development of collective bargaining for teachers. It had developed the draft legislation, and had been responsible for publishing the principles of collective bargaining to its membership, through written communications, branch visitations, and a "spotlight session" on collective bargaining held during the 1971 Annual Convention of the teachers' association. After the presentation of the draft legislation on collective bargaining to the Minister of Education in February, 1972, the initiative passed from the association to the provincial government administration.[5]

The initiative can be broken down into three phases:

(1) the appointment and operation of the Collective Bargaining Committee;

(2) the drafting of the legislation by the Department of Justice; and

(3) the passage of the Bill by the members of the Newfoundland House of Assembly.

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[5] Interview with Mr. David Norris, Chief Negotiator, Collective Bargaining Unit, Treasury Board, Government of Newfoundland. (In 1972, Mr. Norris was a member of Collective Bargaining Committee).

The Collective Bargaining Committee

After receiving copies of the NTA draft collective bargaining legislation, Mr. Carter discussed the matter with his cabinet colleagues. The result of that meeting was a decision to refer the collective bargaining issue to the Treasury Board for further action.[6]

On February 3rd, 1972, the Treasury Board presented the NTA draft legislation to its Collective Bargaining Division. The next day the Division sent to the Treasury Board, a written report containing its preliminary reaction to the proposed draft.

The report contained three points.

1. The Division objected to a clause which would make the NTA the exclusive bargaining agent for teachers. This, the Division argued, was taking from teachers the freedom of choice and was contrary to usual labour legislation.

2. The NTA had proposed two-level bargaining. It had argued that bargaining with the provincial government would be for teacher salaries, while bargaining with local boards would be for working conditions and fringe benefits. Teachers would settle any impasse at the local level by arbitration, but would retain the right to strike at the provincial level.[7] The Collective Bargaining Division

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[6] Interview with Mr. Cecil Roebothan, Associate Deputy Minister of Education, June 28th, 1974.

[7] Interview with Mr. William O'Driscoll, July 9th, 1974.

rejected two-level bargaining. Such a process, it felt, could result in a practice whereby the NTA or any powerful union would start its bargaining process with a very small, weak board. The Association, because of its strength and ability, could extract a much better package from this type of board than it could from a larger, more powerful school board.[8]

Regarding the second point made above, on reflection, the NTA leadership realized that two-level bargaining would have presented a very serious organizational problem. Many of its branches overlapped school board boundaries. Mr. William O'Driscoll stated in an interview: "It would have been a very exhausting if not an impossible task to set up workable units for local level bargaining throughout the province."[9] Some NTA executive members interviewed expressed a similar feeling.

3. The final point in the Division's letter was the recommendation that a collective bargaining committee be set up to consult with the teachers' representative on the content of proposed teacher collective bargaining legislation.

The NTA would have had to set up an extensive field service unit. Such a unit would have had to conduct and maintain the local level contracts. This unit would be extremely demanding on the Association in terms of both manpower and finances.[10]

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[8] Norris, op. cit.

[9] O'Driscoll, op. cit.

[10] Ibid.

The NTA eventually submitted to one-level bargaining but not until the final round of consultations.

The Treasury Board, on February 14th, 1972, made two decisions relating to teachers:[11]

(1) it was decided that the Cabinet-NTA Liaison Committee would be discontinued; and

(2) in the absence of the liaison committee and in line with the recommendation from its Collective Bargaining Division, a Collective Bargaining Committee would be established to interact with teachers; this committee would consist of three members from the Collective Bargaining Division of the Treasury Board and two members from the provincial Department of Education and Youth.

The committee, consisting of Mr. T. Blanchard, Mr. David Norris and Mr. William Alcock from the Collective Bargaining Division; and Mr. Cecil Roebothan and the late Mr. Charles Grant from the Department of Education, was appointed on February 14th, 1972.

The Minister of Education and Youth, on February 23rd, 1972, after receiving a letter informing him of Treasury Board's decision regarding the collective bargaining committee, notified the NTA of the existence of the new committee.

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[11] Interview with the President, Treasury Board, of the Government of Newfoundland, February 14th, 1972.

The stated purpose of the committee was to interact with teachers' representatives in the development of proposed collective bargaining legislation and to discuss with these representatives issues left outstanding from the 1971 salary dispute, with a view to settling these issues.[12] On February 28th, 1972, the president of the Newfoundland Teachers' Association replied to Mr. Carter's letter on behalf of the teachers' association. He stated that the association was anxious to get discussions underway.[13]

Meetings of the Collective Bargaining Committee
April 10th - May 15th, 1972

The first meeting of the Collective Bargaining Committee with the Newfoundland Teachers' Association was held on April 10th, 1972.[14] A large portion of the time of the first meeting was devoted to discussions of issues left outstanding from the 1971 salary dispute. It was agreed that future meetings would be held on April 26th, May 1st and 2nd, 1972.

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[12] Letter from Hon. John Carter, Minister of Education and Youth, Newfoundland, to the President of the Newfoundland Teachers' Association, February 23rd, 1972.

[13] Letter from Mr. Gilbert Pike, President of the Newfoundland Teachers' Association to Hon. John Carter, Minister of Education and Youth, February 28th, 1972.

[14] Collective Bargaining Committee file, Collective Bargaining Division, Treasury Board.

Function of the Committee

When the government is involved in the process preparing new legislation, organizations or groups representing people who would be affected by the legislation are usually consulted while the legislation is being formulated.[15] These people can usually offer insight into the effects of legislation that civil servants cannot predict because they cannot be familiar with all aspects of society. The representative groups can also make the government representatives aware of special circumstances which exist in the group to be affected by the legislation. The legislative draftsmen can then make allowances for these circumstances if they think it necessary.[16]

When the Collective Bargaining Committee met with the Newfoundland Teachers' Association it was not for the purpose of negotiating teacher collective bargaining legislation. The Committee wished to consult with the NTA and other groups, whose members would be affected by the proposed legislation, in order to give these groups an opportunity to make an input of their special knowledge

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[15] Interview with Mr. Ted Blanchard, Deputy Minister of Manpower and Industrial Relations, June 14th, 1974.

[16] Ibid.

of the educational field. This knowledge, the committee reasoned, would make the proposed legislation more functional.[17] Because the Newfoundland Teachers' Association had approached Government with a request for collective bargaining for teachers, and then had presented a draft of proposed legislation, it was the first party the Collective Bargaining Committee consulted.

Meeting of April 10th, 1972

Mr. T. Blanchard, Mr. D. Norris, and Mr. C. Roebothan represented the Government and Mr. G. Pike, and Mr. W. O'Driscoll represented the NTA. Much of this meeting was used to discuss items left outstanding from the time of the last teachers' salary increase. Therefore a very small portion of this meeting was devoted to collective bargaining. The committee members did present several observations to the NTA representatives. These included:

(1) although the NTA draft had included pensioners as part of the bargaining unit, it was noted by Mr. Blanchard that pensioners usually are not included in the bargaining unit;

(2) the Collective Bargaining Committee put forward the suggestion that the Newfoundland Teachers' Association seek certification as the teachers' bargaining agent rather than have the legislation define the NTA as bargaining agent.

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[17] The material contained in the descriptions of meetings between the Collective Bargaining Committee and NTA representatives held on April 10th, 26th, 27th and May 15th was obtained from personal notes made during the meeting by Mr. T. Blanchard, Mr. D. Norris, and Mr. William O'Driscoll. No official minutes exist because the meetings were not formal negotiation meetings.

April 26th, 1972

All members of the Collective Bargaining Committee were present for this meeting. The NTA was represented by Gilbert Pike, William O'Driscoll, Robert Wells (lawyer) and Roger Simmons.

The meeting was opened by Mr. Blanchard. He informed the meeting that the Government had made a favourable decision as to enactment of the proposed legislation. He stated that the NTA's draft was generally a good one with a few exceptions. The exceptions were:

(1) the bargaining unit and agent is defined in the draft legislation;

(2) pensioners should not be part of a bargaining unit; and

(3) the draft legislation does not define who is management.

These items were then discussed.

The question of why teachers should need special legislation was raised next. It was proposed by the committee that teachers be included in the same legislation as all government employees.

The NTA representatives then presented some of their reasons for requesting special legislation. These were:

(1) teacher negotiations would involve three parties, while other groups would involve two-party discussions;

(2) precedents had been set by teachers' organizations outside Newfoundland and civil service unions and associations within the

province that supported the teachers' demand for special legislation; (3) the NTA wished to avoid a situation in which amendments to the Act would have to be acceptable to all government employees.

A discussion of two-level bargaining followed. The school boards in Labrador West were used as an example to demonstrate the need for two-level bargaining.[18]

After a short caucus, Mr. Pike suggested that the draft legislation be viewed as a specific piece of legislation. It had certain principles which the NTA wanted to be included in any collective bargaining legislation for teachers. Thus he suggested it be looked at as though it were going to be an Act. This suggestion was accepted, and it marked a turning point in the discussions. The draft was then examined clause by clause instead of the discussion's being confined to the points on which the two parties did not see eye to eye.

Meeting of April 27th, 1972

At this meeting, Mr. Pike of the NTA presented arguments which supported the request that the Association be named in the legislation as the sole bargaining agent for teachers.

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[18] The school systems in Labrador West are subsidized by the local iron ore companies. As a result teachers receive extra pay and benefits above those received by other teachers in Newfoundland.

He also presented the Association's conceptualization of the role of administrators in collective bargaining. At the provincial level all association members would be within the bargaining unit. At the local level, exceptions could be negotiated before the start of bargaining. If the parties could not agree, the issue would have to be settled by arbitration.

The definition of a teacher in the proposed legislation had been discussed. At this meeting the Association agreed that the definition needed refinement.

After some discussion of matters not related to collective bargaining the meeting resumed its clause-by-clause examination of the proposed legislation. The questions which were raised as a result of this discussion concerned:

(1) what 'working conditions' as defined in the proposed legislation were presently covered under other Acts or Regulations;

(2) the method of choosing a conciliator;

(3) the order of arbitration and conciliation.

The meeting closed after the Association representatives presented their reaction to these points.

Because of pressure from other commitments, the meetings scheduled for May 1st and 2nd were cancelled. The next meeting occurred on May 15th, 1972.

The Meeting of May 15th, 1972

Four Committee members, Blanchard, Norris, Roebothan, and Grant and two representatives of the Association, Pike and O'Driscoll were present at this meeting. It was called to discuss conclusions the Committee had reached on collective bargaining and the other matters which the Committee had discussed with the NTA. These conclusions would eventually become recommendations to the Treasury Board.

There were two specific items concerning collective bargaining. First the Committee would not recommend against teachers having separate legislation. Its rationale for this centered around the fact that three parties had to be involved - the government which controls the purse strings, the school boards which are the legal employers, and an organization which represents the teachers. Furthermore, the Committee did not want to hold up the legislation on this point. Second, following further research by the Committee the Department of Justice would prepare a draft of the legislation. Should this draft contain alterations from the proposals already agreed upon, the NTA would have an opportunity to examine and comment upon them prior to the presentation of the bill in the Legislature.

It was at this meeting that the Committee and the NTA representatives agreed on a recommendation that superintendents' salaries would, in the future, be negotiated as a separate package from teachers' salaries. It was decided that the Association would seek authority to negotiate for the superintendents. This decision demonstrates that the NTA sees superintendents and teachers in a different light.

THE FEDERATION OF SCHOOL BOARD ASSOCIATIONS

The Federation seems to have approached the consultation stage in the development of collective bargaining for teachers in a naive manner.

When the NTA Ad Hoc Committee on Collective Bargaining was involved in developing the proposed legislation, it saw that the Federation had a role to play in any negotiations that would result from collective bargaining. Because the Federation was in a state of change the NTA Ad Hoc Committee was uncertain as to the strength and type of role the Federation could play in the discussions leading to the establishment of collective bargaining legislation.[19] It would have been beneficial to the NTA if the Federation did not participate. Although the Federation was not against the NTA's

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[19] Interview with Roger Simmons, Chairman of the NTA Ad Hoc Committee on Collective Bargaining, June 12th, 1974.

obtaining collective bargaining legislation for teachers, it would be another party attempting to strengthen the employer's position in the legislation. As a result of these considerations the association sent a copy of its collective bargaining draft legislation to the Federation of School Board Associations but neither encouraged nor discouraged the Federation to participate. The Federation received the draft on February 3rd, 1972, on which date the government received its copies.

This draft was discussed by the Executive of the Federation.[20] At the meeting held for this purpose a decision was made to consult a lawyer, informally, concerning the legislation.

As a result of a meeting of the Board of Directors of the Federation, held on May 3rd, 1972, the Federation retained a lawyer with a respected reputation in the labour field. He was given a copy of the NTA's proposed legislation and asked to present a critique of it in writing to the Federation. The Federation's Executive Secretary notified the Minister of Education and Youth of this move in a letter dated May 26th, 1972.[21] The Associate Deputy Minister, Mr. C. Roebothan, replied to the Executive Secretary's letter on May 30th, 1972. He stated that the

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[20] Executive Minutes of the Federation of School Board Associations of Newfoundland for the year 1972.

[21] Ibid.

Federation's correspondence had been passed to the Collective Bargaining Unit of Treasury Board. He assured the Federation that legislation would not be implemented until its views were given serious consideration.[22]

The late Mr. Justice J. Higgins, then Chairman of the Board of Directors of the Federation, also wrote the Minister of Education during the month of May. He requested the Minister to delay the implementation of collective bargaining legislation for teachers until the Federation had an opportunity to study it. In a letter dated May 30th, 1972 the Minister acceded to his request.[23]

On June 1st, 1972, the Executive of the Federation discussed a critique of the NTA's proposed legislation. This critique was prepared by Mr. Ronald E. Chafe, a Director of the Federation, who had been requested to prepare the critique because of his experience in the field of labour relations.[24] A copy of the critique was sent to Mr. F. Ryan, Q.C., the lawyer retained by the Federation to study the proposed collective bargaining legislation.

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[22] Ibid.

[23] Ibid.

[24] Letter to Mr. Frank Ryan, Q.C., from J. G. Fitzpatrick, Executive Secretary of the Federation of School Board Associations of Newfoundland.

On June 19th, 1972, the Executive Secretary of the Federation again wrote the Minister of Education regarding collective bargaining. The letter contained three points:[25]

(1) the Federation had received from its lawyer a preliminary report, but his final report could not be expected for some time;

(2) the Federation requested the Minister of Education to refer the collective bargaining legislation to a select committee of the House; the Federation could then come before this committee and present its position; and

(3) the Federation stated that it did not wish to oppose collective bargaining legislation for teachers.

No reply was received from the Minister.

Mr. Justice James D. Higgins, then Chairman of the Federation, wrote the Minister on June 30th, 1972. One of the topics of his letter was collective bargaining. He stated that the final report from the Federation's lawyer was expected soon, and requested a meeting to discuss this report. Mr. Carter's reply stated in part: "When the submission to which you refer is received, we will endeavour to set up a meeting as soon as possible thereafter."[26]

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[25] Letter to Hon. J. A. Carter, Minister of Education and Youth from J. G. Fitzpatrick, June 19th, 1972.

[26] Letter to Mr. Justice James D. Higgins, Chairman, Federation of School Board Associations from John A. Carter, Minister of Education and Youth, July 7th, 1972.

On July 12th, 1972, Mr. Higgins forwarded to Mr. Carter a copy of the Federation's critique of the proposed collective bargaining legislation and to Mr. T. Blanchard of the Collective Bargaining Unit of Treasury Board. Mr. Higgins again in this communication requested a meeting with the Minister or any committee set up to consider this matter.[27] Mr. Carter made the following reply on July 18th, 1972:

> This will acknowledge your correspondence of June 19th and of July 2nd with regard to the proposed legislation on collective bargaining for teachers.
>
> The views of your legal counsel will no doubt be considered by the Collective Bargaining Unit and will be later considered by Cabinet or its appropriate representatives.
>
> Thank you for your interest and cooperation in this matter.[28]

Mr. Carter's letter made no reference to the Federations' request for a meeting which had been requested, but it did give an indication that the government considered the matter of deciding the format for determining the legislation closed.

The fact that the Minister did not make a reference to the Federation's request for a meeting was of concern to the Federation. The late Mr. Fitzpatrick expressed this concern in a letter to

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[27] Letter from Mr. Justice J. Higgins to Hon. J. Carter, July 12th, 1972.

[28] Letter from Hon. J. Carter to Mr. J.G. Fitzpatrick, Executive Secretary of Federation School Board Associations, July 18th, 1972.

Mr. W. O'Driscoll, Executive Secretary of the Newfoundland Teachers' Association, when he sent him a copy of the Federation's critique of the NTA legislation on July 26th, 1972.[29]

Sometime within the next four days the Collective Bargaining Committee arranged to meet the representatives of the Federation and of the Newfoundland Teachers' Association to discuss the Federation's critique of the teachers' proposed legislation. This meeting was held on July 31st, 1972.

Meeting of July 31st, 1972

This meeting discussed paragraph by paragraph the critique presented by the Federation. The main points were:

(1) Boards or the Federation must be represented on the 'employer' bargaining committee;

(2) the Act should not name any one organization as the sole bargaining agent for teachers;

(3) the Act should not define the bargaining unit; this should be done by the Labour Relations Board;

(4) supervisory personnel should not be included in the bargaining unit with other employees; and

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[29] Letter from Mr. J. Fitzpatrick to Mr. W. O'Driscoll, Executive Secretary, Newfoundland Teachers' Association, July 26th, 1972.

(5) the right to strike should not be granted to teachers and that compulsory arbitration be the only process used to resolve impasses.[30]

The NTA's proposed collective bargaining legislation was also discussed clause by clause. During this discussion the Federation stated that it desired one-level bargaining. When the situation in Labrador West was raised the Federation representatives stated that they wished to see all teachers in the province receive the same bonuses: they believed that there should be no special areas.

The meeting closed with the Committee Chairman stating that the views of the Federation would be considered when the legislation was being drafted. The Federation would have an opportunity to review the draft legislation before it was presented to Cabinet.

This meeting seemed to conclude the Federation's efforts to influence directly the teacher collective bargaining legislation.

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[30] Information about this meeting was obtained from personal notes taken by Mr. D. Norris, Mr. W. O'Driscoll, and a summary of the meeting compiled by the Executive Secretary of the Federation of School Board Associations.

All of the points raised by the Federation, with the exception of number five, had been raised by the Collective Bargaining Committee previously. The presentation had the effect of strengthening the Committee's confidence. It was a direct result of this discussion that school boards were included on the employer's negotiating team in the legislation.[31]

When commenting upon the Federation's role in the development of the legislation, Mr. W. O'Driscoll of the NTA stated:

> Their one presentation to the Committee was very strong. Their lawyer, Mr. Ryan, did much damage to many of our arguments. I don't understand why they didn't participate in more meetings. Certainly if it had used its lawyer to a greater extent the Federation would have forced more changes in our proposed legislation.[32]

MEETING WITH CABINET MINISTERS

The Newfoundland Teachers' Association was hoping that the teacher collective bargaining legislation would be passed during the 1972 fall session of the House of Assembly and in order to achieve this end urged its President in August 1972 to press the Government.[33] On September 18th, he wrote the Premier urging him to have the legislation passed, because of its importance to

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[31] Interview with D. Norris, June 26th, 1974.

[32] Interview with W. O'Driscoll, July 9th, 1974.

[33] Executive Minutes of the Newfoundland Teachers' Association, August, 1972.

teachers. Under an agreement reached in 1971 the teachers were to open negotiations with Government for a new wage package, no later than October 1972.[34] As a result of this letter several members of Cabinet met with NTA representatives on October 16th, 1972, at the Government's request.[35]

A month prior to this meeting the Collective Bargaining Committee had presented to Treasury Board a report which contained the following recommendations:

(1) that teachers have separate legislation;

(2) that the legislation not designate the bargaining agent;

(3) that the appointment of a conciliation officer be done in the same manner as is followed in the private sector;

(4) that arbitration follow conciliation if both parties agreed to arbitration;

(5) that the 'expressed' (written) right to strike be removed from section (9) of the NTA's proposed legislation but the right to strike not be denied teachers; and

(6) that the legislation contain only one-level bargaining, at which level the Federation could take part in discussions.

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[34] Interview with D. Norris, June 26th, 1974.

[35] Ibid.

These points were then discussed by Treasury Board and Cabinet.[36]

The meeting of October 16th, 1972 was attended by Mr. J. Crosbie, Minister of Finance; Mr. A. Hickman, acting Minister of Labour; Mr. T. Blanchard, Chairman of the Collective Bargaining Committee; Mr. C. Roebothan, Associate Deputy Minister of Education; Mr. G. Pike, Mr. L. Williams, and Mr. W. O'Driscoll, representing the Newfoundland Teachers' Association. The discussion of the meeting centered around the report of the Collective Bargaining Committee which Cabinet had accepted. The government representatives stated that they would ask the Department of Justice to redraft the NTA's proposed legislation, to reflect the Committee's recommended changes. They also promised that the legislation would be presented to the House of Assembly at its next full session.[37]

On the following day Mr. John C. Crosbie, President of the Treasury Board, wrote the following letter to Mr. Pike, President of the Newfoundland Teachers' Association:

> I am writing to confirm the understanding which was conveyed to you and other representatives of the Newfoundland Teachers' Association at a meeting held in Treasury Board Room on 16th October 1972 with

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[36] Interview with D. Norris, June 26th, 1974.

[37] Collective Bargaining File, Collective Bargaining Unit, Treasury Board; and Mr. W. O'Driscoll, personal notes taken during the meeting.

respect to proposals from the Newfoundland Teachers' Association relating to collective bargaining legislation for teachers.

While the Government agrees with the overall principle of a separate Act governing collective bargaining for teachers there are certain aspects to the proposed Act which I have listed hereunder that are unacceptable to Government.

1. The proposed Act designates the Newfoundland Teachers' Association as the sole bargaining agent for all teachers. This provision has the effect of denying teachers of a democratic right to select the bargaining agent of their choice which this type of legislation normally affords to employees.

2. The Association has defined the bargaining unit in the proposed Act and has included pensioners in the unit. Definition of the bargaining unit is normally done by a Board which has responsibility for certification and decertification and which is equally representative of both parties to the collective bargaining. Since pensioners are not employees they could not in any event form part of the bargaining unit.

3. The Newfoundland Teachers' Association suggests a departure from normal practice in selecting and appointing conciliation officers. There are trained and experienced conciliation officers on the staff of the Department of Labour and authority for appointing these officers is vested in the Minister of Labour. Other groups of public employees have availed of that service in the Department of Labour and we would adhere to that practice in the case of teachers, at least for a trial period.

4. Under the Newfoundland Teachers' Association proposal the Association could choose whether a case would be dealt with by a Conciliation Board or an Arbitration Board. We envisage that the legislation would make provision to proceed to a Conciliation Board where settlement is not effected at the conciliation officer stage. If settlement could not be effected at the Conciliation Board stage, then the matter, if both parties so agree, proceed to arbitration. Where both parties did not agree to submit to arbitration the right to strike would be inherent.

5. Section 12 of the proposed Act would make possible two levels of collective bargaining, a provincial level where all teachers throughout the Province would be affected, and a local school board level where the Newfoundland Teachers' Association would negotiate with each separate school board. While we appreciate the problem which exists with one or possibly two schools in Labrador, our discussion confirmed our fears that two levels of bargaining could create chaos. We would not envisage, therefore, that there would be two levels of bargaining on any monetary issues.

Except for the points mentioned above we feel that your proposal is realistic in principle. As agreed at our meeting I am requesting the Minister of Justice to have the Act redrafted to reflect the changes which we feel are necessary. Bearing in mind that the Newfoundland Teachers' Association representatives do not share our views on the points listed above, I will provide you with a copy of our redraft as soon as possible to enable you to give us your written comments.

THE DENOMINATIONAL EDUCATION COMMITTEES

Section 25 (1) of the Department of Education Act, 1968 states:

The Minister of Education shall, before introducing, or advising the Lieutenant-Governor in Council to introduce, new policy requiring an Act or amendments to any Act of the Legislature respecting any educational matters or requiring regulations or amendments to any regulations made under any such Act, furnish all Executive Secretaries with draft copies of such proposed Act, regulation or amendments.[38]

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[38] The Department of Education Act, 1968, pp. 12-13.

On October 31st, 1972, Mr. W. C. Woodland, Secretary of the Joint Executive, Denominational Education Committees wrote to the Hon. John A. Carter, Minister of Education. The purpose of the letter was to bring to the Minister's attention several instances where, in the opinion of the D.E.C.'s, he had not complied with section 25 (1) of The Department of Education Act, 1968. One of these instances concerned the proposed teacher collective bargaining legislation.[39]

The Minister referred the letter to Mr. C. Roebothan, Associate Deputy Minister of Education. His reply to Mr. Woodland read in part:

> With respect to collective bargaining legislation, I would like for you to advise your Joint Executive that the Department of Education does not have any draft legislation or any policies as yet to recommend to Government. Presumably, the draft legislation referred to in your letter is what was prepared last year by the Newfoundland Teachers' Association and discussed in some detail between the Newfoundland Teachers' Association and the Collective Bargaining Unit of the Department of Finance. Should the Minister of Education initiate any legislation on this matter, I will see that your Denominational Committees are given a copy of it before it is submitted to the Lieutenant-Governor in Council for approval, in accordance with the provisions of Section 25.[40]

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[39] Letter to Hon. John A. Carter, Minister of Education and Youth, from W. C. Woodland, Secretary, Joint Executive, Denominational Education Committees, October 31st, 1972.

[40] Letter to Mr. W. C. Woodland, Executive Officer, Integrated Denominational Education Committee, from Mr. C. Roebothan, Associate Deputy Minister of Education, November 2nd, 1972.

The D.E.C.'s replied to Mr. Roebothan's letter on November 9th, 1972. In making reference to collective bargaining legislation, it stated:

> The Joint Executive is concerned with the Newfoundland Teachers' Association's proposed legislation on bargaining rights and with the present negotiations between that body and the Government. We are pleased to learn, however, that to this date no draft legislation has been agreed to by the Department of Education relative to bargaining rights for teachers and when and if this is done we shall be looking forward to receiving copies of such proposed legislation for our consideration.[41]

The letter went on to present a resolution to the Government for the inclusion of the Federation of School Boards in the negotiations with teachers being conducted at that time.[42]

On November 20th, 1972, Mr. Carter replied to the November 9th letter from the Denominational Education Committees. He informed them that a copy of their resolution had been sent to the Government's Collective Bargaining Unit. The letter concluded:

> I should like to point out to you, however, that the negotiations between the Government group and the Newfoundland Teachers' Association regarding proposed legislation, were finalized earlier this fall and furthermore, that representatives from the Federation of School Boards participated in some of the negotiations and presented a brief to the Government setting forth their views. In view of this your resolution may not be necessary.[43]

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[41] Letter to Hon. John A. Carter, Minister of Education and Youth, from Mr. W. C. Woodland, Secretary, Joint Executive, Denominational Education Committees, November 9th, 1972.

[42] Ibid.

[43] Letter to Mr. W. C. Woodland, Secretary, Joint Executive, Denominational Education Committees, from John A. Carter, Minister of Education and Youth, November 20th, 1972.

This was the last correspondence between the D.E.C.'s and the Government regarding collective bargaining before the Act became law. The Denominational Education Committees did not receive, from the Government, a copy of the legislation before it was passed.

On September 28th, 1972, Dr. J. K. Tracey, Executive Secretary of the Roman Catholic Denominational Education Committee had written the Minister of Education and Youth requesting information on "the proposed collective bargaining legislation for the Newfoundland Teachers' Association."[44] In his reply the Minister stated that even at that late date the D.E.C.'s could make a presentation to the Collective Bargaining Committee.

When Dr. Tracey was asked why the D.E.C.'s had not made a presentation to the Committee, he stated that the D.E.C.'s could not come to agreement on a common position towards collective bargaining.[45]

Pastor G. Shaw, Executive Secretary of the Pentecostal Denominational Education Committee, in an interview conducted on August 5th, 1974 gave a similar answer to the same question. He added,

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[44] Letter from T. A. Hickman, Acting Minister of Education, to Dr. J. K. Tracey, October 9th, 1972.

[45] Interview with Dr. J. K. Tracey, June 24th, 1974.

however, that the D.E.C.'s were not aware of the meetings held early in 1972 between the Government and the Newfoundland Teachers' Association. He stated that, in his opinion, the procedures used for the development of collective bargaining legislation for teachers were very secretive up to October of 1972.[46]

On November 28th, 1972, the Pentecostal Assemblies of Newfoundland presented a petition to Premier Moores and the media. The petition stated the Assemblies' objections to the Collective Bargaining Legislation. The statement showed that the Assemblies did not object to collective bargaining for teachers, but rather to the right to strike as the final means to be used to settle an impasse.

BILL IS PASSED BY HOUSE OF ASSEMBLY

On October 17th, 1972, Treasury Board sent a letter to the Minister of Justice, Mr. A. Hickman, requesting him to have the Department of Justice draft proposed legislation based on the NTA's draft and Mr. Crosbie's letter to the Association dated October 17th, 1972.[47] Mr. A. Parsons of the Department of Justice was delegated this task.[48]

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[46] Telephone interview with Pastor Shaw conducted on August 5th, 1974.

[47] Collective Bargaining File, Collective Bargaining Unit, Treasury Board.

[48] Ibid.

Mr. Parsons, on October 25th, 1972, came to Mr. Crosbie to request clarification of several points. One of these points was clarification of the procedure the Treasury Board wished to use in cases where the collective bargaining legislation clashed with other acts or regulations. He also had a rough draft of proposed legislation to present. The Collective Bargaining Committee was very upset with this lengthy document. As a result, a meeting was held with representatives of the Department of Justice, Department of Education, and Collective Bargaining Unit of the Treasury Board. It was decided at this meeting to set up a liaison committee between Mr. A. Parsons' office and the Collective Bargaining Committee.[49]

Memorandum of Agreement

Near the end of October 1972 the NTA and Treasury Board began a new round of teacher salary negotiations. In the absence of legislation providing a process to be followed if the parties reached an impasse, a Memorandum of Agreement was then signed. The Memorandum provided a process for solving an impasse similar to that which would be in the collective bargaining legislation.[50]

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[49]Interview with Mr. D. Norris, Chief Negotiator, Collective Bargaining Unit, Treasury Board, June 26th, 1974.

[50]Interview with Mr. W. O'Driscoll, July 9th, 1974.

Prior to the signing of the Memorandum the NTA had been pressing the Government to pass the teacher collective bargaining legislation. The Memorandum provided the Association with a process to be used in the October 1972 negotiations. This combined with the assurance that the legislation would be passed at the next full session of the House, permitted the Association to place all its emphasis on negotiation of a collective agreement and away from obtaining the legislation.[51]

Treasury Board, on November 24th, 1972, requested the Federation of School Board Associations to aid it in negotiating parts of an agreement with teachers' representatives.[52] Treasury Board then sent the Federation Executive a copy of the teachers' proposals. The first reaction of the Executive was one of shock. There are two reasons for this reaction:

(1) the length, detail and complexity of the package;

(2) the Federation had assumed that neither the NTA nor the Government would proceed with negotiations until the collective bargaining legislation had been passed. The Federation had hoped that there would be a long public debate, during which it hoped to score some points against the collective bargaining legislation

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[51] Ibid.

[52] Interview with Mr. D. Norris, June 26th, 1974.

before it was presented to the House of Assembly. When informed of the existence of the Memorandum, the Federation realized that the Cabinet had decided to grant the legislation and that a public debate was not going to materialize.[53]

The Long Delay

In December of 1972, Mr. A. Parsons who was drafting the teacher collective bargaining legislation became ill. Early in the new year he was replaced by Mr. Cyril Green of the Department of Justice. Mr. Green was presented with the NTA draft, Mr. Parsons' draft, and Mr. Crosbie's letter. He was asked to develop a draft of collective bargaining legislation for teachers using the above-mentioned material, and a liaison committee was set up between his department and the Collective Bargaining Unit of Treasury Board.[54]

On March 8th, 1973, Mr. Green produced his first draft. Another draft was presented to Treasury Board on March 23rd. The Collective Bargaining Unit reviewed this draft, and at a meeting between Treasury Board and the Department of Justice final changes were agreed upon.[55]

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[53] Interview with Rev. D. Harvey, June 28th, 1974.

[54] Norris, op.cit.

[55] Collective Bargaining File, Collective Bargaining Unit, Treasury Board.

The suggested changes were drafted and on April 25th, 1973, copies of the draft legislation were delivered by hand to the President of the Newfoundland Teachers' Association and the Chairman of the Federation of School Board Associations,[56] The NTA requested a meeting with the Collective Bargaining Committee. The members of the Executive of the Federation were meeting at the time to discuss the acceptance of the Collective Salary Agreement. At this point the Federation was without an executive secretary because its Executive Secretary had recently passed away. Reverend D. Harvey stated: "We didn't have the facilities, energy or enthusiasm to give the legislation one-tenth of the attention it needed."[57]

The Executive read through the document and questioned several parts of it. Rev. Harvey stated in an interview: "We read through it, and questioned a few things. It looked fairly straight forward to a group of people who had no experience whatsoever in collective bargaining."[58]

Rev. Harvey then telephoned Mr. Ted Blanchard of the Collective Bargaining Unit. The purpose of the call was to ask Mr. Blanchard if the Act was routine and straight forward. Rev.

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[56] Ibid.

[57] Rev. D. Harvey, op.cit.

[58] Ibid.

Harvey received the assurance that generally it was a routine Act whereby the rights of the employer were safeguarded as well as they could possibly be.[59]

Meeting of April 26th, 1973

This meeting was requested by the Newfoundland Teachers' Association. Messrs. Ted Blanchard and D. Norris represented the Collective Bargaining Unit and W. O'Driscoll, J. Downey, and Gilbert Pike represented the Association. The government draft of the collective bargaining legislation was discussed. As a result of the meeting the following changes in the legislation were recommended:

(1) that definition of "teacher" be changed to a more general definition so it would include a wider range of people in the education field;

(2) that section 5, which deals with the determination of the bargaining unit, be amended to follow normal labour practice;

(3) that section 5, sub-section (4) be amended to improve the situation regarding bargaining for teachers in Labrador West.

On April 27th, 1973, the Collective Bargaining Unit sent a letter to Treasury Board requesting the above-listed changes.[60]

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[59] Ibid.

[60] Norris, op.cit.

The Bill was presented to the House of Assembly on May 1st, 1973, which was the last day of the Spring Session of the Legislature. The Bill was presented by the Hon. John Crosbie, Minister of Finance, since the Collective Bargaining Unit of his department had developed it. The amendments recommended as a result of the April 26th meeting were not included. Messrs. G. Pike and W. O'Driscoll of the NTA who were present in the Legislature as guests of the Government gave one of the Assembly members a list of last minute amendments which had been agreed to by the Government and the NTA and asked him to have them added to the Bill. The member who represented Labrador West checked and found that a sheet listing the recommended changes was on its way to the Assembly. After Treasury Board had received the recommended changes to the Act on April 27th, there had not been enough time to have them drafted and printed in the Bill. So they were drafted and placed on a separate sheet which would be distributed before the Bill was discussed in the House.[61]

That afternoon, May 1st, 1973, The Newfoundland Teacher (Collective Bargaining) Act, 1973, was passed unanimously through three readings by the Legislature and given assent by the Lieutenant-Governor.

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[61] O'Driscoll, July 9th, 1974.

SUMMARY

The purpose of this chapter was to document the series of consultations which occurred in 1972-73 and which contributed to the development of collective bargaining legislation for teachers in Newfoundland.

A draft of collective bargaining legislation was formulated by the Newfoundland Teachers' Association and presented to the Minister of Education and Youth. The Provincial Cabinet delegated responsibility to the Treasury Board of the Department of Finance to develop teacher collective bargaining legislation. The Treasury Board appointed a Collective Bargaining Committee to accomplish this task. The Committee consisted of five members; three were from the Collective Bargaining Unit of the Department of Finance and two were representatives from the Department of Education.

A series of consultations was carried out between the Committee, the Newfoundland Teachers' Association and the Federation of School Board Associations of Newfoundland. Proposed legislation prepared by the Newfoundland Teachers' Association was discussed. As a result of the consultations the following recommendations were made:

(1) that the Federation of School Board Associations be included in any negotiations which resulted from collective bargaining legislation; the Federation and Government representatives would form the 'employer' team;

(2) that the legislation name the Newfoundland Teachers' Association as the first bargaining agent for teachers, not the sole representative as the Association had proposed;

(3) that the legislation be administered by the Department of Manpower and Industrial Relations and that the Minister of this Department define the bargaining unit; and

(4) that legislation provide for provincial bargaining only; the Labrador West area would be an exception because schools there are subsidized by local iron ore companies.

These recommendations were accepted by Treasury Board and Cabinet.

Treasury Board requested the Department of Justice on October 17th, 1972 to draft collective bargaining legislation based on the NTA's proposal and the results of the consultations of the Collective Bargaining Committee.

The Department of Justice took seven months to draft the legislation. Two reasons accounted for the long time required to draft the legislation:

(1) many of the sections of the Act clashed with items in other Acts or regulations, resulting in the establishment of a liaison committee between the Department of Justice and Collective Bargaining Unit;

(2) after spending several months on the project, the chief legal draftsman of the Department of Justice became ill and had to be replaced.

The Denominational Education Committees did not play an effective role in the development of this legislation. Two reasons can be advanced to explain their lack of effectiveness:

(1) they could not agree upon a common position on collective bargaining for teachers;

(2) the Department of Education decided that collective bargaining legislation was not legally a concern of the Denominational Education Committees.

CHAPTER VII

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

SUMMARY

This chapter summarizes the research and draws some relevant conclusions by concentrating attention on the following questions:

(1) What was desired by the Newfoundland Teachers' Association?

(2) What did it obtain?

(3) How did the Association obtain it?

What was desired by the Newfoundland Teachers' Association?

The Association desired a legal process to use when negotiating a collective agreement with government departments. This process would be very important when salary matters were being discussed, especially if an impasse occurred.

The Executive of the Newfoundland Teachers' Association became convinced that collective bargaining could be the needed process. The Association made several drafts of proposed collective bargaining legislation. A study of these drafts revealed that the Association hoped to obtain an Act which contained eight items.

(1) It wanted a separate bargaining Act for teachers.

(2) It wanted an Act to allow for bargaining by all teachers, including district superintendents and pensioners.

(3) It wanted itself declared as the sole bargaining agent for the above mentioned teachers.

(4) It wanted the scope of bargaining to include remuneration, grievance procedures, and working conditions.

(5) It wanted two-level bargaining.[1] At a provincial level, the negotiable items were to be the base salary scale, sick leave, pensions, tenure, certification, criteria for placement on the salary scale, payment for special responsibility, isolation bonuses, sabbatical leave, compassionate leave, and conference leave. At the local level, the negotiable items were to be teacher aids, clerical help, supplies, class size, supervision, teacher prerogatives in the classroom, provision for safety and comfort of teachers, non-assigned teaching time, living conditions, working conditions in general, group insurance, travel allowances, contribution to tuition fees, moving allowances, and rights regarding inappropriate teaching assignments.

(6) It wanted impasse resolution methods available when a successful agreement could not be reached. Conciliation was to be made available, and if its application proved to be unsuccessful, then either a strike or binding arbitration could be applied.

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[1] Copy of provisions provided to researcher by Mr. William O'Driscoll.

(7) It wanted the Act to be administered by the Minister of Education.

(8) It did not propose the inclusion of the Federation of School Board Associations in the legislation.

The proposed Act would be based on the following principles:

(1) that teachers and school boards have the right to bargain collectively and that legislation be enacted whereby the NTA and Government would bargain collectively;

(2) that the negotiating parties have access to assistance in the event of deadlock, including a conciliation officer(mediator) and a conciliation board;

(3) that the onus and responsibility for the terms of the agreement be placed upon the parties to the agreement;

(4) that teachers have the right to strike;

(5) that the scope of the collective agreement include all conditions of employment and include all teachers employed by the School Board; and

(6) that the negotiating parties bargain in good faith.

What the Newfoundland Teachers' Association obtained.

The Association obtained The Newfoundland Teacher (Collective Bargaining) Act, 1973, when it was passed by the Newfoundland House of Assembly, and given Royal Assent on May 1st, 1973. There were several major features of this Act.

(1) It provided a mechanism by which Newfoundland teachers could bargain collectively for wages and working conditions with their employers.

(2) It designated the Newfoundland Teachers' Association as the first bargaining agent, but in sec. 6(1), 8 and 10 it made

provisions to allow for other groups to become the bargaining agent.

(3) It placed all teachers, except district superintendents and pensioners, in the same unit. In addition, teachers employed in schools operated or supported by companies in Labrador reserved separate bargaining rights.

(4) A School Board Committee was appointed to act on behalf of the Government and School Boards. It is composed of seven members. Four members are selected by the School Boards and three are appointed by the Treasury Board. One of the three Treasury Board designates acts as Chief Negotiator. This person has the final decision at the bargaining table, as to the tentative acceptance or rejection of any agreement which involves the expenditure of public funds.

(5) It made provision for bargaining. If an agreement cannot be reached then a conciliation officer is requested or appointed. If this step fails to bring about a settlement the Minister of Manpower and Industrial Relations may appoint a conciliation board or one of the parties may request such a board. If an agreement is still not reached the Act makes provision for binding arbitration if both parties agree in writing to this step. The Act does not state that teachers have the right to strike. Section 31 sets out conditions under which a strike may not be called,

however, it does not forbid teachers from striking under all conditions. Thus by omission the Act does permit teachers to strike.

(6) The Act was to be administered by the Minister of Manpower and Industrial Relations.

The Act does not make provision for two-level bargaining. The Government feared that the teachers' bargaining agent would force unreasonable contracts on weak or small school boards and then use them to obtain better contracts than it ordinarily would from the larger, more powerful school boards. The Newfoundland Teachers' Association, the teachers' first bargaining agent, is happy with one-level bargaining. If it had obtained its wish, the organization could have been weakened financially and structurally, because it would have been a tremendous task to negotiate and administer all the local contracts.

CONCLUSIONS

How the Newfoundland Teachers' Association Obtained Collective Bargaining

In effect the main aim of this paper is to describe the group decision-making process which generated collective bargaining for teachers in Newfoundland.

The research for this thesis has shown that the Newfoundland Teachers' Association approached the Minister of Education with

proposed collective bargaining legislation for teachers of Newfoundland. After the NTA made initial contact with the Department of Education the Collective Bargaining Unit of Treasury Board was given the task of consulting with the interested parties with the aim of developing workable legislation. The consultations between the Government representatives and the NTA representatives were frequent. They took place during meetings where both groups faced each other and discussed not only legislation but also several issues which were outstanding from the 1971 salary dispute. Very little written correspondence passed between these two groups. Between meetings both groups were often in contact by telephone. As a result the NTA representatives were aware of the procedures the Government was using to develop this legislation.

The Federation's contact with the Government was with the Department of Education. This contact was by letter and not in person. The Federation representatives met with the Collective Bargaining Unit and the NTA representatives only once. It did not fully understand the procedures the Government was using to develop and process the legislation. But it was able to make some inputs.

There was also consultation between the Collective Bargaining Unit and the Department of Justice. By establishing a liaison committee with the legal draftsman in the Department of Justice

the Collective Bargaining Unit was able to have the draft legislation conform closer to its recommendations than would ordinarily have been possible.

Fifteen months elapsed from the time the Newfoundland Teachers' Association presented its draft legislation to the Department of Education and the day The Newfoundland Teacher (Collective Bargaining) Act, 1973 was passed on May 1st, 1973 by the Newfoundland Legislature. This appears to be sufficient time to draft a Bill. An analysis of this period will tell a different story.

The NTA presented its draft in early February, 1972. The Collective Bargaining Committee was appointed by February 14th, 1972. Their consultations with interested groups did not conclude until July 31st, 1972, a period of five months. The Department of Justice did not start to draft the legislation until October 17th, 1972. When in early 1973 the Department of Justice had to assign a new person to complete the draft, a large block of time was lost. Therefore, in effect, the legislation was actually drafted in three months. The NTA, the Federation and the Collective Bargaining Committee had only four days to review the draft and provide feedback before the Bill was presented to the House of Assembly. All parties have admitted that if they had had more time, they would have seen and eliminated some weaknesses in the final Act. The Newfoundland Teachers' Association Executive

expressed the opinion that the timing of events, especially those which occurred in 1973, enabled them to have changes made which were advantageous to the NTA.

One can only speculate that had the final draft of the legislation been publicly debated, as the Denominational Education Committees and the Federation hoped, the final result would have been quite different.[2]

The Research Model

The model which the researcher used to describe the process by which the Newfoundland Teachers' Association obtained the above-mentioned legislation was outlined in Chapter Two. Simplified, the model consists of four components: (1) the environment which is made up of forces and groups; (2) inputs; (3) the conversion process; and (4) the outputs which are the decisions and actions resulting from the conversion process.

The research for this paper has shown that as a result of social, economic, political and other demands within the environment a perception formed within the Newfoundland Teachers'

[2] Dr. Kevin Tracey stated in an interview, June 24th, 1974, that the Denominational Education Committees had wished and assumed that the proposed legislation would be debated publicly.

Association Executive that legal collective bargaining rights for association members would be beneficial to teachers and to education in Newfoundland.[3] The Association's executive then approached the Government. This input led to the conversion process.

The Conversion Process

Ian E. Housego contends in "Pluralist Politics and Education Decision-Making" that the pattern of policy development in education at the provincial level is that of the politics of interest groups. He further states:

> that the influence system that gives rise to policy is made up of a limited, select number of interest groups. On major province-wide policy issues, settlement rests on the conflict and compromise of a limited number of interest groups...the executives of the provincial teachers' and trustees' associations and senior administrators within the department of education.[4]

He also suggests that politicians have little impact once the compromises have been struck; and further the entire set of deliberations tends to create a closed system.

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[3] As a result of the above-mentioned pressures the membership desired a legal process to use when discussing salary with the government, but were uncertain as to what kind of process should be used. Evidence has shown that the NTA Executive saw the need for collective bargaining long before the membership did and led their membership to seek collective bargaining as the process to use when discussing salary with government, when the time was ripe for that move.

[4] Housego, op.cit., p.14.

This study of the development of collective bargaining for teachers in Newfoundland has shown Housego's contentions to be true in respect to this education policy decision in Newfoundland.

Three groups made significant contributions to the collective bargaining legislation. They were the Newfoundland Teachers' Association, the Federation of School Board Associations of Newfoundland and officials of the Newfoundland Government.

The NTA was having great difficulty in discussing and obtaining increases in salary for its members. The Executive of the Association realized that a formal, legal process of conducting bargaining was necessary. The teachers' strike in early 1971 emphasized the need for the process. As a result of this strike much resentment and bitterness arose and the rift between the Association and the provincial Liberal Government widened.

The Progressive Conservative Government, to which the NTA presented its request for collective bargaining, had benefited from the rift and bitterness between the NTA and the former government. During the elections of 1971 and 1972 many teachers had helped organize and support the Progressive Conservative Party. Between the election of October 28th, 1971 and the election of March 23rd, 1972 the P. C. party had promised to entertain the idea of collective bargaining for teachers.

Eventually as a result of the politics of people connected with these two interest groups the policy of collective bargaining was developed.

The provincial government set up a committee to consult with interested parties in order to resolve the issue of granting teachers collective bargaining rights. The Collective Bargaining Committee was made up of members of the Collective Bargaining Unit of the Treasury Board, and the senior administrators within the Department of Education.

The group which they consulted most frequently consisted of two members of the Newfoundland Teachers' Association, Mr. G. Pike and Mr. W. O'Driscoll. Other members of the NTA Executive attended some of the meetings. There was also some contact between the Committee and the Executive of the Federation of School Boards of Newfoundland.

Before the proposed legislation was presented to the Newfoundland House of Assembly, copies were given to the executives of the NTA and the Federation of School Boards of Newfoundland. Time permitted only a brief examination of the document. The NTA Executive suggested several changes. These were accepted by the Cabinet of the Newfoundland Government and presented to the Legislature for approval. In this case the Legislature did not make any changes. It merely legalized the decision of the Cabinet.

There were two occurrences that were found to have played a major role in moving teachers to seek, and be granted collective bargaining legislation. One of these events was the 1971 withdrawal of services by teachers, accompanied by the public media debate between the Government and the Newfoundland Teachers' Association. The other event was political. Premier J. R. Smallwood was defeated and the Progressive Conservative Party rose to power. The struggle which produced the change in administration created an atmosphere in which Government was obliged to grant more concessions than they might during stable times.

The Decision Loci

The decision loci or system in the model was found to consist of: (1) the Provincial Cabinet which made the decision to entertain the idea of collective bargaining for teachers and confirmed the form of the legislation which was presented to the Newfoundland legislature; (2) the Collective Bargaining Committee which decided the form of the legislation; (3) the Provincial Legislature which formalized the collective bargaining decision.

The above outlined procedure used to settle the issue of collective bargaining for teachers, supports, as can be seen, Housego's contention that a limited number of interest groups are involved in settling province-wide policy issues in education, and that, settlement rests on the conflict and compromise of these interest groups.

RECOMMENDATIONS FOR FUTURE STUDY

During the course of the writer's involvement in this study, many related questions on the subject under consideration arose. However, because this study was limited to one issue at one point in time, these questions had to be ignored. The writer therefore recommends further studies based on the following suggestions.

1. The purpose of this study was to document the development of teacher collective bargaining legislation. The study did not, therefore, determine which group, the Cabinet, Treasury Board, the Newfoundland Teachers' Association or the Federation of School Board Associations was the major decision maker. A future study could research the area of Government policy making which affects education in Newfoundland and discover who makes the major decisions and at what levels they work.

2. Members of the Denominational Education Committees claimed that they had little or no knowledge of the process used by the Government to develop collective bargaining legislation. The Federation of School Board Associations corresponded and interacted with the Department of Education, while it was the Department of Finance's Collective Bargaining Unit that was developing the legislation. These facts indicate a lack of knowledge of the procedures used by the Provincial Government Administration to

originate and develop legislation. The results of a study into the procedures used by Government to make major educational decisions would appear to be useful.

3. It was stated by executive members of the Newfoundland Teachers' Association that relations in the late 1960's between the NTA office and its branches needed improvement. Teachers were not satisfied with the results obtained by office personnel. This was especially true of the results obtained from efforts to obtain increased salary. If collective bargaining was successfully used it could rectify this situation and improve the satisfaction teachers gain from membership in the Association. A study could be undertaken to determine if collective bargaining has had this effect on the Association.

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INTERVIEWS

Blanchard, T.: Deputy Minister, Manpower and Industrial Relations.

Harvey, D.: former Executive Secretary, Federation of School Boards of Newfoundland.

Kitchen, Dr. H.: former Minister of Education.

Norris, D.: Chief Negotiator, Collective Bargaining Unit, Treasury Board, Government of Newfoundland

O'Driscoll, W.: Executive Secretary, Newfoundland Teacher's Association.

Pike, G.: first full-time President of the Newfoundland Teachers Association.

Roebothan, C.: Associate Deputy Minister of Education.

Rousseau, J.: former Minister of Manpower and Industrial Relations.

Shaw, Pastor R.: Executive Officer, Pentecostal Assemblies of Newfoundland.

Simmons, R.: Chairman Ad Hoc Committee on Collective Bargaining, Newfoundland Teachers' Association.

Tracey, Dr. K.: Executive Officer, Roman Catholic Denominational Education Committee.

Woodland, W.C.: Executive Officer, Integrated Denominational Educational Committee.

APPENDIX

The seven principles of collective bargaining as passed by the 1971 Annual Convention of the Newfoundland Teachers' Association are:

(1) the NTA should bargain for all active members of the Association;

(2) the legislative description of the scope of bargaining should be as broad as possible;

(3) working conditions and fringe benefits already covered by provincial statute should be left there, with some possible exceptions and improvements to such statutory provisions should be provided for in the legislative description;

(4) the legislation should specify the effective date of the agreement, the expiry date, the notice required and the procedures for negotiation of a new or modified agreement, provision for continuation of the agreement if no notice is served by either side and the conditions under which the agreement may be modified before its expiry;

(5) the legislation should include procedures for settlement of Contract observance disputes and grievances;

(6) a collective agreement should be for a one-year period and should coincide with the Government's fiscal year, April 1st to March 31st;

(7) the following steps should constitute the process:

(i) a request on the part of either party at least six months prior to the expiration of the existing agreement;

(ii) actual negotiations;

(iii) conciliation;

(iv) arbitration, third party, binding by mutual agreement or strike.