

UNEDITED

The Teachers' Federation Act

being

Chapter 183 of *The Revised Statutes of Saskatchewan, 1953*
(effective February 1, 1954).

FOR HISTORICAL REFERENCE ONLY

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER 183

An Act respecting the Teaching Profession

SHORT TITLE

Short title

1 This Act may be cited as *The Teachers' Federation Act*.

R.S.S. 1953, c.183, s.1.

THE SASKATCHEWAN TEACHERS' FEDERATION

Incorporation

2 The Saskatchewan Teachers' Federation, hereinafter called "the federation", is continued as a body corporate and politic.

R.S.S. 1940, c.176, s.2; R.S.S. 1953, c.183, s.2.

Objects

3 The federation may acquire, hold and dispose of real and personal property for its corporate purposes.

R.S.S. 1940, c.176, s.3; R.S.S. 1953, c.183, s.3.

Membership

4(1) The objects of the federation shall be:

- (a) to promote the cause of education in Saskatchewan;
- (b) to raise the status of the teaching profession;
- (c) to promote and safeguard the interests of teachers and to secure conditions which will make possible the best professional service;
- (d) to influence public opinion regarding educational problems;
- (e) to secure for teachers a greater influence in educational affairs;
- (f) to afford advice, assistance and legal protection to members in their professional duties and relationships.

(2) The federation may take any measure, not inconsistent with the provisions of this Act, which it deems necessary in order to give effect to any policy adopted by it with respect to any question directly or indirectly affecting teachers.

R.S.S. 1940, c.176, s.4; R.S.S. 1953, c.183, s.4.

Membership

5(1) All persons employed as teachers in schools organized under *The School Act* or *The Secondary Education Act* or under any former *School Act* or *Secondary Education Act*, or in other schools which receive a regular grant under the provisions of *The School Grants Act*, or in schools in that part of Saskatchewan defined in section 16 of *The Northern Administration Act* shall, as a condition of their employment, be members of the federation.

(2) The following groups shall be eligible for membership in the federation, namely:

- (a) school superintendents for Saskatchewan;
- (b) members of the faculty of a Saskatchewan teachers college;
- (c) members of the faculty of the College of Education, University of Saskatchewan, who hold valid teacher's certificates;
- (d) members of faculties of the University of Saskatchewan and its affiliated colleges, other than the faculty of the College of Education, who hold valid teacher's certificates;
- (e) teachers of Indian day schools in Saskatchewan;

subject to compliance with the provisions of this Act.

- (3) Unemployed teachers and teachers in training shall be eligible for membership in the federation.
- (4) The council may grant honorary membership in the federation to such persons as it sees fit.

R.S.S. 1940, c.176, s.5; 1941, c.57, s.2; 1950, c.60, s.2; 1953, c.70, s.2; R.S.S. 1953, c.183, s.5.

LOCAL BODIES

Federation consists of local bodies

- 6(1)** The federation shall consist of the local bodies of teachers:

- (a) in the school superintendencies in the province;
- (b) in the cities of Regina, Saskatoon and Moose Jaw;
- (c) in such other cities as may hereafter be separately organized for school purposes;

and for the purposes of this subsection school superintendents; members of the faculties of Saskatchewan teachers colleges; members of the faculty of the College of Education, University of Saskatchewan, who hold valid teacher's certificates; members of faculties of the University of Saskatchewan and its affiliated colleges, except the College of Education, who hold valid teacher's certificates; teachers in that part of Saskatchewan defined in section 16 of *The Northern Administration Act*; and such other local groups of teachers as are approved by the council shall be deemed to be local bodies of teachers.

- (2) A local body may organize in such manner as it deems fit provided that its constitution and bylaws are not inconsistent with the provisions of this Act.

R.S.S. 1940, c.176, s.6; 1950, c.60, s.3; 1953, c.70, s.3; R.S.S. 1953, c.183, s.6.

PROVINCIAL COUNCIL

Constitution

7(1) There shall be a provincial council, hereinafter called "the council", consisting of one councillor for each local body, the membership of which does not exceed two hundred and fifty, or two councillors where the membership exceeds two hundred and fifty. Councillors shall be elected by their local bodies and shall hold office for one year.

(2) The council may change the basis of representation of local bodies when in its opinion changes are required on account of educational reorganization or any other circumstances.

(3) A member of the council who represents a local body and ceases to belong to that body shall automatically cease to be a member of the council, and the executive of the local body which he represented may elect a successor for the unexpired term.

(4) Vacancies occurring in the council by reason of the death, resignation or departure from the province of a member may be filled by the council of the local body which he represented.

(5) Two-thirds of the membership of the council shall form a quorum.

(6) The council shall at its regular meeting in each year elect from its members a president and vice-president.

R.S.S. 1940, c.176, s.7; R.S.S. 1953, c.183, s.7.

Decisions of council

8(1) All matters before the council shall be decided by a majority vote of those present except matters pertaining to bylaws or proposed amendments to this Act, which shall be decided by a two-thirds vote of those present.

(2) In the event of an equality of votes the chairman shall have a casting vote, but he shall not vote at any other time.

1941, c.57, s.3; R.S.S. 1953, c.183, s.8.

Remuneration of council

9 The members of the council shall receive such reason- council able travelling and other expenses as may be fixed by bylaw or resolution of the council, and no member shall receive any other honorarium or remuneration.

R.S.S. 1940, c.176, s.9; R.S.S. 1953, c.183, s.9.

PROVINCIAL EXECUTIVE

Executive

10(1) There shall be an executive committee, herein- after called "the executive", consisting of the immediate past president, the president and vice-president of the council and five other members who shall be elected from and by the council at its annual meeting. The past president shall hold office only for one year after retirement from the presidency. The president and vice-president of the council shall be the president and vice-president respectively of the executive.

(2) All elected members of the executive shall hold office for one year, but shall be eligible for re-election; provided that no such member shall be so eligible unless he is a duly elected member of the council.

(3) Vacancies occurring in the executive by reason of the death, resignation or departure from the province of a member shall be filled by the executive from the membership of the council.

(4) Four members of the executive shall form a quorum.

R.S.S. 1940, c.176, s.10; 1941, c.57, s.4; R.S.S. 1953, c.183, s.10.

Decisions to the executive

11 All matters before the executive shall be decided by a majority vote of those present, and in the event of an equality of votes the chairman shall have a casting vote, but he shall not vote at any other time.

R.S.S. 1940, c.176, s.11; R.S.S. 1953, c.183, s.11.

Remuneration

12 The members of the executive shall receive such reasonable travelling and other expenses as may be fixed by bylaw or resolution of the council.

R.S.S. 1940, c.176, s.12; R.S.S. 1953, c.183, s.12.

Voting

13(1) Nominations for membership on the executive shall be made by the council and each councillor voting shall vote by secret ballot for a president and a vice-president of the council and for five persons as members of the executive, all of whom shall be selected from a list of such nominations.

(2) The votes shall be collected by the secretary and in the presence of the council delivered by him to the scrutineers.

R.S.S. 1940, c.176, s.13; 1941, c.57, s.5; R.S.S. 1953, c.183, s.13.

Count

14 The president shall appoint three scrutineers who shall count the votes and sign and deliver to the president the list of those elected.

R.S.S. 1940, c.176, s.14; R.S.S. 1953, c.183, s.14.

Equality of votes

15 In the case of an equality of votes between two or more candidates which leaves the election of one or more of the executive members undecided, the secretary shall forthwith place in a box a number of papers equal to the number of candidates who have an equality of votes, each paper having the name of one of the candidates written thereon. The papers shall be so folded that the name shall be inside and not visible without the papers being opened. The papers shall be mixed together in the box and the secretary shall draw by chance from the box, in the presence of the council, one or more of such papers sufficient to make up the required number; and the persons whose names are upon the papers so drawn shall be declared elected.

R.S.S. 1940, c.176, s.15; R.S.S. 1953, c.183, s.15.

Void votes

16 If an elector places more or less than the required number of names on his voting paper his vote shall not be counted.

R.S.S. 1940, c.176, s.16; R.S.S. 1953, c.183, s.16.

Voting papers retained

17 The secretary shall retain the voting papers used at an election until the date of the next election when they may be destroyed.

R.S.S. 1940, c.176, s.17; R.S.S. 1953, c.183, s.17.

The secretary treasurer

18 A secretary treasurer shall be appointed by the executive from the teaching body and shall hold office during the pleasure of the executive.

R.S.S. 1940, c.176, s.18; R.S.S. 1953, c.183, s.18.

Remuneration

19 There shall be paid to the secretary treasurer such honorarium and reasonable travelling and other expenses as may be fixed by resolution of the executive.

R.S.S. 1940, c.176, s.19; R.S.S. 1953, c.183, s.19.

DUTIES OF THE COUNCIL

Duties

20(1) The council shall:

- (a) meet once each year at a time determined by the council and at such other times as the president deems necessary for the dispatch of business;
- (b) formulate and control the policies of the federation;
- (c) elect from its members the president, vice-president and the five other members of the executive.

(2) The president shall state in the notice calling a special meeting of the council the business for which the meeting is called, and no other business shall be considered at that meeting.

(3) The council may make bylaws, rules and regulations not inconsistent with the provisions of this Act for the government and discipline of the members of the federation, the conduct of its affairs and for carrying out its objects, and may repeal, vary or re-enact the same.

R.S.S. 1940, c.176, s.20; 1948, c.56, s.2; 1950, c.60, s.4; R.S.S. 1953, c.183, s.20.

DUTIES OF THE EXECUTIVE

Duties

21 The executive shall:

- (a) take any action necessary to carry out the policies of the federation as formulated by the council;

- (b) appoint standing and special committees, and supervise their activities;
- (c) appoint a secretary treasurer for the federation and provide for the bonding of that official;
- (d) retain a solicitor for the federation;
- (e) pass upon all regular and special accounts of the federation;
- (f) act as trustee of the property and moneys of the federation.

R.S.S. 1940, c.176, s.21; R.S.S. 1953, c.183, s.21.

DUTIES OF OTHER OFFICERS

President

22 The president shall:

- (a) preside at all meetings of the council and of the executive;
- (b) order the secretary treasurer to pay out of the funds of the federation all accounts passed by the executive;
- (c) sign, together with the secretary treasurer, all cheques issued by the federation;
- (d) call a special meeting of any of the standing or special committees when he deems it necessary to do so;
- (e) call the regular meeting of the council during the Christmas vacation in each year, and call a special meeting of the council when instructed to do so by the unanimous vote of the executive, or when requested to do so by the written request of fifteen duly qualified councillors Notice of such special meeting shall be mailed to councillors at least ten days prior to the date of the meeting;
- (f) scrutinize and pass upon all publicity dealing with matters of policy of the federation;
- (g) present at the regular meeting of the council a comprehensive report of the activities of the federation during his term of office.

R.S.S. 1940, c.176, s.22; R.S.S. 1953, c.183, s.22.

Vice-president

23 The vice-president shall perform all the duties of the president in his absence.

R.S.S. 1940, c.176, s.23; R.S.S. 1953, c.183, s.23.

Secretary treasurer

24 The secretary treasurer shall:

- (a) keep a record of the proceedings of all meetings of the council and of the executive;
- (b) keep a record of all moneys received and disbursed by the federation;
- (c) be the custodian of and deposit all moneys received by the federation in a branch of a chartered bank approved by the executive;
- (d) pay, on the order of the president, all accounts passed by the executive;

- (e) perform all other secretarial duties pertaining to the federation, under the instructions of the executive or the president.

R.S.S. 1940, c.176, s.24; R.S.S. 1953, c.183, s.24.

Councillors

25 A councillor shall:

- (a) act on the council as the representative of the local body by which he was elected, so long as he remains a member of that body;
- (b) carry out, in his own superintendency, the policies of the federation.

R.S.S. 1940, c.176, s.25; R.S.S. 1953, c.183, s.25.

FEES

Deductions from school grants and payment to federation

26 The Department of Education shall deduct from the grant payable to each school district and school unit with federation respect to each year the fees payable by teachers to the federation as set forth from time to time in the bylaws of the council, and the total amount so deducted shall be paid over to the federation.

1949, c.64, s.2; R.S.S. 1953, c.183, s.26.

Recovery by school district

27 The treasurer of each school district and school unit shall recover the amount of the deduction made under section 26 by deducting it in instalments from the salary payable each month to the teacher.

1947, c.64, s.1; 1949, c.64, s.3; R.S.S. 1953, c.183, s.27.

Fee for voluntary affiliation

28 The annual fee paid by a member of any of the groups mentioned in subsection (2) of section 5 shall be fixed by the council and shall be payable by the affiliating group to the federation at any time during the year of membership; provided that no such group shall be entitled to representation on the council unless its annual fee is paid prior to the first day of December.

1950, c.60, s.5; R.S.S. 1953, c.183, s.28.

Unemployed teachers and teachers in training

29 The annual fee for unemployed teachers and teachers in training shall be fifty cents and shall be payable directly by them to the federation.

R.S.S. 1940, c.176, s.29; 1944 (2nd. Sess.) c.43, s.3; R.S.S. 1953, c.183, s.29; R.S.S. 1953, c.183, s.29.

Change in fees

30(1) The scale of fees and the minimum deduction provided for in the bylaws of the council may be changed by a two-thirds vote of the council.

(2) When a change is made by the council in accordance with subsection (1) the secretary treasurer shall advise the Department of Education by registered mail of the change and of the result of the vote, and the change in fees shall apply to deductions made from grants with respect to the year beginning on the first day of January next following receipt by the department of such advice.

1944 (2nd. Sess.) c.43, s.4; 1949, c.64, s.4; R.S.S. 1953, c.183, s.30.

MISCELLANEOUS

Limitation of powers of groups and local bodies

31 Unless with the previous consent of the executive of the federation, no local body of teachers shall make representations to the government or any member thereof, or bargain in any way with the Department of Education with respect to matters affecting the teaching profession or involving a change in educational policy.

R.S.S. 1940, c.176, s.31; R.S.S. 1953, c.183, s.31.

Returns

32 The secretary treasurer when required by the Lieu- tenant Governor in Council shall transmit to the Provincial Secretary a certified return under the seal of the federation setting forth all such information and particulars relating to the federation as may be required.

R.S.S. 1940, c.176, s.32; R.S.S. 1953, c.183, s.32.

DISCIPLINE

Discipline committee

33 The council shall appoint and shall maintain for the purposes hereinafter named a committee of members of the federation, irrespective of whether they are members of the council, to be known as the "discipline committee", five in number of whom three shall constitute a quorum, and may at any time alter the number, constitution and term of office of the committee.

1948, c.56, s.3; R.S.S. 1953, c.183, s.33.

Meetings

34(1) The committee shall meet from time to time for the dispatch of business and, subject to any regulations made by the council, may regulate the convening, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions and generally the transaction and management of business; and if there is a quorum, the committee may act notwithstanding any vacancy therein, and in the case of a vacancy may appoint a member of the council to fill the vacancy until the next meeting of the council.

(2) Every meeting of the committee held for the purpose of investigating a charge or complaint shall be held at the time and place most convenient for all parties concerned.

(3) At least two weeks before the holding of an inquiry a notice shall be served upon the person whose conduct is the subject of the inquiry. The notice shall embody a copy of the charges made against him or a statement of the subject matter of the inquiry, and shall also specify the time and place of the meeting.

1948, c.56, s.3; R.S.S. 1953, c.183, s.34.

Legal or other assistance

35 The discipline committee as well as the council may, for the purpose of the execution of their duties under this Act, subject to the approval of the executive, employ at the expense of the federation such legal or other assistance as the discipline committee deems necessary and the person whose conduct is the subject of inquiry shall also have the right to be represented.

1948, c.56, s.3; R.S.S. 1953, c.183, s.35.

Investigations

36(1) The discipline committee shall make every investigation ordered by the council or the executive in any case in which complaint has been made that a member of the federation has been guilty of professional misconduct or conduct not becoming to a teacher, and may of its own motion investigate the facts in any such case.

(2) Without in any way restricting the generality of subsection (1), every member shall be deemed guilty of professional misconduct or conduct not becoming to a teacher, who:

- (a) wilfully takes, because of animosity or for personal advantage, any steps to secure the dismissal of another teacher;
- (b) wilfully circulates false reports, derogatory to any fellow teacher or to any other person directly associated with education in the Province of Saskatchewan;
- (c) maliciously, carelessly, irresponsibly or otherwise than in fulfilment of official duties, criticizes the work of a fellow teacher in such a way as to undermine the confidence of the public and pupils;
- (d) publishes or circulates any false or mischievous statement or enters into any collusive arrangement intended to circumvent or nullify any of the Acts of the Legislature pertaining to teachers or schools or the regulations of the Department of Education;
- (e) where he is one of a local group, bargains on his own behalf on questions affecting members of the group as defined by bylaws, rules or regulations made under subsection (3) of section 20;
- (f) is addicted to the excessive use of intoxicating liquors or the excessive or habitual use of opiates or narcotics as defined in the *Opium and Narcotic Drug Act (Canada)* and amendments thereto;
- (g) has been convicted of an offence under the *Criminal Code*.

1948, c.56, s.3; R.S.S. 1953, c.183, s.36.

Report and recommendations to executive

37(1) After holding an inquiry, the discipline committee shall report to the executive its findings and such recommendations as it may deem advisable in a written report, signed by the members taking part in the inquiry and concurring in the report, together with minutes of the proceedings before the discipline committee and of the evidence adduced and all exhibits produced or copies thereof.

(2) Such report, if signed by a majority of the members taking part in the inquiry, shall be deemed to be the report of the committee.

1948, c.56, s.3; R.S.S. 1953, c.183, s.37.

Recommendation of executive to Minister of Education

38 The executive may, on receipt of a report from the discipline committee that a member has been found guilty Education of professional misconduct or conduct not becoming to a teacher, and after consideration thereof, reprimand or recommend to the Minister of Education the suspension or cancellation of the certificate of qualification issued to the member whose conduct was under inquiry and the secretary shall inform such person, by letter sent by registered mail, of the decision of the executive.

1948, c.56, s.3; R.S.S. 1953, c.183, s.38.

Deposit to cover expenses of inquiry

39 The executive may demand from any person requesting an inquiry, and before undertaking the same, a reasonable sum as a deposit to cover the necessary costs and expenses and, if the complaint is found to be frivolous or vexatious, the deposit may be so applied; otherwise the deposit shall be returned to the person making the same.

1948, c.56, s.3; R.S.S. 1953, c.183, s.39.

Costs on frivolous or vexatious complaint

40 The executive may order to be paid out of the funds deposited pursuant to section 39 to any person against whom a complaint which is found to be frivolous or vexatious has been made, such costs as it deems just.

1948, c.56, s.3; R.S.S. 1953, c.183, s.40.

Investigation by executive

41 The executive may, and upon written application of any three members of the federation shall, make a preliminary investigation into the facts regarding such conduct of any member as is set forth in section 36, and if in its opinion the facts justify a more thorough investigation the executive shall order an investigation by the discipline committee as hereinbefore provided.

1948, c.56, s.3; R.S.S. 1953, c.183, s.41.

Evidence on oath

42 The testimony of witnesses shall be taken under oath, which the chairman of the discipline committee is hereby authorized to administer, and there shall be full right to cross-examine all witnesses called and to adduce evidence in defence and reply.

1948, c.56, s.3; R.S.S. 1953, c.183, s.42.

Attendance of witnesses

43 For the purpose of procuring the attendance and evidence of witnesses before the discipline committee, the local registrar of the Court of Queen's Bench in any judicial district shall, upon the application of a party to the inquiry or upon the application of a member of the discipline committee or the secretary treasurer of the federation and on payment of the fees prescribed by rules of court, issue writs of *subpoena ad testificandum* or *duces tecum*; and the rules of evidence on the inquiry and the proceedings and penalties in the case of disobedience to such writs shall be the same as obtain in civil cases in the Court of Queen's Bench.

1948, c.56, s.3; R.S.S. 1953, c.183, s.43.

Absence of persons whose conduct is under inquiry

44(1) If the person whose conduct is the subject of inquiry fails to attend, the discipline committee may, upon proof of service of the notice referred to in subsection (3) of section 34 which proof of service may be by affidavit or by statutory declaration, proceed with the inquiry and, without further notice to such person, make a report of its findings or take such other action as it is authorized to do under this Act.

(2) If the person whose conduct is the subject of inquiry does not appear and the discipline committee determines to proceed in his absence, and in any other case with the consent in writing of that person, the committee may, either as to the whole case or as to any particular fact or facts, proceed and act upon evidence by affidavit.

1948, c.56, s.3; R.S.S. 1953, c.183, s.44.

No action against council, executive or committee

45 No action shall lie against the council or the executive or the discipline committee, or any member thereof, for any committee proceedings taken or orders given or enforced under the disciplinary provisions of this Act.

1948, c.56, s.3; R.S.S. 1953, c.183, s.45.

SUPPLEMENTAL

Bylaws, rules and regulations to be filed with Provincial Secretary

46(1) The federation shall file in the Department of the Provincial Secretary two copies, certified by the secretary treasurer to be true copies, of:

- (a) all bylaws, rules and regulations hereafter made under this Act;
- (b) all amendments made to such bylaws, rules and regulations;
- (c) all amendments hereafter made to bylaws, rules and regulations made before the first day of June, 1948;

within thirty days after the same are made.

(2) Where a bylaw, rule or regulation is hereafter amended, two copies thereof shall be filed with the amendment.

1948, c.56, s.3; R.S.S. 1953, c.183, s.46.

Effective date of bylaws, etc.

47 All bylaws, rules, regulations and amendments thereto hereafter made shall take effect upon the making thereof or on a date stated therein for the purpose.

1948, c.56, s.3; R.S.S. 1953, c.183, s.47.

Effect of failure to file bylaw, etc.

48 Failure to file any bylaw, rule, regulation or amendment as required by section 46 shall render the bylaw, rule, regulation or amendment ineffective as from the expiration of the time allowed for filing the same and it shall be deemed to have been revoked.

1948, c.56, s.3; R.S.S. 1953, c.183, s.48.

Review by Legislative Assembly

49(1) One copy of all bylaws, rules and regulations and amendments thereto filed in the Department of the Provincial Secretary as required by section 46 shall be laid before the Legislative Assembly forthwith if the Assembly is then in session or, if the Assembly is not then in session, within fifteen days from the commencement of its next session.

(2) Where any bylaw, rule or regulation or any amendment thereto laid before the Legislative Assembly is found by the Assembly to be beyond the powers delegated by the Legislature or in any way prejudicial to the public interest, such bylaw, rule, regulation or amendment shall thereupon cease to have any effect and be deemed to have been revoked.

1948, c.56, s.3; R.S.S. 1953, c.183, s.49.

Record of revocation and notification to federation

50(1) Where it appears from any Votes and Proceedings of the Legislative Assembly that any bylaw, rule or regulation or amendment thereto has ceased to have effect, the Clerk of the Assembly shall forthwith forward two copies of such Votes and Proceedings to the Deputy Provincial Secretary and at the same time advise him that the copies are forwarded pursuant to this subsection.

(2) Upon receipt of such copies the Deputy Provincial Secretary shall file one of the copies with the bylaw, rule, regulation or amendment to which it relates and forthwith forward the other copy to the federation and at the same time advise the federation that the copy is forwarded pursuant to this subsection.

1948, c.56, s.3; R.S.S. 1953, c.183, s.50.

Discipline

51(1) Where the executive recommends that the certificate of qualification of a member be suspended or cancelled, the federation shall within fourteen days after the date on which the recommendation is made forward by registered mail to the Minister of Education a copy, certified by the secretary treasurer to be a true copy, of the complaint, the report of the discipline committee and the recommendation of the executive, and shall furnish the minister with such relative information as he may require.

(2) If the minister is of opinion that the recommendation is unjust or contrary to the public interest, he may:

- (a) request the executive to reconsider the case and its findings thereon;
- (b) if the executive and the person whose conduct is under inquiry agree, appoint a board of arbitration consisting of one member nominated by the executive, one nominated by the person whose conduct is under inquiry and one appointed by the Lieutenant Governor in Council to review or rehear the case and render decision thereon.

1948, c.56, s.3; R.S.S. 1953, c.183, s.51.