

DA 199400 25 C1

\*加拿大的教師罷教規定

訪問日期： 八十三年七月十九日

訪問及整理： 駐加文化組

受訪者： 訪加拿大教師聯盟 (Canadian Teachers' Federation)  
研究及資訊服務室主任  
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問：請問加拿大對教師罷教權的法律制定情形大致如何？

答：由於加拿大的教育權屬各省，故罷教權的規定各省均不太相同。可分類如次：

- 1、法令規定有罷教權者：卑詩省、亞伯達省、安大略省、魁北克省、新斯科細亞省、新布朗斯威克省、及育康地方。
- 2、未有法律規定惟默許罷教權者：薩斯克其萬省、紐芬蘭省。
- 3、規定未有罷教權但可訴諸仲裁者：曼尼托巴省、愛德華王子島省、西北地方。

問：為何有三個省份或地區規定不准罷工，有無特別理由？

答：這三個地區，有其原因，曼尼托巴省的教師因換得終身任教契約，而放棄罷教權。至育康特區及愛德華王子島省教師人數太少（如愛德華王子島省教師僅一千五百多名），未有足夠力量爭取。

問：教師罷教的一般程序如何？

答：教師罷教程序和一般罷工程序大致相同，故有的省並沒有獨立的罷教法律規定，而適用一般勞工法 (General Labour Law)，如魁北克省、卑詩省、亞伯達省、新布朗斯威克省；也有另專對教師罷教有獨立規定的，如安大略省、新斯科細亞省等。但此二類並無重大不同點。

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問：教師罷教的區域範圍有無規定？可否有全國性的罷教？

答：罷教的範圍要視教育權屬的範圍，聯邦政府無教育權，故不致有針對聯邦的全國性的罷教行為。一般並無特殊規定，可以有全省性的，但亦有的省份規定僅限於學區或地區（如安大略省、卑詩省、亞伯達省）。

問：罷教是否有負面影響？以罷教方式是否都能解決問題？

答：罷教大家都不樂見，故發生次數不多，縱使發生，也盼早日解決。事實上也都能解決。我提供一份1992年之罷教統計資料，你可發現罷教的理由、地區、天數及最後解決方式。

罷教時，教師也有損失，僅就金錢而言，罷教期間政府不給薪，教師僅能從相關之工會團體獲微薄之罷教津貼，（教師一般待遇每日約二〇〇加幣，罷教津貼每日大約二十五加幣，且自罷教之第五或十日以後始能開始支領），故罷教期間都不會太長。

因加國罷教不多，故目前對學生影響還不明顯，也都有方式補救，但罷教後原則並不補課，學生平白損失。如果罷教期間過長，政府可透過議會以法令強制教師回到學校。此種情形也發生過。

問：目前加拿大罷教的規定有無修改必要？

答：由於執行起來，尚無重大爭議，目前未聞有要修改之提議。

- \* 1、 本訪問係應教育部指示蒐集教師罷教資料而做。
- 2、 本文內容僅係受訪者個人意見，不代表本組或其他單位之意見。

### Teacher Strikes and Sanctions in Canada

Year	Province and Organization	Jurisdiction	Issues	Nature of Sanction	Starting and Term. Dates	Duration in Days	Number of Teachers Involved	Results
1992	B.C.	Nanaimo	Class size, work year, wages prep. time, posting/filling, transfers	Full scale Strike	Dec. 21-23	3 days	887	
	BCTF	Cranbrook	Class size, work year, wages, prep. time, mainstreaming/integration, conversion from temporary to continuing ERIP	Full Scale Strike	Dec. 21-22	2 days	232	
	Alta. ATA	Calgary School District 19	Salaries, early retirement gratuity and reassignment of teachers to high-needs schools	Strike	Jan. 13-17	5 days	6,6618	2 year agreement Year 1 - 5.6% Year 2 - 4.0%, teacher trustee committee established to study early retirement gratuity and increase in staff development fund
		Grande Prairie School District 2357	Salaries, benefits and working conditions	Strike	Mar. 18-30	8 days	285	2 year agreement Year 1 - 5.6% Year 2 - 4.0%, increases in substitute pay, allowances and board contributions to benefit plans; and, provisions for three sabbatical leaves per year
		Battle River SAA (10 boards)	Salary parity with neighboring jurisdictions	Strike	Apr. 6 to May 13	22 days	1,382	2 year agreement Year 1 - 4.9% Year 2 - 3.8%
		Paintearth County 18	Salary parity with neighboring jurisdictions	Strike	Apr. 6-30	13 days	60	Began strike as a member of Battle River SAA. Board withdrew and reached a 3 year agreement Year 1 - 4.7% Year 2 - 3.5% and Year 3 - 2.5%
		Red Deer County 23	Salary parity with neighboring jurisdictions	Strike	Apr. 6 to May 1	14 days	287	Began strike as a member of Battle River SAA. Board withdrew and reached a 2 year agreement Year 1 - 4.9% Year 2 - 3.9%
		Stettler County 6	Salary parity with neighboring jurisdictions	Strike	Apr. 6 to May 7	18 days	64	Began strike as a member of Battle River SAA. Board withdrew and reached a 2 year agreement Year 1 - 4.8% Year 2 - 3.7%

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1992	Alta (cont'd) ATA	Southern Alberta SAA (13 boards)	Salaries, benefit premiums for teachers on LTD and maternity leaves and management rights clauses	Strike	Apr. 27 to May 8	10 days	791	2 year agreement Year 1 - 5.25% Year 2 - 4.0%, increases in substitute pay, allowances and PIL salary
		Cardston Division 2	Salaries, benefit premiums for teachers on LTD and maternity leaves and management rights clauses	Strike	Apr. 27 - 27	0 days	191	Began strike as part of Southern Alberta SAA. Board withdrew and reached a 2 year agreement Year 1 - 5.0% Year 2 - 4.0%
		Coaldale RCSSD 73	Salaries, benefit premiums for teachers on LTD and maternity leaves and management rights clauses	Strike	Apr. 27 - 27	0 days	13	Began strike as part of Southern Alberta SAA. Board withdrew and reached a 2 year agreement Year 1 - 5.5% Year 2 - 3.0
		Crowsnest Pass Division 63	Salaries, benefit premiums for teachers on LTD and maternity leaves and management rights clauses	Strike	Apr. 27-28	1 day	73	Began strike as part of Southern Albert SAA. Board withdrew and reached a one year agreement, 5.97%; increased substitute pay, allowances and PIL salary
	Ont. OSSTF	Ottawa	Staffing Compensation	Strike	Mar. 23 to Apr. 24	23 Days	980	Staffing Ratios in Collective agreement
	OSSTF	Metro-Toronto	Compensation	Work to Rule	Mar. 23-31	8 days	8,000	Reached a 2 year agreement
	OSSTF	Carleton Secondary	Staffing Compensation	Strike	Apr. 2 to May 13	30 days	1,100	Improved staffing
	OPSTF/ FWTAO	Carleton Public Elementary	Salary Staffing	Work to Rule	May 4 to Jun 4	23 days	1,800	Three year agreement signed Year 1 - 2.5% Year 2 - 3.57% Year 3 - 1.91%

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