

**BRIEF SUBMITTED**

to

**THE OFFICE DES PROFESSIONS**

by

**THE QUEBEC ENGLISH SCHOOL BOARDS ASSOCIATION (QESBA)**

concerning

**THE ESTABLISHMENT OF A PROFESSIONAL ORDER FOR TEACHERS**

**April 15, 2002**

## INTRODUCTION

The Quebec English School Boards Association (QESBA) which represents the nine English-language school boards of Québec welcomes the opportunity to address some of the questions raised by the *Office des professions du Québec* on whether or not a professional order for teachers should be constituted as well as to explain the various existing structures that safeguard and control the occupation of teaching. In describing the three principal governing structures—the Education Act, the Regulation respecting teaching licences and the teachers' collective agreement, we hope to demonstrate that teachers are required by law, regulation and agreement to adhere to an already strict set of conditions which define their occupation both in terms of membership and delivery of services.

Raising the question concerning the creation of a professional order governing teachers evokes not only a forced reflection on what currently governs teachers but also what could govern a practice which is at the same time an art, a science, a vocation and a job.

Everyone has an opinion about teachers and schooling. The educational experience is one of the few activities which has been common to all adults, in attendance, but very different in experiential outcome.

## I – WHAT CURRENTLY GOVERNS TEACHERS

For some individuals, “teaching” is a private act. Yet for a private act, it is one of the most highly structured, regulated and scrutinized activities governed by the Education Act, the Labour Code, the teachers’ collective agreement as well as numerous policies and regulations of the Ministry of Education.

### Education Act

A teacher is first and foremost governed by the Education Act (R.S.Q. c. I-13.3, s. 22) which outlines a teacher’s obligations:

*A teacher shall*

- (1) *contribute to the intellectual and overall personal development of each student entrusted to his care;*
- (2) *take part in instilling into each student entrusted to his care a desire to learn;*
- (3) *take the appropriate means to foster respect for human rights in his students;*
- (4) *act in a just and impartial manner in his dealings with his students;*
- (5) *take the necessary measures to promote the quality of written and spoken language;*
- (6) *take the appropriate measures to attain and maintain a high level of professionalism;*
- (6.1) *collaborate in the training of future teachers and in the mentoring of newly qualified teachers;*
- (7) *comply with the educational project of the school.*

In addition, teachers’ qualifications are controlled by the Ministry of Education through a licencing process defined in the Education Act and in the Regulation respecting teaching licences.

Under section 23 of the Education Act (R.S.Q. c. I-13.3), every teacher must hold a teaching licence:

*To provide preschool education services or to teach at the elementary or secondary level, a teacher must hold a teaching licence determined by regulation of the Minister of Education. Teaching licences shall be issued by the Minister of Education.*

However, there are exemptions. A teacher-by-the-lesson, an hourly paid teacher and a person who provides instruction in an enterprise determined by the Minister in a regulation are exempt from the obligation described above. Also, a casual supply teacher or a person providing instruction which does not have as its object, within the meaning of the basic regulations, the awarding of an attestation of qualification issued by the Minister.

Complementing the Education Act, the Regulation respecting teaching licences defines how candidates must conform to the admission criteria for the occupation of teaching.

### **Regulation respecting teaching licences**

The Regulation respecting teaching licences sets out the requirements for the teaching permit and the teaching diploma, the procedure for the renewal of a teaching permit and the conditions applicable to the probation period.

A teaching licence entitles the holder to teach in Quebec and it is either temporary, in the case of the teaching permit, or permanent, in the case of the teaching diploma.

Through continuing education programs, teachers may train to teach additional subjects and thus improve their employment opportunities. While teachers will not be issued a new teaching licence, their additional training may be taken into account by employers who wish to assign personnel in light of any new qualifications they acquire. It is up to school administrators to ensure that the teachers they hire are qualified to teach the subjects assigned.

Sections 23, 24 and 26 of the Regulation specify the term for which a teaching permit is valid and the procedure to follow in order to apply for a renewal.

A teaching permit is initially valid for a period of five years. The permit may subsequently be renewed by the Minister of Education for periods of five years at the holder's request.

Sections 7 to 16.1 of the Regulation deal with the probation period designed to verify the teaching skills of a person who has applied for a teaching diploma. Evaluation focuses on the following areas:

- teaching activities;
- classroom management;
- other educational tasks.

The probation period is compulsory for all holders of a teaching permit working in recognized institutions. The probation period consists of 1 200 hours of teaching in a recognized institution. It may be reduced to no less than 600 hours if, during that time, the candidate has successfully completed his or her probation period and has taught at least 200 hours over 12 consecutive months in educational institutions belonging to the same school board, the same private educational institution or the same special school under agreement with the Minister of Education.

The educational institution or school board employing a probationary teacher upon completion of the probation period is responsible for issuing an attestation of success or a notice of failure. The educational institution or school board will base its decision on its evaluation of the probation period and, where applicable, on evaluations made by other educational institutions.

Section 25 of the Education Act stipulates that, in exceptional circumstances, the Minister may authorize a school board, on the conditions and for the period he or she determines, to engage as preschool education providers or elementary- or secondary-level teachers persons who do not hold a teaching licence.

In addition to the structures that define the obligations and “membership”, one of the most “taylorized”<sup>1</sup> and controversial components governing a teacher’s performance stems from his or her collective agreement.

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<sup>1</sup> Taylorized: a term used to designate scientific management and work efficiency.

It is, however, important to note that, although a negotiated settlement, the term “collective agreement” distorts the reality of numerous decrees and errors of omission.

### **Teachers’ collective agreement**

In the English-language sector, the working conditions of teachers are negotiated by the Management Negotiating Committee for English-language School Boards (CPNCA) and the Quebec Provincial Association of Teachers (QPAT). While the CPNCA represents the interests of the nine English-language school boards, members of the Quebec English School Boards Association (QESBA), the QPAT represents nine member unions.

The following excerpt from the collective agreement concluded between the CPNCA and the QPAT defines the principles, general duties as well as the manner in which teachers are required to deliver educational services at the different levels of instruction—preschool, elementary and secondary.

#### **CHAPTER 8-0.00**

#### **THE TEACHER’S WORKLOAD AND ITS ORGANIZATION**

##### **8-1.00 GENERAL PRINCIPLES**

##### **8-1.01**

*The conditions for exercising the profession of teaching must be such that the student may benefit from the quality of education which he or she is entitled to expect and which the board and the teachers have the obligation to provide to him or her.*

##### **8-1.02**

*The introduction of new pedagogical methods shall be a subject submitted to the participating body of teachers at the board level determined under Chapter 4-0.00.*

##### **8-1.03**

*The criteria governing the choice of textbooks from among the list of textbooks approved by the Minister, the teaching materials required for teaching the programs of study as well as their terms and conditions of implementation shall be subjects submitted to the participating body of teachers at the board level determined under Chapter 4-0.00.*

*The choice of textbooks and the teaching materials required for teaching the programs of study shall be subjects of consultation submitted to the participating body of teachers at the school level determined under Chapter 4-0.00.*

##### **8-1.04**

*The change in the report cards used by the board shall be a subject submitted to the participating body of teachers at the board level determined under Chapter 4-0.00.*

**8-1.05**

*It shall be the responsibility of the teacher to choose the appropriate method to prepare and present his or her courses within the guidelines of the authorized programs.*

*The examinations of the board shall be administered in accordance with its evaluation policy, which shall be a subject submitted to the participating body of teachers at the board level determined under Chapter 4-0.00.*

**8-2.00 GENERAL DUTIES**

**8-2.01**

*The teacher shall provide learning and developmental activities to students and shall participate in the development of student life in the school.*

*In this context, the teacher's characteristic responsibilities are:*

- a) to prepare and present courses and provide developmental and cognitive learning activities within the guidelines of the authorized programs;*
- b) to work together with the other teachers and personnel of the school in order to take the appropriate measures to meet the individual needs of students;*
- c) to organize and supervise student activities;*
- d) to organize and supervise workplace internships;*
- e) to be responsible for providing support (encadrement) to a group of students;*
- f) to evaluate the performance and progress of students for whom he or she is responsible and report on them to the school administration and to parents according to the system in effect; the system shall be a subject submitted to the participating body of teachers determined under Chapter 4-0.00;*
- g) to supervise the students for whom he or she is responsible as well as other students in his or her presence;*
- h) to monitor the late arrivals and absences of his or her students and to report them to the school administration according to the system in effect; the system shall be a subject submitted to the participating body of teachers determined under Chapter 4-0.00;*
- i) to participate in meetings relating to his or her work;*
- j) to perform other duties usually assigned to teaching personnel.*

## II- HOW TEACHERS MIGHT BE GOVERNED THROUGH A PROFESSIONAL ORDER

Within the context of existing legislation, there is an intention on the part of some to redefine what constitutes a teacher within an occupational perspective. Section 25 of the Professional Code (R.S.Q., c. C-26), *Factors for incorporation* spells out the elements that must be taken into account in determining whether or not a professional order should be constituted.

*(1) The knowledge required to engage in the activities of the persons who would be governed by the order which it is proposed to constitute.*

At present, the minimum level of formal education required to obtain a teaching licence is defined in unequivocal terms in section 26 of the Regulation respecting teaching licences. It is difficult to conceive what advantage a self-administered standards committee would have over the current structure. Given its responsibility to oversee the overall functioning of the education system, it is difficult to envision the government relinquishing its authority to control the licencing process.

*(2) The degree of independence enjoyed by the persons who would be members of the order in engaging in the activities concerned, and the difficulty which persons not having the same training and qualifications would have in assessing those activities.*

In no way does this perceived advantage apply to the reality of a preschool, elementary and high school teaching environment. As demonstrated, the art of teaching is one of the most highly structured and regulated occupations. Within this context, the government maintains the control over admissibility into the occupation of teaching and would never abdicate its responsibility and social role as the overseer of the overall educational orientation of the society it governs. The current structures and regulations provide teachers with a general operating framework. Their freedom derives from the means used to attain the objectives set.



*(3) The personal nature of the relationships between such persons and those having recourse to their services, by reason of the special trust which the latter must place in them, particularly because such persons provide them with care or administer their property.*

School boards as the recognized employers and unions representing teachers provide a structural environment which regulates a social security net for all teachers including civil liability coverage, salary insurance, parental rights, sabbatical leave plans, leaves of absence, pension plans and credit union savings. Meanwhile, the unions protect their members by negotiating working conditions which govern their employment ties.

However, while this remains the cornerstone of the security blanket which protects teachers, the most pervasive component of the relationship between the teachers and their union is the union's role in negotiating working conditions and salary for all teachers. The unions provide their members with the means and recourse necessary to protect their rights and the opportunity to expand their interests and to experience a sense of belonging.

*(4) The gravity of the prejudice which might be sustained by those who have recourse to the services of such persons because their competence or integrity was not supervised by the order.*

Teachers are governed by what is required of them and what is expected of them. In the event of a breach in either case, the protections afforded them cover all aspects of their professional lives including incapacity, negligence in the performance of duties, insubordination, misconduct or immoral behaviour.

The very notion of suggesting that a new level or structure to protect the rights of teachers goes beyond comprehension. The established safeguards built into the collective agreement have proven their worth over time.

The entire scope of what is being proposed by a professional order involves the dismantling of a series of interrelated laws, regulations, collective agreements and practices concerning the licencing, job description, benefits and even the suspension or dismissal of a teacher. A professional order would be perceived by many as being an addition to an already complex system or the underlying cause for the dismantling of an already well-proven system of checks and balances.

*(5) The confidential nature of the information which such persons are called upon to have in practising their profession.*

The nature of teaching involves a regular and sustained interaction with students, teachers, administrators, professionals and parents and is considered privileged information and is only deemed confidential when it applies to the specific testing results of a child's aptitude, ability and potential. In this context, a governing body is not required to control confidentiality. To a certain degree, this right to confidentiality is protected by the Canadian and Québec Charters of Human Rights and Freedoms.

### III- CONCLUSION

The existing structures surrounding teaching provides for a framework that regulates the act and all its peripheral responsibilities. Replacing those structures, laws, regulations, collective agreements and policies is perceived by some as providing a greater autonomy and freedom of operation and discretion on the part of teachers, while for others a professional order is seen as the opposite, a means to gain absolute public control over teachers.

The replacement of one governing body by another will not guarantee greater control or increased accountability. Experience has shown, although imperfect, the current structure is responsive to the general public's interest and needs. As pressure is brought to bear on institutions to modify, adjust or change their structures, governing bodies which are responsible to elected officials are empowered to react and effect change in the public interest. Throughout this brief, we have attempted to demonstrate that, while teaching is a very structured and regulated occupation, teachers maintain a professional discretion and individual integrity in carrying out the duties and responsibilities required of them and affirm that the occupation remains an art form. The sequencing and interrelated nature of the Education Act, regulations and collective agreement constitute a well-defined structure and an evolving set of controls.

The establishment of a professional order for teachers will not resolve any difficulties that are currently affecting the system. The concept, while applicable to professions which are truly autonomous, cannot be transferred to teaching.

Regardless of their shortcomings, the existing control structures governing teachers can be modified to meet evolving public needs. It is our firm belief that there are few perceived advantages that a corporation could have over the existing structures. If the objective is to assert greater control over the licencing and qualifications of teachers, a corporation could be redundant. If the objective is to allow for greater autonomy and control in the delivery of services, it again would be redundant as the act of teaching remains under the current structures a private act.