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Ottawa-Carleton French-Language School Board Transferred Employees Act

R.S.O. 1990, CHAPTER O.44

**Consolidation Period:** From January 1, 2003 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2).

Legislative History: 1992, c. 17, s. 6, 7; 1993, c. 11, s. 50-56; 1993, c. 23, s. 71; 1993, c. 27, Sched.; 1994, c. 1, s. 24; 1997, c. 31, s. 163; [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2).

Interpretation

Definitions

**1** (1) In this Act,

“Commission” means the Languages of Instruction Commission of Ontario continued under Part XII of the *Education Act*; (“Commission”)

“English-language board” means The Ottawa Board of Education, The Carleton Board of Education, The Ottawa Roman Catholic Separate School Board or The Carleton Roman Catholic Separate School Board; (“conseil de langue anglaise”)

“French-language Board” means The Ottawa-Carleton French-language School Board; (“Conseil de langue française”)

“French-language instructional unit” means a class, group of classes or school in which French is the language of instruction, but does not include a class, group of classes or school established under paragraph 25 of subsection 8 (1) of the *Education Act* (French-language instruction for English-speaking pupils); (“module scolaire de langue française”)

“French-speaking person” means a person who has the right under subsection 23 (1) or (2), without regard to subsection 23 (3), of the *Canadian Charter of Rights and Freedoms* to have his or her children receive their primary and secondary school instruction in the French language in Ontario; (“francophone”)

“full board” means all of the members of the French-language Board; (“conseil plénier”)

“Minister” means the Minister of Education; (“ministre”)

“public sector” means those members of the French-language Board who are elected as members of the public sector; (“section publique”)

“Region” means The Regional Municipality of Ottawa-Carleton; (“Région”)

“Roman Catholic sector” means those members of the French-language Board who are elected as members of the Roman Catholic sector; (“section catholique”)

“school system” means a separate school board in the Region, a public board in the Region, the public sector or the Roman Catholic sector. (“organisation scolaire”) R.S.O. 1990, c. O.44, s. 1 (1); 2002, c. 17, Sched. F, Table.

Regulations under *Education Act*

(2) A reference in this Act to the *Education Act* or to a provision of it shall be deemed to include a reference to the regulations made under that Act or provision. R.S.O. 1990, c. O.44, s. 1 (2).

Definitions under *Education Act*

(3) Except where otherwise provided in this Act, words and expressions used in this Act have the same meaning as in section 1 of the *Education Act*. R.S.O. 1990, c. O.44, s. 1 (3).

Application of *Education Act*

(4) Subsections 1 (2) and (4) of the *Education Act* apply with necessary modifications in respect of the French-language Board. R.S.O. 1990, c. O.44, s. 1 (4).

Application of *Constitution Act, 1867*

(5) The provisions of this Act shall not be construed in a way that prejudicially affects a right or privilege with respect to denominational schools guaranteed by the *Constitution Act, 1867.*  R.S.O. 1990, c. O.44, s. 1 (5).

Idem

(6) If it is finally determined by a court that a provision of this Act prejudicially affects a right or privilege enjoyed by Roman Catholic separate school boards under the *Constitution Act, 1867,* that provision is repealed, it being the intention of the Legislature that the remaining provisions of this Act are separate from and independent of the said provision. R.S.O. 1990, c. O.44, s. 1 (6).

**Section Amendments with date in force (d/m/y)**

[2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs2) - 01/01/2003

PARTS I-XI (ss. 2-56) **Repealed**: 1994, c. 1, s. 24 (1).

**2-56** Repealed: 1994, c. 1, s. 24 (1).

**Section Amendments with date in force (d/m/y)**

1994, c. 1, s. 24 (1) - 01/07/1994

PART XII  
TRANSFER OF EMPLOYEES TO FRENCH-LANGUAGE BOARD

Definitions

**57** In this Part,

“employee” means a teacher or other employee and includes an employee as defined in the *Labour Relations Act* but does not include the director of education, the secretary or the treasurer of the board; (“employé”)

“seniority”, in respect of a transferred employee, means,

(a) seniority as agreed upon between the English-language board that employed the transferred employee and the organization that entered into a collective agreement with the English-language board in respect of the transferred employees, or

(b) if there is no collective agreement, seniority as determined in accordance with the policy of the English-language board; (“ancienneté”)

“transferred employee” means an employee of an English-language board who is transferred to the French-language Board under this Part. (“employé muté”) R.S.O. 1990, c. O.44, s. 57.

**58-66** Repealed: 1994, c. 1, s. 24 (2).

**Section Amendments with date in force (d/m/y)**

1994, c. 1, s. 24 (2) - 01/07/1994

Gratuity

**67** (1) Upon termination of employment with a French-language district school board established under Part II.2 of the *Education Act*to exercise jurisdiction in the Region, a transferred employee is entitled to payment of an amount calculated in accordance with the teaching contract, employment contract or employment relationship that applied in respect of the person on the last date that the person was employed by the English-language board as though the person had continued to be employed by the English-language board. R.S.O. 1990, c. O.44, s. 67 (1); 1994, c. 1, s. 24 (3); 1997, c. 31, s. 163 (1).

Idem

(2) In lieu of the payment under subsection (1), a transferred employee has the right to require payment of an amount calculated in accordance with the teaching contract, employment contract or employment relationship that applies in respect of the person on the last date that the person is employed by the French-language school board. R.S.O. 1990, c. O.44, s. 67 (2); 1994, c. 1, s. 24 (4).

Idem

(3) The amount of the payment under this section shall be shared by the English-language board and the French-language school board in the ratio that the number of years of the transferred employee’s service with each board bears to the total number of years of his or her service with both boards. R.S.O. 1990, c. O.44, s. 67 (3); 1994, c. 1, s. 24 (5).

Same

(4) For the purposes of subsection (3), service with the Ottawa-Carleton French-language School Board and with a French-language school board established in the Region under subsection 11 (13) of the *Education Act* as it existed before section 7 of the *Education Quality Improvement Act, 1997* came into force, shall be deemed to be service with a French-language district school board mentioned in subsection (1). 1997, c. 31, s. 163 (2).

**Section Amendments with date in force (d/m/y)**

1994, c. 1, s. 24 (3-5) - 01/07/1994; 1997, c. 31, s. 163 (1, 2) - 01/01/1998

Dispute resolution

**68** (1) A dispute in respect of any matter arising under this Part in the employment relationship between an employee and a French-language district school board established under Part II.2 of the *Education Act* to exercise jurisdiction in the Region or an English-language district school board established under Part II.2 of the *Education Act* to exercise jurisdiction in the Region may be resolved by a grievance arbitration in accordance with this section. 1997, c. 31, s. 163 (3).

Parties

(2) The parties to the grievance arbitration are the relevant French-language district school board or the relevant English-language district school board as the case requires, and the person, or, if the person is employed under a collective agreement, the organization that represents the person under the collective agreement. 1997, c. 31, s. 163 (3).

Grievance arbitration

(3) Subsections 137 (3) to (16) and sections 138, 139, 140, 141 and 142 of the *Education Act*, as those provisions existed immediately before the *Education Quality Improvement Act, 1997* received Royal Assent, apply with necessary modifications to a grievance arbitration under subsection (1). R.S.O. 1990, c. O.44, s. 68 (3); 1997, c. 31, s. 163 (4).

**Section Amendments with date in force (d/m/y)**

1997, c. 31, s. 163 (3, 4) - 01/01/1998

**69-71** Repealed: 1994, c. 1, s. 24 (9).

**Section Amendments with date in force (d/m/y)**

1994, c. 1, s. 24 (9) - 01/07/1994

PART XIII (ss. 72, 73) **Repealed**: 1994, c. 1, s. 24 (9, 10).

**72** Repealed: 1994, c. 1, s. 24 (9).

**Section Amendments with date in force (d/m/y)**

1994, c. 1, s. 24 (9) - 01/07/1994

**73** Repealed: 1994, c. 1, s. 24 (10).

**Section Amendments with date in force (d/m/y)**

1994, c. 1, s. 24 (10) - 01/07/1994

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