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Changes to School Boards Collective Bargaining Act Oppose Anti-Worker Amendments!



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- **Oppose Anti-Worker Amendments!**

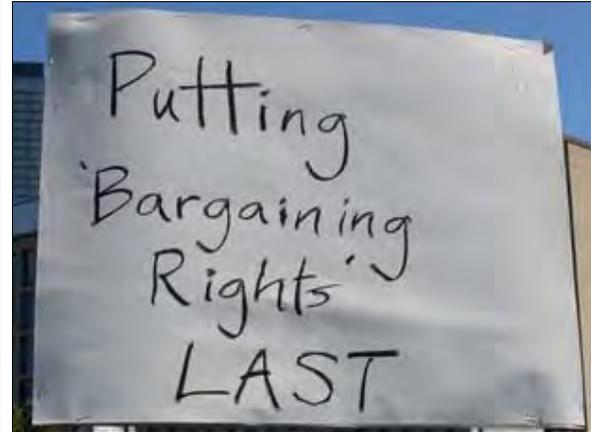
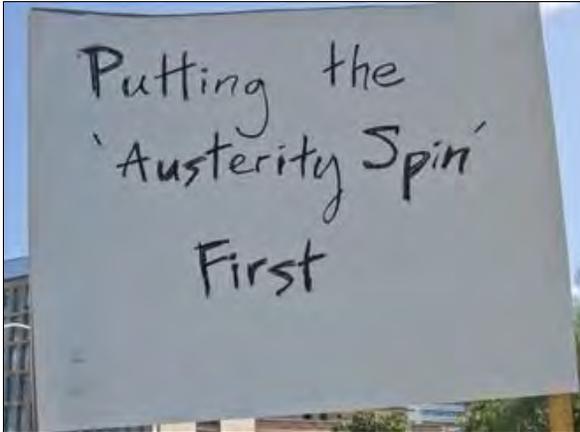
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Changes to School Boards Collective Bargaining Act
Oppose Anti-Worker Amendments!



On March 6, the Liberals, joined by the Progressive Conservatives, passed Bill 92, the *School Boards Collective Bargaining Amendment Act, 2017* at second reading, sending it to the Standing Committee on General Government of the Ontario Legislature. The Committee held two days of public hearings on March 8 and 9. Speakers included representatives of the Ontario Public School Boards' Association, the Elementary Teachers' Federation of Ontario (ETFO), the Ontario Secondary School Teachers' Federation (OSSTF), Association des enseignantes et des enseignants franco-ontariens (AEFO) and the Canadian Union of Public Employees (CUPE).

Ontario Political Forum calls on teachers and education workers to demand that amendments that are aimed at violating workers' rights be removed. This is particularly the case with provisions that:

- require an additional five days notice any time teachers and education workers intend to modify the nature of an ongoing strike action, giving the government more time to prepare back-to-work legislation and possibly impose contracts on them. It also appears to be a way to blame teachers and education workers for inconveniencing parents when the last several years have shown it is the government's actions, including the unconstitutional stripping of teachers and education workers of their rights, that have caused disruptions in the school system.
- require all support staff bargaining units to negotiate provincially who currently are not required to do so. CUPE in particular has spoken out against this change, saying it would take away the rights of of these workers to "democratically determine their participation in central bargaining with the provincial government."
- would codify in the *School Boards Collective Bargaining Act* the role of the Education Relations Commission and its secretive role in justifying the ordering of striking teachers and education workers back to work.

Bogus Consultations

The government claims that it consulted widely regarding amending the *Act* after the 2014 round of bargaining, giving the impression that it is all just about tidying up the legislation now based on input received from those involved. During debate Education Minister Mitzie Hunter said, "Based on our consultations and informed by our partners' input, we have developed a set of proposed amendments to the *School Boards Collective Bargaining Act* that we believe will enhance this

already effective bargaining framework. These amendments were also developed in response to issues raised by the Auditor General."

OSSTF and CUPE pointed out prior to the committee hearings that none of the changes reflect anything they recommended to the government. In the case of CUPE, the amendments would force some of their local bargaining units to participate in provincial bargaining, something that is currently voluntary under the *Act*. Clearly, although the Minister claims the legislation is about "partnership" and "enhancements," it is about imposing new arrangements onto workers without negotiation using the Liberals' majority.

The government is aware that the unions which have accepted extensions of their collective agreements to August 2019 would accept amending the law to enable those extensions, as the legislation does not currently permit the term of a collective agreement to be extended. However, the government is using this situation to go further and ram through other amendments that increase provincial control over negotiations and set the stage for restraining workers' legal strike actions.

For background information on the amendments to the legislation see [Ontario Political Forum, February 27, 2017](#).



Negotiations in K-12 Education

Unions Ratify Extension Agreements

On March 4 the Elementary Teachers' Federation of Ontario (ETFO) announced that its members had ratified agreements with the Government of Ontario, the Ontario Public School Boards' Association (OPSBA) and the Council of Trustees' Associations to extend their 2014-2017 collective agreements by two years to August 2019.

On March 6 members of the Ontario Council of Educational Workers (OCEW) announced that they had ratified an extension agreement between itself, the Council of Trustees' Association and the Government of Ontario. OCEW is a bargaining council made up of six unions representing over 7,000 workers in 18 bargaining units at Public and Catholic School Boards across Ontario. The unions are COPE Ontario, Locals 103, 429, 654, 527 and 529, Educational Resource Facilitators of Peel, Essex & Kent Counties Skilled Trades Council, Laborers International Union of North America, Local 837, Maintenance and Construction Skilled Trades Council, and Ontario Public Service Employees Union - Support Staff and ESL Teachers.

On March 8 the The Education Workers Alliance of Ontario-Alliance des travailleuses et travailleurs de l'Ontario (EWAO-ATEO) announced its member unions had also ratified extension agreements with the Government of Ontario and the Council of Trustees' Association. EWAO-ATEO is composed of Association des enseignantes et des enseignants franco-ontariens, Association of Professional Student Services Personnel, Dufferin-Peel Education Resource Workers' Association,

Educational Assistants Association, Halton District Educational Assistants Association, Service Employees' International Union, Local 2, and Unite Here, Local 272.

The Ontario Secondary School Teachers' Federation (OSSTF) will begin holding mass meetings following the March break to discuss their tentative agreements to extend existing contracts as well as the tentative agreement reached on a remedy for the government's violation of collective bargaining rights that culminated in its use of *Bill 115, the Putting Students First Act* to impose contracts in 2012-2013. OSSTF represents secondary teachers and educational support staff in both elementary and secondary schools as well as other school board employees.



More Supports for Students Achieved with Extension of Collective Agreements Ratified by ETFO Members

- Elementary Teachers' Federation of Ontario, March 4, 2017 -

Members of the Elementary Teachers' Federation of Ontario (ETFO) have voted to ratify settlements reached with the Government of Ontario, the Ontario Public School Boards' Association and the Council of Trustees' Associations to extend their 2014-2017 collective agreements by two years to 2019.

"These extended agreements have achieved important improvements in the working conditions of ETFO members and the learning conditions of Ontario's elementary students," said ETFO President Sam Hammond. Highlights of the agreements include:

- Special Education funding of \$50 million and Priorities funding of \$39 million that will provide more teaching support for students with special needs;
- reduction of grades 4 to 8 class size average to 24.5 students over five years to allow for more individualized instruction to students;^[1]
- a Kindergarten class size cap to reduce excessively large class sizes;
- two paid days of professional development for occasional teachers over the two year term of the agreement;
- a salary increase of four per cent over two years for all members plus a 0.5% lump sum on wages earned in the 2016-2017 school year, and
- preservation of all local agreement provisions including superior provisions.

Separate agreements were ratified for ETFO's teacher/occasional teachers and education worker members. Eighty-one (81) per cent of ETFO teacher and occasional teacher members and 90 per cent of their locals voted in favour of a contract extension. Seventy-one (71) per cent of Designated Early Childhood Educators (DECEs), Education Support Personnel (ESPs) and Professional Support Personnel (PSPs) and 85 per cent of their locals voted in favour of the extension. ETFO's current collective agreements were set to expire on August 31, 2017.

ETFO continues to be engaged in Bill 115 remedy discussions with the government.

ETFO is committed to building better schools. Its Building Better Schools education agenda can be

viewed at www.buildingbetterschools.ca. ETFO represents 78,000 elementary public school teachers, occasional teachers and education professionals across the province.

OPF Note

1. The current average is 24.5; however there have been exceptions made for certain boards while other boards have not met the average. The agreement requires the government to provide funds to those boards that are above the average to come into compliance over five years, starting in 2017-2018 . This applies to 22 of the province's 76 school boards (8 Catholic and 14 public). For more information on how class size is regulated in Ontario see *Ontario Political Forum, February 27, 2017*.

Discussion

Preparing for What Lies Ahead

- Mira Katz -

All but one of the K-12 education unions in Ontario have now ratified their extension agreements which will expire in August 2019, well after the provincial election scheduled for June 7, 2018.

Teachers and education workers in ETFO did make headway in the discussion of their tentative agreements by sticking to their demand for improved working conditions and students' learning conditions. They were determined to make an advance in their working conditions and the tentative agreement does advance these conditions at a province-wide level. It is certainly however a problem that the provincial union did not raise the loss of local collective bargaining as being of importance or as a concession in its presentation of the tentative agreements to members. Teachers and education workers should make sure that their majority yes vote does not get interpreted in any way as a yes for the further elimination of local decision making, whether within the unions or in K-12 education generally. All those who see the importance of local bargaining from their experience must now work on building public opinion so that it is not actually eliminated in the future.

The Wynne government has succeeded in eliminating collective bargaining at the local level from this round. It did so in the hopes of stopping any conflict with teachers and education workers from emerging before or during the provincial election. However teachers and education workers have shown time and time again that they defend their working conditions -- students' learning conditions -- under all conditions and circumstances. This includes during and between elections, between contract negotiations and in their own schools and places of work. The issue now is how to do so in these particular circumstances.

An important matter is the implementation of new measures the unions achieved in the agreement. Can teachers and education workers rely on the provincial government, which has shown its only concern is being re-elected, to now uphold straightforwardly what they have agreed to? How will things play out when local school boards, which did not have a direct say in the extension of local contract terms, despite being parties to them, refuse to comply with them or do so in a manner that violates the spirit and intent of central or local terms in the collective agreements in force until 2019?

School boards and locally elected trustees cannot be blamed for the problems that will emerge as a result of extended local and provincial agreements if the government refuses to properly fund the measures that have been agreed to. The government must be held to account and school boards

mobilized to demand adequate resources rather than engage in any schemes to "rob Peter to pay Paul" which often take place.

Limits on class sizes and provisions for new classroom supports in particular cannot simply be left to back room deals at the provincial level or tolerated as unmet promises to come up again in the next round of bargaining. Teachers and education workers will have to step up their vigilance in their schools and at the school board level to ensure that the working conditions they agreed to are enforced on the basis of affirming their and their students' rights, and not through simply moving funds around in a shell game.



How to View the Bill 115 Remedy

- Enver Villamizar -



Rally of 30,000 Ontarians on January 26, 2013 converges on the Liberal Leadership Convention in which Kathleen Wynne is selected Premier by delegates.

When considering the tentative agreement on a remedy for the government's violation of rights during the 2012-2013 round of negotiations it is important for teachers and education workers to bear in mind that what the court and the government on the one hand, and teachers and education workers on the other, consider to be the violation of rights inherent in Bill 115, the *Putting Students First Act* are contradictory.

When the Ontario Superior Court ruled that the government had violated fundamental rights during the negotiations in 2012-2013, it did so with a glaring caveat. The judge specifically stated that had the government not imposed contracts, the outcome would likely have been the same. In other words, the judge sought to set parameters for the negotiations on a remedy so that the government's anti-social claim that public sector workers needed to be subjected to a period of "restraint" so it could pay the rich through interest payments on the debt would be considered legitimate. The issue

was therefore made the egregiousness of the government's actions, which the judge called "precipitous." Specifically, the judge took issue with the government's failure to sufficiently involve the unions in deciding how the "restraint." would be implemented. He condoned an arrangement within which the role given to the unions was to sell the government's "restraint" agenda to their members and according to him, the unions did not have a proper chance to do that in a "fair" manner so their members would agree to it voluntarily. On this basis the judge let the government off the hook for its overall attack on public services and those who deliver them.

The government, backed up by the ruling of the court in the Bill 115 case, considers **the method** that was used as the violation of rights, while the **aim and the outcome** -- the theft of billions from education -- legitimate and even necessary. Teachers and education workers consider **the method** to be an extension of **the aim and outcome**. They refused to accept either as legitimate and instead affirmed that the government's agenda would make matters worse in Ontario. Negotiate! Don't Dictate! became the rallying cry. This slogan affirmed that working people have a right to say No! to attacks on their wages and working conditions and in so doing were standing up for the rights of all.

The government's ongoing failure to get teachers and education workers to give up their right to say No! is what the extension of collective agreements, the amendments to the *School Boards Collective Bargaining Act* and the remedy seem to be all about. Teachers and education workers may or may not vote to accept the remedy arrived at by the government and their unions, however they will not accept having their right to say No! restrained or eliminated.

For a full analysis of the Ontario Superior Court decision regarding Bill 115 see [Ontario Political Forum, April 25, 2016](#).



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