

Joint Submission: Proposed Amendments to Bill 92, School Boards Collective Bargaining Amendment Act, 2017



March 8, 2017

Joint Submission to: Standing Committee on General Government

Re: Proposed Changes to Bill 92, School Boards Collective Bargaining Amendment Act, 2017

Introduction:

Good afternoon, Mr. or Madame Chair and members of the committee.

My name is Donna Danielli and I am a Regional Vice President and a member on the Executive Council of the Ontario Public School Boards' Association (“**OPSBA**”).

Joining me today is Pat Daly, President of the Ontario Catholic School Trustees' Association (“**OCSTA**”), Jean-François L'Heureux, Vice-President of the Association des conseils scolaires des écoles publiques de l'Ontario (“**ACEPO**”), and Jean Lemay, President of the Association Franco Ontarienne des Conseils Scolaires Catholiques (“**AFOCSC**”).

Our School Board and Trustee Associations represent all 72 English and French Public and Catholic School Boards across Ontario.

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We thank you for this opportunity to address the Standing Committee on General Government on these important proposed amendments to the *School Boards Collective Bargaining Act, 2017 (the Act)*.

We also want to thank the Ministry of Education for the consultations leading up to the proposed changes to the *Act* and for the proposed changes that will improve the effectiveness of the central bargaining process.

However, we would also like to draw your attention to the absence of some critical changes that our Associations' have proposed to the Ministry of Education that were **not** included in Bill 92. These changes would further improve the bargaining process and increase stability within the education sector.

We commend the government for its efforts in extending the current collective agreements, and making that possible with the related amendments to the *Act*. We believe that teachers and education workers deeply influence a positive and productive learning environment for students. They are supported in their roles through the stability engendered by successfully negotiated collective agreements. Amending the *Act* to allow for the negotiated two-year contract extensions will promote stability in the sector and result in positive outcomes for students, teachers, and other staff.

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Role of School Boards and Associations

One of the key roles of school boards is to be responsive at the local level to the expectations of parents of school-age children and youth. Parents in Ontario expect school boards to protect the quality of education in the classroom. They expect school boards to protect the future of the education system by making decisions that are focused squarely on what is in the best interests of all students and the learning environment.

The Ontario Public School Boards' Association (OPSBA), the Ontario Catholic School Trustees' Association (OCSTA), the Association des conseils scolaires des écoles publiques de l'Ontario (ACEPO), and the Association Franco Ontarienne des Conseils Scolaires Catholiques (AFOCSC) undertook a critical role in the development of the *Act* and subsequently, with its passage in 2014, in the collective bargaining process as the Designated Employer Bargaining Agents for our respective school boards at the central tables.

As the Designated Employer Bargaining Agents, we gained valuable insight and perspective on the collective bargaining process during the first round of central bargaining under the new legislation. It was new territory for all stakeholders involved: the Crown, employee groups, and Trustee/School Board Associations. We valued the opportunity to share the lessons we learned in the government's four consultation

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sessions to review and amend the *Act*, with a view to making the collective bargaining process in the education sector more stable and consistent.

Today, however, while some of the proposed changes are helpful, we are here to express our deep concerns that the proposed amendments in Bill 92 do not reflect some of our fundamental recommendations that were repeatedly shared throughout the consultation process.

A joint letter, dated February 10, 2017, was sent to the Honourable Mitzie Hunter, Minister of Education on behalf of all four Trustee/School Board Associations. The letter reflected our collective frustration, and outlined our position on some key issues which were raised during the consultations:

Number 1: Our most pressing concern is the need for Sequenced Bargaining. This would require the completion of central bargaining prior to the commencement of local bargaining.

Currently, the *Act* permits for simultaneous central and local bargaining, and accordingly, simultaneous labour disruptions at both the central and local level. Such potential job action could take a variety of forms, such as full, rotating, and/or partial strikes and withdrawal of services at either, or both, the central or local level. Of particular concern is the potential impact of synchronized levels of labour disruption in a

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single round of bargaining. During every consultation with the government, all four Trustee/School Board Associations articulated their strong desire for an amendment to the *Act* calling for sequenced bargaining which would require the completion of central bargaining, prior to the commencement of local bargaining. We are unanimous in our firm belief that an amendment calling for sequenced bargaining would reduce potential disruption for parents and students and provide greater stability within the sector. Ultimately, it would be in the best interests of students. This input was not tabled for amendment by the government.

Number 2: The proposed amendments do not address the possibility of continuous and simultaneous sanctions within the sector by the unions representing teachers and education workers, at both the central and local level, and this is particularly worrisome. The proposed amendments would structure the *Act* in such a way as to allow for the possibility of collective agreements expiring at different times. Accordingly, the education sector could find itself in a state of continuous sanction. This is not in the best interest of students, and has the real possibility of eroding public confidence in the publically funded education system. However, this input was not tabled for amendment by the government.

In addition, the original language in the *Act* requires that the Trustee/School Board Associations seek Crown consent prior to issuing notice of, or engaging in, a central lock-out or alteration of any central terms and conditions of employment. The proposed

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amendment in Bill 92 changes the language from Associations' requiring '*Crown consent*' to requiring the '*Crown's mutual agreement*'. As the Designated Employer Bargaining Agents, the original provision in the *Act* and the subsequent proposed amendment, result in the same outcome. It hampers the Trustee/School Board Associations' ability to quickly and effectively respond to labour disruptions, potentially prolonging the impact on students. Changing the word "consent" to "mutual agreement" makes little difference to our ability to address labour disruption in a timely manner and results in the potential for increased instability and uncertainty for parents and students.

We are skeptical that there is any practical consequence to the proposed change in language concerning Crown approval of lockouts and changes in central terms and conditions during an open period. We strongly recommend that this section of the *Act* be further reviewed and amended.

On February 21, in the Minister's introduction to the House of Bill 92, School Boards Collective Bargaining Amendment Act, 2017, she stated, "If passed, the proposed amendments will improve the consistency and transparency of the collective bargaining process, provide more flexibility to all parties, and address technical issues to enhance the already effective two-tiered bargaining framework."

We fully support the government's efforts in this regard and believe that the majority of amendments support this goal. However, the absence of our proposed amendments on

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these critical issues undermines the collaborative spirit of our partnership with the government and has the potential to compromise the ability of school boards to fulfil their responsibility for ensuring student achievement and well-being as outlined in the *Education Act*.

For these reasons, we would ask the Standing Committee to amend the proposed legislation as we have suggested. We believe that these amendments will lead to a more stable learning environment for our students and ultimately lead to better educational outcomes.

Thank you for considering our recommendations into this critical piece of legislation.

[Check against delivery]