



## **Provincial Bargaining for School Boards Consultation Document**

### **Preface**

In the 2012 budget the Government of Ontario committed to developing a legislative and regulatory framework for provincial bargaining. It is our intention to introduce that legislation in the fall of this year.

We are looking forward to consulting with key stakeholders. As the Minister of Education, Liz Sandals has stated in her letter inviting participation in the consultations, the parties to the sector have a great deal of experience and crucial perspectives that will be of invaluable assistance to the government in arriving at that legislative and regulatory framework.

These consultation topics are open ended. You are invited to make any suggestions that are important to your organisation and relevant to a future bargaining framework for school boards.

We need a made-in-Ontario model, but there may be things we can learn from the experience of other jurisdictions.

Any legislative framework is made up of individual components which, when put together, make up a whole. The Minister is asking for your input into the component parts and the whole.

For the purpose of stimulating discussion only, below are a number of questions. You are welcome to address any or all of them. Or you may have concerns not listed here that you want to raise.

### **Possible Issues for Discussion**

#### **1. How many “tiers” of bargaining?**

“Tiers” refer to the levels of bargaining. A one-tier model could mean that all items in a collective agreement are negotiated at a central table. There would be no local bargaining. A two-tier model means that some things would be negotiated at a central table and other items at local tables. Another possibility is a three-tier model where major cost items are negotiated at one central table (Tier One); sectoral non-cost items handled at central table where boards bargain sectorally with unions (Tier Two); and local negotiations are used for local items (Tier Three.)

## **2. Who bargains with the unions at a provincial table?**

What structure best reflects the provincial interests (provincial policy, funding) and the employer interests? What is the best representation for the school boards? The trustee associations? A new management association led by a body made up of government and/or school board representatives? The individual school boards themselves?

## **3. In the event of a multi-tier model, what issues should get negotiated at each tier?**

What should be negotiated at any central table and what at any local table? Should it be the same set of issues for each round of bargaining (by setting it in legislation, for example) or should there be flexibility to change where issues are discussed from one round of bargaining to the next? If the latter, what process should be used to make such changes?

## **4. How many tables should there be?**

Should the central tables be organized like the 2008 provincial discussion tables (PDTs) or should teacher federations and support staff unions be grouped at common tables?

## **5. Should provincial negotiations apply to teachers only or to both teachers and support staff?**

As in all other Canadian jurisdictions, teacher job duties and major working conditions are fairly consistent across the province. The job duties of support staff, on the other hand, can vary widely from one board to the next. A Clerk 3 in Toronto may be a different job than that of a Clerk 3 in Thunder Bay. Wage rates for support staff tend to be linked to comparable regional rates of support staff in municipalities. On the other hand support staff unions negotiated provincial discussion table agreements in 2008 and 2010.

## **6. How should the strike/lockout process operate?**

Given the right to strike/lockout will continue, how should it operate? How would strike/lockout be structured in a tiered bargaining process?

## **7. What is the ratification process for school boards and for unions?**

For centrally negotiated items, should each school board and each local bargaining unit be required to ratify? Should each school board and local bargaining unit have the same "weight" in voting, regardless of their size? Is ratification achieved by a majority? If so, what constitutes a "majority?" Should centrally and locally negotiated items be ratified at the same time or one first and then the other?

## **8. What is the appropriate order for bargaining?**

In a multi-tier model, should central items be negotiated first and then local issues, the reverse, or concurrently? What is the default level? Should all unresolved items go to the central table or the local table? Should there be timelines attached to bargaining? At one level or both?

## **9. How should the collective agreement be maintained between bargaining rounds?**

Once a collective agreement is in place, who should maintain the agreement: that is, who should have the right to initiate grievances? The representatives at the central table for provincially negotiated items and the local board and bargaining agent for locally negotiated items? Or should the local school board and bargaining agents be responsible for the maintenance of both centrally and locally negotiated agreements?

## **10. What process should be utilized for Principal and Vice Principal discussions?**

Policy and Program Memorandum 152, Terms and Conditions of Principals and Vice Principals, provides a process whereby school boards and principals and vice principals can negotiate agreements. Should all or some discussions take place at a central table? If so, what terms and conditions should be discussed centrally and what locally? Who should represent the parties to the discussions?

### **Moving forward with the consultations**

The initial spring consultation meetings are the beginning of the consultations. Thereafter, your organizations may have further submissions to make and these will be welcome.

If you have submissions or a report which you would like to share with the Minister, please send them to Tim Hadwen, (A) ADM, Labour Relations, Ministry of Education, at [tim.hadwen@ontario.ca](mailto:tim.hadwen@ontario.ca).