

# How Bargaining Works in Ontario's Education Sector

Ministry of Education

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Ontario 

# Overview of Ontario's Education Sector

- Ontario's schools are administered by 72 district school boards and 10 school authorities, consisting of 4 geographically isolated boards and 6 hospital-based school authorities. There is also a Provincial Schools Authority and the Consortium for French-Language.

School boards are divided as follows:

1. 31 English Public
2. 29 English Catholic
3. 4 French Public
4. 8 French Catholic

## 2021-22

- There were 3,960 elementary and 872 secondary schools in Ontario.
- The number of students in Ontario was: 2,028,685.
- The Ontario government's total investment excluding capital was estimated to be \$25.4 billion.
- The government's total capital investment was estimated to be \$2.2 billion.
- There were 127,804 full time equivalent (FTE) teachers, consisting of 85,574 elementary and 42,229 secondary teachers.
- There were 7,580 FTE administrators (principals and vice-principals), consisting of 5,574 elementary and 2,006 secondary administrators.
- There were 9,599 FTE early childhood educators (ECEs), including LTO ECEs.

Note: facts and figures as of 2021-22 school year

# Legislation Overview



## *Education Act, 1990*

- establishment of school board powers as well as roles and responsibilities of various staff (e.g., Principals and Teachers)



## *Labour Relations Act, 1995*

- governs key elements of collective bargaining across all relevant sectors in Ontario
- Key elements include:
  - process for strikes and lock-outs
  - protected rights and privileges related to a strike or lock-out
  - Statutory freeze period

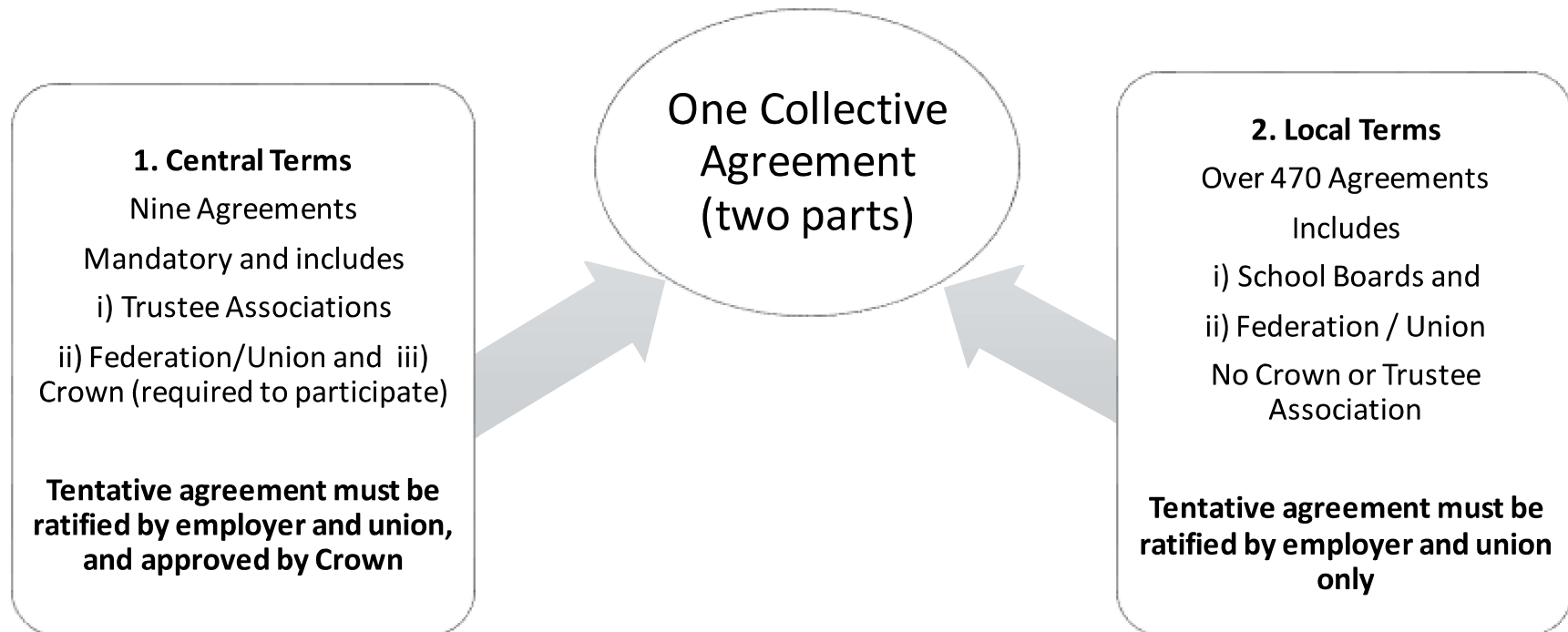


## *School Boards Collective Bargaining Act, 2014*

- establishes the bargaining framework for negotiating collective agreements modifying Labour Relations Act in the following key ways:
  - Two tiers (central and local)
  - Additional strike / lock-out notification requirements

Three main pieces of legislation governing bargaining.

# School Boards Collective Bargaining Act, 2014 (SBCBA)



- The *School Boards Collective Bargaining Act, 2014* (SBCBA) created a two-tier bargaining framework with a central tier and local tier.
- At the central level, teachers' federations and education workers' unions bargain with the school board trustees' associations. The Crown is a participant in negotiations but not a party to the agreements.
- At the local level, school boards also bargain with local unions on matters that are not centrally bargained.
- Collective agreements are not operational until both central and local agreements are ratified.
- The Crown and the school board trustees' associations are co-management partners in central bargaining.

# Bargaining Table Representation

Employee Bargaining Agency (EeBA)	School System	Employer Bargaining Agency (ErBA)
<b>Teacher Tables (Four)</b>		
1 • <b>OSSTF</b> - Ontario Secondary School Teachers' Federation	English Public - Secondary	• <b>OPSBA</b> - Ontario Public School Boards' Association
2 • <b>ETFO</b> - Elementary Teachers' Federation of Ontario	English Public - Elementary	• <b>OPSBA</b>
3 • <b>OECTA</b> - Ontario English Catholic Teachers' Association	English Catholic – Elementary and Secondary	• <b>OCSTA</b> - Ontario Catholic School Trustees' Association
4 • <b>AEFO</b> - L'Association des enseignantes et des enseignants franco-ontariens	French Public and Catholic - Elementary and Secondary	• <b>ACÉPO</b> - L'Association des conseils scolaires des écoles publiques de l'Ontario • <b>AFOCSC</b> - l'Association franco-ontarienne des conseils scolaires catholiques

## Education Worker Tables (Five)

5 • <b>CUPE</b> - Canadian Union of Public Employees	All Systems – but not all school boards	• <b>OPSBA, OCSTA, ACÉPO and AFOCSC</b>
6 • <b>OSSTF</b>	All Systems – but not all school boards	• <b>OPSBA, OCSTA, ACÉPO and AFOCSC</b>
7 • <b>ETFO</b>	English Public and Catholic system – but not all school boards	• <b>OPSBA and OCSTA</b>
8 • <b>OCEW</b> - Ontario Council of Education Workers. Includes the following unions:	All Systems – but not all school boards	• <b>OPSBA, OCSTA, ACÉPO and AFOCSC</b>
9 • <b>EWAO</b> - Education Workers' Alliance of Ontario. Includes the following unions:	English Public and Catholic system and French Catholic – but not all school boards	• <b>OPSBA, OCSTA and AFOCSC</b>

# General Bargaining Process Framework

## Regulations

- Regulations are required prior to the start of bargaining: early notice to bargain and the creation of education workers' tables. Other regulations, such as length of term of operation of the central agreements, follow during or when central bargaining is complete.

## Notice to Bargain

- Early notice to bargain may be provided up to six months prior to the expiry date of collective agreements if regulation allows. Otherwise, notice will be given three months prior to the expiry date.

## Mandate

- A formal bargaining mandate for the Crown, approved by Cabinet, is provided prior to the start of bargaining.

## Ground Rules and Central/Local Split

- Within 15 days after a notice to bargain has been issued by one or more of the central bargaining parties, the parties and Crown will meet and engage in discussions regarding ground rules. This is followed by central/local split discussions.

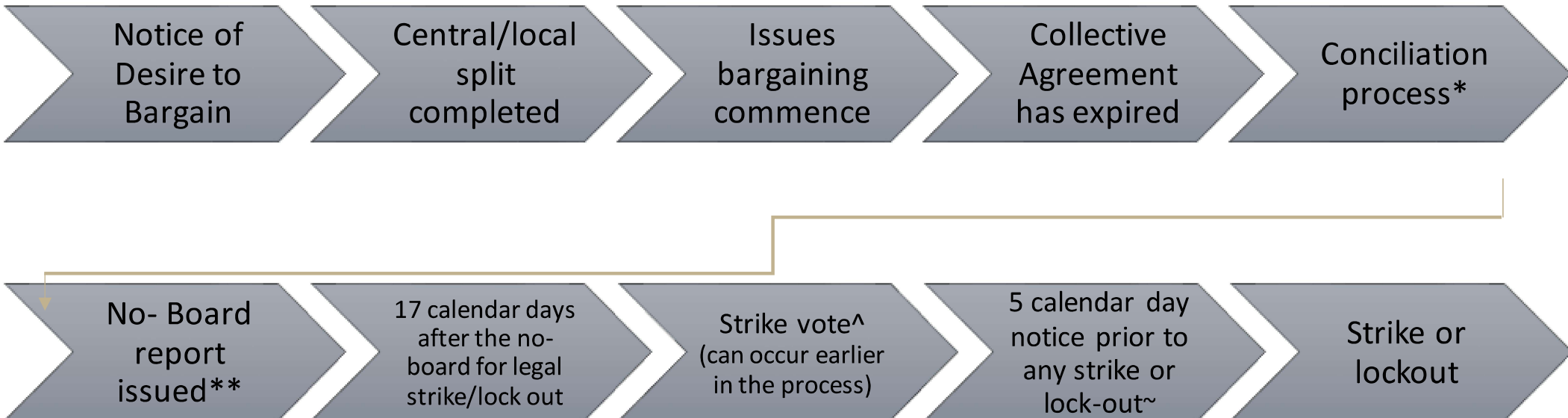
## Issues Bargaining

- After a central table has completed the central/local split discussions, issues bargaining commences.

## Agreement on Central/Local Terms

- Ratification of Central Terms by School Boards, Unions and agreed to by the Crown.

# Conditions for a Labour Disruption



\*Either party may apply for conciliation during issues bargaining.

\*\*After the conciliator is appointed, they must file a no-board report within 14 days unless the parties mutually agree to extend.

^Employer must obtain agreement from the Crown for a lock-out rather than holding a strike vote.

~Under the SBCBA, a minimum of 5 days notice following no-board report is required before strike action begins (includes work-to-rule). Any escalation to any strike or lock-out would require an additional 5 days notice (e.g., moving from work-to-rule to full strike).

# Forms of Strike Activity

Once the conditions for a strike have been met, a wide variety of actions can be legally undertaken, including work-to-rule, rotating strikes and the withdrawal of extracurricular activities.

## 1. **Work-to-Rule (partial strike/partial withdrawal of services)**

- Workers are in a legal strike position, but they are attending work and doing only what they consider to be their basic duties.
- Sometimes extended to include a partial withdrawal of service; workers stop performing certain job duties.

## 2. **Rotating Strikes:**

- Withdrawal of services on a rotational basis (usually prior to a full withdrawal).
- For example, school by school, or bargaining unit by bargaining unit.

## 3. **Full Withdrawal of Services (full strike):**

- When workers walk out and refuse to do any job duties.

Approaches may differ from system-to-system, or table-to-table.



# Alignment to Provincial Appropriations for Schools

- Central bargaining focuses, for the most part, on funding related matters (matters with a financial impact) and on provincial policy issues.
- Ministry funding makes up more than 90% of school board revenue. More than 80% of school board expenses are for salaries and benefits which are consolidated on the province's financial statements.
- Through central bargaining, the ministry has more influence over costs such as salary and benefits by being at the table.
- Prior to commencing bargaining, the ministry develops a formal bargaining mandate for the Crown, which is approved by Cabinet prior to the start of bargaining. The ministry cannot participate in central bargaining without an approved bargaining mandate.
- The bargaining mandate provides an estimate of the total provincial cost and relative funding required to implement the terms of the mandate by school boards.
- If the approved mandate is not sufficient to reach an agreement, the Crown must seek approval to amend the mandate with updated terms and related costs.

# Benefits of the current framework

- The current framework has allowed the Crown to exert more control over costs by promoting funding parity for centrally negotiated matters (i.e. compensation, benefits, etc.) as well as control over provincial policy matters being negotiated at the central tables (i.e. class size, hiring practices).
- Central bargaining allows the Crown to promote harmonization and alignment of terms across the sector through replication and pattern bargaining.
- Through central bargaining, the Crown has been able to:
  - Negotiate salary and benefits increases equitably across employee groups.
  - Control costs of large financial matters.
  - Establish a province wide benefits trust – amalgamating over 1,400 different benefit plans across 72 school into 6 provincial benefit trusts to leverage greater efficiencies and economies of scale and align benefits across the province by employee/union group.

# Challenges of the current framework

- Unions have the right under the SBCBA to a province wide strike on central matters, previously this would only be by district. There is the potential to also strike at the local level.
- Negotiating the central vs local matters prior to issues bargaining makes the process longer. For most tables, this gets faster in subsequent rounds.
- Bargaining sequence is complicated by multiple tables bargaining at the same time. Coordinating the bargaining dates with multiple participants at the table can also be challenging.
- Since local bargaining often follows central bargaining, it can take several years for a school board to have a collective agreement in place, which delays the implementation of the agreement. This can be mitigated by not having central terms, like salary, come into effect until the local agreement is in place.

# Appendix A: SBCBA Process Map

