

Understanding the *School Boards' Collective Bargaining Act, 2014.*

What is the *School Boards' Collective Bargaining Act, 2014*?

On October 22, 2013, the Minister of Education introduced provincial bargaining legislation in the Ontario Legislature. The legislation, called the *School Boards Collective Bargaining Act, 2014*, is also referred to as "Bill 122".

For more background information about the *School Boards Collective Bargaining Act, 2014*, and for information about the recent history of education sector collective bargaining in Ontario, click here:

<http://www.etfo.ca/bargainingandagreements/bill122/pages/default.aspx>

When was Bill 122 passed?

Bill 122 was passed by the Legislature on April 8, 2014. The Liberals and New Democratic Party (NDP) voted in favour; the Progressive Conservative (PC) party voted against.

Bill 122 will now require Royal Assent by the Lieutenant Governor. It's expected that Royal Assent will be received some time this week. Once Bill 122 is given Royal Assent, it becomes known as the *School Boards Collective Bargaining Act, 2014*.

The final version of the legislation will be posted in the next few days on the Ministry of the Attorney General's eLaws website in the section called 'Source Law'. In the interim, the amended version of Bill 122 (i.e., the version passed by the Ontario Legislature on April 8, 2014) can be found at:

http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=2882&detailPage=bills_detail_the_bill

What was ETFO's response when Bill 122 was introduced?

ETFO met with government representatives on a number of occasions since Bill 122 was introduced to discuss our concerns and propose amendments that would address those concerns.

ETFO also provided a formal submission to the government about Bill 122. ETFO's submission included amendments designed to ensure that the proposed provincial bargaining framework would be balanced and fair, and would work in the best interest of public education in Ontario. A copy of ETFO's submission is available here:

<http://www.etfo.ca/Publications/BriefstoGovernmentAgencies/Pages/ETFO%20Submission%20on%20Bill%20122,%20the%20School%20Boards%20Collective%20Bargaining%20Act,%202013.aspx>

Were the amendments proposed by ETFO accepted?

Many of the amendments proposed by ETFO have been incorporated into Bill 122. They include:

- **Clarifying the role of the government in the bargaining process.** The government is now a formal party to negotiations and, as such, must abide by the *Labour Relations Act*. That means the government is required to engage in bargaining in good faith and not commit any bargaining-related unfair labour practices.
- **Removing the ability of the government to make unilateral decisions about what can and can't be discussed at central bargaining tables.** Issues of provincial importance must be agreed upon by all three parties – ETFO, OPSBA and the government. When there are disputes, each party will have the right to seek recourse with the Ontario Labour Relations Board, which will settle those disputes.
- **Removing the ability of the government to unilaterally determine the length of collective agreements.** Bill 122 provides for collective agreements of three years in length. The government must consult with the parties if it wants to pass a regulation to change the term of future collective agreements to either two or four years.
- **Removing the requirement for government approval after collective agreements have been ratified.** This ability was a troubling aspect of Bill 122 for ETFO. The government is no longer able to veto agreements after they have been bargained in good faith and legitimately concluded through a ratification vote.
- **Reducing the maximum period for notice to bargain from 270 days, as originally proposed, to 180 days.** A notice to bargain period of up to 270 days is considerably longer than the current minimum period specified in the *Labour Relations Act* or currently provided for in ETFO collective agreements. That could have resulted in a very lengthy and protracted bargaining process.

In addition, Bill 122 now includes both a mandatory and a discretionary method for extending central bargaining to non-teacher bargaining units. This will give ETFO the right to participate in central bargaining for its DECE, ESP and PSP members where the legislative requirements are met.

Bill 122 also:

- Preserves the right to strike for both central and local issues, with no restrictions as to when strikes can take place. The provisions of the *Labour Relations Act* continue to apply to strikes;
- Preserves the value and integrity of local negotiations between ETFO and individual school boards.
- Is free from coercion, penalties, rewards or imposed deadlines.

The Ontario Progressive Conservative Party (PCs) proposed amendments to the Act that would make voluntary extracurricular activities a job requirement for teachers. Were those amendments accepted?

No. The amendments proposed by the PCs to make voluntary extracurricular activities a job requirement for teachers were not accepted and are not part of Bill 122. Voluntary extracurricular activities remain just that: voluntary.

What is ETFO's role in bargaining under the new legislation?

ETFO continues to be the bargaining agent for its members, both locally and at any provincial table.

What will province-wide and local bargaining look like under the new legislation?

In the near future, ETFO will be providing more information to members about what the collective bargaining process will look like under *School Boards Collective Bargaining Act, 2014*.

That information will be sent to members who are subscribers to ETFO's newsletters, posted on ETFO's website, and mailed to schools through ETFO's Steward Mailing.