



Upcoming dates:

April 3-6, 2017 –
Building Strong Locals
Conference, Halifax, Nova
Scotia

May 30, 2017 (afternoon) –
School Board Caucus held
prior to CUPE Ontario
convention, Toronto
Sheraton Centre

May 31-June 3, 2017 –
54th annual CUPE Ontario
Convention, Toronto
Sheraton Centre

February 2017

**Bill 92, School Boards Collective Bargaining
Amendment Act: We must show immediate and
overwhelming opposition to specific changes to
this bill**

In [OSBCC Update 5](#) (Fall 2016), we outlined the provincial government’s briefing to us on their proposed changes to the *School Boards Collective Bargaining Act, 2014* (SBCBA), the legislation that governs how we bargain in the education sector.

Following the OSBCC conference in early February, the government invited our sector’s representatives to a “final consultation” about the Act. We were given one day to provide a response which we did, reiterating our opposition to mandatory central bargaining.

Amendments to SBCBA fast-tracked

On Wednesday, February 22, we learned the government had introduced Bill 92, which would amend the SBCBA, through the legislature.

Several of the concerns we raised in October had been addressed, but the greatest and most important had not: **Bill 92 would make central bargaining mandatory** for all education workers, not for just teachers.

CUPE Ontario and the OSBCC has been consistent, clear and vocal in our opposition to this change: **mandatory participation in a central bargaining process is anti-democratic and contrary to the spirit of freedom of association under the charter.**

Counting on members to take action

We have clearly stated our position to government, in our [news release](#) of February 22, and in the telephone town hall with OSBCC leaders on Friday, February 24.

We are pursuing all options, but the most effective ways to make sure that Bill 92 is passed with the changes we need, is to have members make their opinions on mandatory central bargaining known to MPPs.

Action by CUPE Ontario and the OSBCC

CUPE Ontario believes strongly that our members should maintain the right to decide to participate in central bargaining at each and every round, but we only have a short time frame to make sure that we can continue to claim that right.

The OSBCC is seeking a legal opinion as to whether mandatory participation in Central bargaining is an infringement on Charter rights. We have set up meetings with the members of both opposition parties to clarify why this is a problem and to ask them to introduce amendments to the Bill, including an amendment to withdraw mandatory participation in central bargaining for education workers.

Take action now to amend Bill 92

Go to the CUPE Ontario Web site and click on Bill 92 under recent news. This will take you to an [“email your MPP” page](#) for you to let your MPP know you oppose this change. As a member, please pass the information regarding this page on to other members, friends and family. There needs to be an immediate and overwhelming opposition to this aspect of the Bill, and this is the first step.

Locals are also encouraged to organize their own actions in addition, and suggestions from leaders include: encouraging members to telephone their MPPs; and targeting MPPs in their constituencies during March break, especially government ministers Mitzie Hunter (Education) and Kevin Flynn (Labour) and Premier Kathleen Wynne.

What Bill 92 says now

➤ Who automatically has a central table

As it stands, Bill 92 would provide a Central table for every union which has more than 60 bargaining units of education workers. This would give automatic tables to CUPE and OSSTF. All locals affiliated to a particular union would bargain at the same table.

Those unions with fewer than 60 but more than 15 bargaining units would require a regulation to establish a table. Unions representing fewer than 15 bargaining units would need to find a table to join. If that does not occur voluntarily, the Ontario Labour Relations Board (OLRB) may order a group to join a table and may set out rules regarding their participation at that table.

➤ Requiring an additional five-days’ notice of prior to escalation

The Act will require an additional five days’ notice if a strike is escalating from a work-to-rule or “administrative strike” to a strike which would close one or more schools. In essence, if locals moved from work-to-rule to a rotating strike or full blown strike you would be required an additional five days’ notice. Moving from rotating strikes to full blown strikes would not

require the additional five days. This requirement for 5 days notice also applies to employer lockouts.

This amendment could reduce the efficiency of a strike by allowing school boards more time to hire replacement workers.

➤ **Extensions to collective agreements and term of the Collective Agreement**

Parties will have the option to extend the term of an agreement with mutual consent of the parties. Extensions already agreed before the legislation was passed would be valid once the appropriate regulations were passed to enable the agreements.

Currently the term of the Collective Agreement is limited to a maximum of four years, but the Bill would allow, following consultation of the parties, the option of setting the term of the agreement at 5 years. Three years would remain the default.

➤ **Crown authority to raise complaints with the OLRB**

The government will have the ability to go to the OLRB where there is language in a local Collective Agreement that is in conflict with the Central Agreement.

➤ **Newly Organized Bargaining Units to get Central Language**

We agree with this section of Bill 92. This does not limit the ability of the newly formed bargaining unit to engage in local bargaining.

➤ **Sequencing Central Bargaining before Local Bargaining**

We were successful in getting this language changed. There is no language in the Act which would determine the sequencing of bargaining.

➤ **Definition of lock-out**

We were successful in getting the proposal to add a definition of partial lockout changed. The only definition of lockout will be that in the Labour Relations Act.

➤ **Other changes**

Trustee Associations will have to declare all expenses related to bargaining and these expenditures would be subject to audit by the Auditor General. The CTA can only initiate a lockout, change in working conditions, etc., if they have the mutual agreement of the Crown.

What are the next steps for Bill 92?

The government has made it clear that it wants this Bill to pass quickly and we can infer that is part of its plan to ensure “labour peace” before the provincial election in 2018.

Bill 92 will go to Second Reading, where six and a half hours are scheduled for debate. The government could introduce a time-allocation motion to shorten the debate at Second Reading,

but the Bill must still have at least two additional hours of debate before it can be voted on. The Bill then goes to Committee and from there, to its final Third Reading in the legislature.

CUPE's political liaison officer believes that, even if there is a motion to limit debate, Bill 92 may not reach committee until after March break.

This intervening period is our timeframe to force the government to amend the Bill.

Other issues

➤ **Decision on Bill 115 – Remedy and OSSTF**

Ontario Secondary School Teachers Federation (OSSTF) has achieved a remedy and has been meeting with its leadership to outline it. CUPE does not yet have details, but expects that OSSTF will share them once they have their leaders' buy-in.

The OSBCC continues to work on its brief and gathering the data to determine losses experienced by CUPE members under Bill 115. Our remedy could be very different to the one achieved by OSSTF.

With the help of an actuarial firm, CUPE research is in the process of calculating total losses incurred by CUPE members. No dates have yet been set for meetings to initiate remedy discussions.

➤ **Ratification of Central Agreement**

The Agreement to Extend the Collective Agreement was ratified by a double majority.

With 88 percent of CUPE bargaining units and 75 percent of voting members supporting extension of their Collective Agreements.

Thanks to locals and staff for their efforts in meeting the timeline for holding these votes.

➤ **Congratulations to CUPE 4155**

After a one-week strike, members of the last CUPE local in Ontario to reach a local agreement with its school board employer ratified both a local and central agreement on February 13. Congratulations to the members and leaders of CUPE 4155.

➤ **CUPE Benefits Trust**

A call will soon go out for member representatives to sit on the CUPE Benefits Trust; keep your eyes open for the announcement and consider running for the position.

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