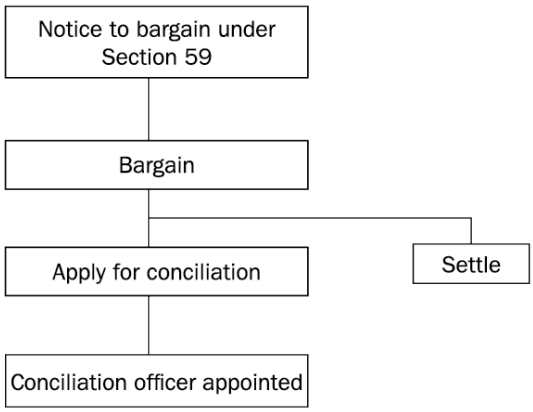
Bargaining Bulletin

April 17 • Issue 9

LABOUR RELATIONS ACT PROCESS
NEGOTIATING A RENEWAL COLLECTIVE AGREEMENT

Process



Timelines

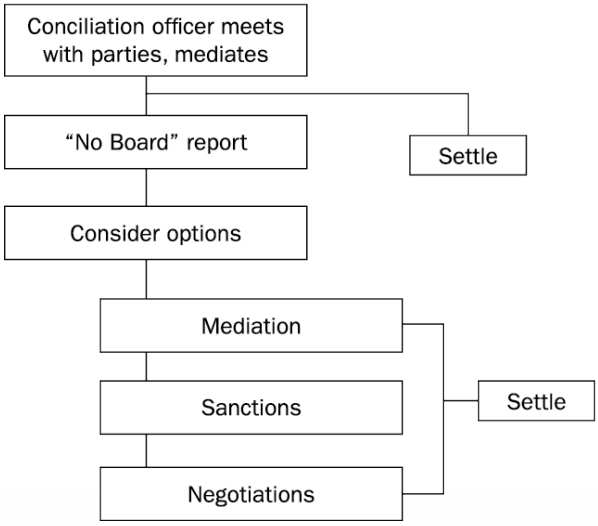
Within 90 days of expiry of the Agreement or at an earlier time if specified in the Collective Agreement

First meeting within 15 days of notice or as mutually agreed

Request for conciliation can be made any time after notice is given

Officer appointments take about two weeks

Next Steps (if required)



Timelines

Officer will submit a "no board" report at the request of either party

A "no board" report starts the countdown to the date when an employer can change terms & conditions or lock-out employees or a union can impose sanctions (including going on strike)

Mediation is offered to the parties after the "no board" report is issued

Sanctions may be taken as early as 17 days after the "no board" report is issued, provided that a strike vote has been held in accordance with Section 79(3)

Section 79(3) Mandatory Strike Vote—If a collective agreement is or has been in operation no employee shall strike unless a strike vote is taken 30 days or less before the collective agreement expires or at any time after the agreement expires and more than 50 per cent of those voting vote in favor of a strike

OSSTF/FEESO
PROTECTING AND ENHANCING PUBLIC EDUCATION

Bargaining Bulletin

April 23 • Issue 10

On April 18th, in discussions with representatives from the Ministry of Education and with the Ontario Public School Boards Association, OSSTF/FEESO tabled a proposal on behalf of its teacher and occasional teacher members designed to address financial concerns previously expressed by the government.

The proposal included 0% wage increases in each of the next 2 years, and only a cost of living adjustment in years 3 and 4. This would have created an equitable and manageable wage freeze.

Also included in the proposal was a plan to encourage the retirement of more senior teachers to be replaced by new teachers. This would not only save millions of dollars through reduced salaries, but would also create much needed employment opportunities for a large number of certified teachers unable to find work.

Further, OSSTF/FEESO proposed the 15% reduction of high-cost central administrative positions and a moratorium on Ministry of Education initiatives for the next 4 years.

Finally, OSSTF/FEESO's proposal to create employee run benefits plans would have not only allowed school boards to remove unfunded liabilities from their books but would have provided the opportunity for ongoing efficiencies and cost savings.

Each of these proposals would have resulted in significant and real savings to the government. None of these proposals would have had a negative impact on front line services delivered to students.

Despite the unprecedented offer made by OSSTF/FEESO to forego salary increases, as well as proposals to find efficiencies through other cost cutting measures, the government rejected the proposal immediately.

OSSTF/FEESO is disappointed that its efforts to avoid needless conflict in education have been rejected.

Kenneth Coran, President

OSSTF/FEESO
PROTECTING AND ENHANCING PUBLIC EDUCATION

Bargaining Bulletin

May 11 • Issue 11

On May 10th, in discussions with representatives from the Ministry of Education and with the Ontario Public School Boards Association, the Ontario Catholic School Trustees' Association, Association des conseils scolaires des écoles publiques de l'Ontario and Association franco-ontarienne des conseils scolaires catholiques, OSSTF/FEESO tabled a proposal on behalf of its support staff members. While the proposal was comprehensive in its scope, cost savings measures designed to address financial concerns previously expressed by the government were highlighted.

The proposal included 0% wage increases in each of the next 2 years with the exception of a lump sum inflation adjustment payment for those members earning lower incomes. The proposal also called for a simple cost of living adjustment in years 3 and 4 of a four year deal. This proposal would have created an equitable and manageable 2 year wage freeze as the government indicated it is seeking.

Also included in the proposal was a plan to encourage the retirement of more senior members to be replaced by new members. This would not only save money through reduced salaries, but would also create much needed employment opportunities in Ontario.

Further, OSSTF/FEESO's proposal to create employee run benefits plans would have not only allowed school boards to remove unfunded liabilities from their books but would have also provided the opportunity for ongoing efficiencies and cost savings.

Each of these proposals would have resulted in significant and real financial savings. None of these proposals would have had a negative impact on front line services delivered to students.
Despite the offer made by OSSTF/FEESO to forego salary increases, as well as proposals to find efficiencies through other cost cutting measures, the government rejected the proposal immediately. OSSTF/FEESO is disappointed that its efforts to avoid needless conflict in education have been rejected. Further, OSSTF/FEESO finds the government's insistence in implementing painful cuts to the already low incomes of support staff workers extremely troubling.

Kenneth Coran, President

OSSTF/FEESO
PROTECTING AND ENHANCING PUBLIC EDUCATION

Bargaining Bulletin

June 4 • Issue 12

Timelines for Negotiations Under the Ontario Labour Relations Act

Questions and Answers

1. **What are the steps and the timeline involved before it can be established that a collective agreement is no longer in force?**

- Either party may request the Minister of Labour to appoint a Conciliation Officer.
- The Conciliation Officer's appointment takes fifteen days.
- The Conciliation Officer arranges a meeting with the parties. The Conciliation Officer may act as a mediator if the parties agree. The Conciliation Officer will provide a "no board" report at the request of either party, indicating that a Conciliation Board will not be appointed.
- The Conciliation Officer reports the results of his/her efforts to the Minister of Labour.

2. **What options does OSSTF have after the "no board" report?**

- Bargaining may continue, with or without the assistance of a mediator.
- Strike action may commence anytime after 17 days have elapsed from the "no board" report, provided the union has conducted a strike vote by secret ballot.

3. **What options does the employer have after the "no board" report?**

- Bargaining may continue, with or without the assistance of a mediator.
- The employer is free to unilaterally alter the terms or conditions of employment 17 days after the "no board" report.
- The employer may lock-out the employees anytime after 17 days have elapsed from the "no board" report.

4. What is the procedure for a strike vote under the *Ontario Labour Relations Act*?

No employee may strike unless a strike vote is taken. The vote must be taken 30 calendar days or less before the collective agreement expires or at any time after collective agreement expires.

All employees covered by the collective agreement are entitled to vote by secret ballot. Any vote to strike "must be reasonably convenient".

In order to engage in a strike, more than 50% of those voting must vote in favour of strike.
OSSTF does not allow for proxy voting.

OSSTF procedures do not permit "strike" votes to occur unless the bargaining is taking place under the Provincial Responsibility for Negotiations (PRN).

5. What is the earliest time that strike action may commence?

Strike action may commence after 17 days have elapsed from the "no board" report, provided that the term of the collective agreement has expired.

6. The vote on Sanctions: What is it?

The *Ontario Labour Relations Act*, defines "strike" as "a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output."

The Education Act s277.2(4) further defines a strike for teachers:

(a) the definition of "strike" in section 1 of the Labour Relations Act, 1995 does not apply; and

(b) "strike" includes any action or activity by teachers in combination or in concert or in accordance with a common understanding that is designed or may reasonably be expected to have the effect of curtailing, restricting, limiting or interfering with:

i. the normal activities of a board or its employees,

ii. the operation or functioning of one or more of a board's schools or of one or more of the programs in one or more schools of a board, or

iii. the performance of the duties of teachers set out in the Act or the regulations under it, including any withdrawal of services or work to rule by teachers acting in combination or in concert or in accordance with a common understanding

On _____, you will cast a secret ballot vote on the question of strike action.
The ballot will read:

I am in favour of a strike Je suis en faveur d'une grève	
I am not in favour of a strike Je ne suis pas en faveur d'une grève	

STAND UP. STAND STRONG. STAND UNITED.

Kenneth Coran, President

OSSTF/FEESO
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Government of Ontario Parameters for the 2012 PDT Discussions - February 22, 2012

The Government of Ontario is tabling the following outline of the parameters which serve as the basis for the 2012-2014 PDT agreements.

Parameter: Term of the Agreements

- Term of 2 years (September 1, 2012 to August 31, 2014).

Parameter: Salary Increases

- 0% salary increases for 2 years (September 1, 2012 to August 31, 2014).

Parameter: Retirement Gratuities and Sick Leave

- Replace retirement gratuities with a short-term sick plan, as follows:
- Freeze banked sick days accumulated as of August 31, 2012 and with future gratuity payout, upon retirement, at the employee's salary rate in effect as of August 31, 2012.
- Effective September 1, 2012 introduce a short-term sick leave plan which each year, and not carried forward from year-to-year, offers 6 sick days paid at 100% salary and 24 weeks at 66.66% salary.
- Effective September 1, 2012, eliminate all accumulated non-vested sick days.

Parameter: Pensions

- The government believes that filing a valuation of the Ontario Teachers' Pension Plan (OTPP) in 2012 is in the best interests of all partners. The government is seeking to resume negotiations with the Ontario Teachers' Federation to secure the future viability and solvency of the OTPP for future generations. Government representatives in these negotiations will take the view that the viability and solvency of the OTPP must be secured without increases in government contributions and without negatively affecting the government's fiscal plan.

Parameter: Salary Grids

- Review school board employee salary grids with stakeholders during the term of the 2012 to 2014 PDT agreements including, but not limited to, how employees move on the experience and qualification salary grid (where applicable) and the variation currently in the monetary value of each grid step, with a view to future sustainability.

- Current teachers and other school board staff whose salary is determined based on their placement on a salary grid and who are not at the maximum(s) of their experience on the salary grid will have their salary frozen as of August 31, 2012 for two years with no future adjustments to recognize those missed grid steps.

- Current teachers and other school board staff whose salary is determined based on their placement on a salary grid and who are not at the maximum of qualifications on the salary grid will have their salary frozen as of August 31, 2012 for two years with no future adjustments to recognize missed movement across the grid. At the beginning of the next PDT agreements, placement on and future movement by qualification across the salary grid will be based on the new salary grid in effect as of August 31, 2014 and will not be retroactive.

Government of Ontario Parameters for the 2012 PDT Discussions – Updated May 23, 2012

The Government of Ontario is tabling the following outline of the parameters which serve as the basis for the 2012-2014 PDT agreements.

Parameter: Term of the Agreements

- Term of 2 years (September 1, 2012 to August 31, 2014).

Parameter: Salary Increases

- 0% salary increases for 2 years (September 1, 2012 to August 31, 2014).

Parameter: Retirement Gratuities and Sick Leave

- Replace retirement gratuities with a short-term sick plan, as follows:

- Freeze banked sick days accumulated as of August 31, 2012 and with future gratuity payout, upon retirement, at the employee's salary rate in effect as of August 31, 2012.

- Effective September 1, 2012 introduce a short-term sick leave plan which each year, and not carried forward from year-to-year, offers 10 sick days paid at 100% salary and 24 weeks at 66.66% salary.

- Effective September 1, 2012, eliminate all accumulated non-vested sick days.

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Parameter: Province Wide Collective Bargaining

- Ontario's 2012 Budget proposed to move forward with a more centralized approach to collective bargaining in the Broader Public Sector. In keeping with the 2012 Budget, the government will begin consultations in the Fall of 2012 with the teachers' federations, support staff unions, school board trustee associations and school boards to develop the appropriate legislative and regulatory framework for provincial bargaining that would, if approved by the legislature, take effect by January 1, 2014.

Parameter: Benefit Plans

- The government proposes to establish a committee composed of teachers' federations, support staff unions, school board trustee associations and the government (Ministries of Education and Finance) to fully investigate the creation of one or more “provincial” benefits plan(s) for the education sector, with a view to consolidation and consistency of approach.

- The Committee would complete its work by January 1, 2014 for consideration during collective agreement discussions in 2014, with solutions that ensure the fiscal sustainability of benefits plans for employees, employers, and taxpayers into the medium and long-term.

Nous faisons notre part pour assurer la stabilité dans l'éducation publique.

C'est maintenant au tour du gouvernement.

Le personnel enseignant et le personnel de soutien membres d'OSSTF/FEESO sont tout à fait disposés à accepter le gel salarial demandé par le gouvernement.

Si Dalton McGuinty est vraiment le « premier ministre de l'Éducation », il acceptera notre offre pour que nous puissions tous revenir à notre but d'assurer la réussite de chaque élève ontarien.

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We're doing our part to ensure stability in public education.

Now it's the government's turn.

OSSTF/FEESO's teachers and educational workers are fully prepared to accept the wage freeze that the government asked for.

If Dalton McGuinty really is the "Education Premier," he'll accept our offer so we can all put the focus back where it belongs – on making every Ontario student successful.

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Strike action may commence after 17 days have elapsed from the "no board" report, provided that the term of the collective agreement has expired.

6. The vote on Sanctions: What is it?

The Provincial Executive, your local leadership and your negotiating team are all recommending that you vote "yes" to strike.

The *Ontario Labour Relations Act*, defines "strike" as "a cessation of work, a refusal to work or to continue to work by employees in combination or in concert or in accordance with a common understanding, or a slow-down or other concerted activity on the part of employees designed to restrict or limit output."

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  i. the normal activities of a board or its employees,

  ii. the operation or functioning of one or more of a board's schools or of one or more of the programs in one or more schools of a board, or

  iii. the performance of the duties of teachers set out in the Act or the regulations under it, including any withdrawal of services or work to rule by teachers acting in combination or in concert or in accordance with a common understanding

The PRN Team and your bargaining unit leadership will commence strike action if the government persists in its current approach to gutting our collective agreements. The employers' actions may also justify the necessity for strike action or influence the type of strike that is authorized by the Provincial Executive if they engage in claw-backs to the terms and conditions of employment.

Why we must vote "yes" to "strike"

On _____, you will cast a secret ballot vote on the question of strike action. The ballot will read:

I am in favour of a strike Je suis en faveur d'une grève	
I am not in favour of a strike Je ne suis pas en faveur d'une grève	

The Provincial Executive, your local leadership and your negotiating team are all recommending that you vote “yes” to strike action.

Your support for “strike”, should it prove necessary, would say:

- That you expect a collective agreement that protects the hard-fought gains in our collective agreements and protects the integrity of our pensions.
- The government proposal does not mean the end of collective bargaining nor the return of indentured servitude for our members. We will defend our collective agreements through real collective bargaining.

If we are to protect our collective future, we must be prepared to stand together in support of public education.

STAND UP. STAND STRONG. STAND UNITED.