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**Official Report
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(Hansard)**

Wednesday 26 February 2014

**Journal
des débats
(Hansard)**

Mercredi 26 février 2014

**Standing Committee on
the Legislative Assembly**

School Boards Collective
Bargaining Act, 2014

**Comité permanent de
l'Assemblée législative**

Loi de 2014 sur la négociation
collective dans les conseils
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

**STANDING COMMITTEE ON
THE LEGISLATIVE ASSEMBLY**

**COMITÉ PERMANENT DE
L'ASSEMBLÉE LÉGISLATIVE**

Wednesday 26 February 2014

Mercredi 26 février 2014

The committee met at 1200 in committee room 1.

**SCHOOL BOARDS COLLECTIVE
BARGAINING ACT, 2014
LOI DE 2014 SUR LA NÉGOCIATION
COLLECTIVE DANS LES CONSEILS
SCOLAIRES**

Consideration of the following bill:

Bill 122, An Act respecting collective bargaining in Ontario's school system / Projet de loi 122, Loi concernant la négociation collective dans le système scolaire de l'Ontario.

The Chair (Mr. Garfield Dunlop): Good afternoon, ladies and gentlemen. Welcome to the Standing Committee on the Legislative Assembly. We're going to deal with Bill 122 today, An Act respecting collective bargaining in Ontario's school system.

We've got a full schedule this afternoon. I know we do have one quick motion coming in that will be tabled, and then if we have time at the very end, we'll discuss it, possibly, today.

Mr. Balkissoon, you had something.

Mr. Bas Balkissoon: Thank you, Mr. Chair. I just want to move this motion so that I get it on the record and, if we do have time at the end of today's meeting, to actually deal with the motion itself; if not, it will be the first item at the next meeting. Then, I'll have some opening remarks on this particular bill that's in front of us.

I move that the committee seek the authorization of the House leaders to meet on Tuesday, March 11, and Wednesday, March 12, 2014, between 9 a.m. and noon, and 1 to 5 p.m., for the purpose of clause-by-clause consideration of Bill 122.

I'll table that, Mr. Chair.

Just some opening remarks on Bill 122—

The Chair (Mr. Garfield Dunlop): I'm sorry. We don't have time today for opening remarks—at the beginning of the next session.

Mr. Bas Balkissoon: Sure. That's it.

The Chair (Mr. Garfield Dunlop): Okay, so we've got the motion tabled.

**ONTARIO PUBLIC SCHOOL BOARDS'
ASSOCIATION**

The Chair (Mr. Garfield Dunlop): I'm now going to go straight to the witnesses this afternoon. The first one is

the Ontario Public School Boards' Association: Michael Barrett, Wayne McNally and Penny Mustin. If you would come forward, please. You have a total of five minutes for your presentation, and three minutes for each caucus to ask you questions or make comments. Please feel free to start right now.

Mr. Michael Barrett: Thank you very much. My name is Michael Barrett. I'm president of the Ontario Public School Boards' Association. I'm joined by Penny Mustin, director of labour relations, and Wayne McNally, director of finance. We thank you for this opportunity to address the Standing Committee on the Legislative Assembly.

School boards are united in a common purpose: We want to maximize the opportunities for success for each and every student. We believe teachers and support staff deeply influence a positive and productive learning environment for students. They are supported in their roles through the peace and stability engendered by successfully negotiated collective agreements.

A fundamental role of school boards is to be responsive at the local level to the expectations of parents of school-aged children and youth. Parents in Ontario expect school boards to protect the quality of education in the classroom. They also expect school boards to protect the future of the education system by making decisions that are focused squarely on what is in the best interests of all students in the learning environment.

Today we want to talk to specific provisions in Bill 122. There are some provisions that we clearly support and others that we believe require deeper consideration. What we have to say reflects input from all of our member school boards across the province.

This legislation is the result of months of consultation with the education sector and its stakeholders. OPSBA has been a key contributor to these consultations and advocated strenuously for an effective leading role for school boards in future negotiations.

A priority of our association has been to secure a legislated, fair structure and process for effective provincial bargaining. Our goal in this regard is to bring stability to the entire education sector. The introduction of this bill is the first step in seeing this become a reality, and we are encouraged that this legislation identifies OPSBA as a designated bargaining agent.

We would like to touch on a number of aspects of the bill that we believe need to be clarified and strengthened

in the interests of a fair structure for all parties to the process.

The first point is about section 15, the requirement for crown consent. One of OPSBA's key objectives is to build a fair process for a meaningful local bargaining process. The fact that each of Ontario's public school boards has structures, programs, services and local initiatives that respond to community needs and demographics means that they are simply too different from one another to eliminate the ability to address local issues in fair and significant ways.

Bill 122 appears to accept this position and support the continued existence of meaningful local bargaining. Indeed, we would go so far as to say that the evident intention of the bill is, once the scope of central bargaining has been determined, to influence local bargaining as little as possible, to allow local bargaining and any associated processes to move forward independently of central bargaining.

In terms of imposing local sanctions, teacher federations and unions are subject to no new restrictions on their options apart from being required to give five days warning of their intentions. Nothing in Bill 122 regulates a range of strike options from which a federation or union local may choose.

It can be argued, however, that this is not true for local school boards. Absent Bill 122, a local board today under strike/lockout circumstances would have the option of altering terms and conditions of employment, including wages. This could include the reduction of wages in cases where services had been reduced beyond the extent of a simple work-to-rule.

Clause 15(2)(3) suggests that under Bill 122, local boards cannot alter wages or other employment terms, even in response to local strike action, because this would affect a "central term." If, as appears to be the case, federation and union locals retain under Bill 122 the full spectrum of responses to a strike/lockout situation in respect of local issues, local school boards must also retain the ability to alter terms and conditions in response to local strike action pending the ultimate resolution of wage rate proposals through the bargaining process. Failure to do so will result in a statutorily created imbalance in bargaining power with resulting distortions in collective agreements that may well have significant detrimental effects on student achievement and student safety.

OPSBA, therefore, recommends the following be added as subsection 15(2a):

"Nothing in this act restricts the right of a school board or school authority to reduce compensation in the circumstances described in clause 86(1)(a) of that act, where it is otherwise permitted to do so by law."

The second point is that shared responsibility of school boards and the crown—

The Chair (Mr. Garfield Dunlop): You've got 30 seconds.

Mr. Michael Barrett: I've been waiting three months for this.

When Bill 122 was introduced in the Legislature, Minister Liz Sandals talked about the ability to ensure that the trustee associations and the province would work together, putting together a mandate. This represents a fundamental weakness.

OPSBA recognizes the significance of the minister's statement, but we believe that, in two respects, the language must be modified to put in place a system which will allow the crown and school board association to fulfill their shared responsibilities for the interests of students.

In section 16, there should be an amendment that an employer bargaining agency and the crown shall co-operate in good faith in preparing for and conducting central bargaining.

In section 32, our recommendation is that the crown and the involved employer bargaining agency at a central table shall meet with the involved employee bargaining agency within 15 days after the scope of the central bargaining has been determined or within such further period as they agree upon. The crown and the involved employer bargaining agency shall bargain with the involved employee bargaining agency in good faith and make every reasonable effort to agree upon central terms.

Certainly our last recommendation under section 22, without the preamble, is that the minister shall not exercise the powers in subsections (1) and (2)—this is with regard to being able to take the powers of bargaining away from the local associations, such as OPSBA—(a) without reasonable grounds and (b) without first consulting with specified boards that are represented by the school boards' association. This is a critical component.

The Chair (Mr. Garfield Dunlop): Thank you very much.

Mr. Michael Barrett: We thank you for your time.

The Chair (Mr. Garfield Dunlop): We'll now go to the official opposition. You have up to three minutes for comments.

Mr. Rob Leone: Thank you very much for your presentation. I'm curious to ask, why do you think that the unions have had the full spectrum in terms of what they could do in a job action but not the school boards? Why do you think that is?

Mr. Michael Barrett: Well, I think that certainly through the process of negotiation over the history of bargaining, that has been an element that's been included. I would say, however, that that ability to do that which we're specifically talking about with regard to altering the wages—the school boards today have that right to do that. Our concern is about that being taken away in the upcoming and pending Bill 122.

Mr. Rob Leone: In terms of things like extra-curricular activities, I know that's sometimes something that's offered—withholding those extracurricular activities—as being something that a teaching federation might do during the course of a job action. What impact does that have on your members and school boards in general?

Mr. Michael Barrett: Well, certainly, as we all witnessed over the last bargaining process—and I'll use the word “process” very loosely because there was a lack thereof—the withdrawal of extracurricular activities significantly impacts the ability of our students to round out their educational experience. We understand the rights of the union in order to withdraw that, but as we did witness in the last round, there were some elements that were over and above the ability to withdraw extracurriculars that took away mandatory pieces. Certainly, the impact of the withdrawal of extracurriculars is critical.

The Chair (Mr. Garfield Dunlop): You've got another minute left.

Mr. Rob Leone: Oh, good. You mentioned that you had been going through negotiations for months. Now you've come to this table with several amendments that you've proposed. Why do you think the government got parts of this legislation wrong, in your view?

Mr. Michael Barrett: Well, I won't say wrong or right. I'll just say that there's probably a differing viewpoint that we would like to see. Certainly we have, I think, advocated at the meetings that occurred. There's nothing new here that's included in our three points. This has been a consistent message for us in being able to go forward. We would like to be able to ensure that there is indeed an equal playing field for OPSBA, and we think that these four recommendations are those elements that are going to make sure that we have that.

1210

The Chair (Mr. Garfield Dunlop): Thank you very much to the official opposition.

We'll now go to the third party for up to three minutes.

Mr. Peter Tabuns: Thank you, Chair, and thank you, Mr. Barrett.

The duty to co-operate between the crown and the school boards: What would the consequences be of not, in fact, amending the act to require the crown to treat you with good faith just as you treat them with good faith?

Mr. Michael Barrett: There is an element included in Bill 122 that ensures that there will not be a process by which there will be an agreement without the collective agreement of all three parties, so understanding that that's a critical component, we certainly support that.

The element that you're speaking of is with regard to ensuring that what we do is not have a process up front, that the voice of the school boards of all shapes and sizes would have the ability to be able to influence indeed what our bargaining position is going to be. Failure to have that, I think, would limit the discussion at the table for a more fulsome discussion.

Mr. Peter Tabuns: Okay. The question of “Substitution if employer bargaining agency unable”—have you explored this with the ministry? Because, as you and I have talked before, this is a very profound power that's being given to the ministry in this act.

Mr. Michael Barrett: Our staff members and ourselves have certainly talked to that point, that although I

don't believe it is the intention—as we said in the preamble but didn't get to read—that it would indeed be the element of the current minister to be able to, as with her experience and history with OPSBA, we would not see that as something that would have been dire circumstances. We believe there needs to be a strengthening of the language, because the landscape can change pretty directly, and we would suggest that is something that could be misused in the future.

The unions do not have the same restriction put on them, and we don't think we as a bargaining agent should have that as well.

Mr. Peter Tabuns: I imagine you've discussed this with the government. Under what circumstances were they thinking that this power might be exercised?

Mr. Michael Barrett: Certainly we've had that discussion as well, and the language talks about the inability to act upon the duties that are prescribed within the agreement. However, that is a little loose for us, and we would like to be able to see it—number one, we don't necessarily believe that it needs to necessarily be included, but the language has to be strengthened in order to make sure that—under what circumstances are prescribed.

Mr. Peter Tabuns: And you've recommended language in fact—

Mr. Michael Barrett: Correct, we have.

Mr. Peter Tabuns: —that would be satisfactory to you if the bill were amended in that way.

Mr. Michael Barrett: Yes, and satisfactory to our members.

The Chair (Mr. Garfield Dunlop): Thank you very much to the third party.

We'll now go to the government member: Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you, Mr. Chair, and thank you very much for being here and presenting to us. In your comments you mentioned clearly that there had been many, many months of consultation between the ministry and yourselves and that—I hope I'm quoting you right—you're encouraged by what's in the bill. Generally speaking, do you see that this bill will improve the bargaining process?

Mr. Michael Barrett: Yes, we do, and certainly our members do as well. I think what we have seen demonstrated over the last number of agreements and bargaining is that we have not had a defined process. I'm a governance guy from way back, from the co-operative sector, and I think it's critically important that we have a process. We are indeed encouraged by Bill 122. We have made recommendations, but we are encouraged by Bill 122. We are encouraged by the responsibility and accountability it gives to us, and we believe that it will go a long way in being able to ensure that what we do is have an equitable playing field for negotiations in the province of Ontario.

Mr. Bas Balkissoon: So you would really urge the committee to do whatever it can to get this bill through the Legislature as soon as possible, since bargaining sup-

posedly will have to start somewhere before August, or right after August?

Mr. Michael Barrett: We would certainly encourage the passage of this bill, obviously with the amendments that we put forward.

Mr. Bas Balkissoon: Notwithstanding that. Okay, thank you very much.

The Chair (Mr. Garfield Dunlop): Thank you, Mr. Balkissoon, and thank you for your presentation today.

ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION

The Chair (Mr. Garfield Dunlop): We'll now go to the next presenter, the Ontario Secondary School Teachers' Federation.

I just want to point out to everyone that we are eating here today too. We don't always eat at all our committee meetings, but we just came from question period and folks haven't had a chance for a break here. So they're kind of eating on the run for an hour, but that's not the case everywhere.

Mr. Bas Balkissoon: We're having a working lunch. It's a working lunch.

The Chair (Mr. Garfield Dunlop): It's a working lunch, yes.

To the Ontario Secondary School Teachers' Federation, please proceed. I just want to pass on that a good buddy of mine, Ian Tudor, is a representative up in Simcoe county and he used to be the cable show host for Rogers and we had some good times on that.

Please feel free to start. You have five minutes.

Mr. Paul Elliott: Thank you. I'm Paul Elliott, president of the Ontario Secondary School Teachers' Federation. To my left is Brad Bennett, our director of protective services.

To the committee: I'd like to thank you for the opportunity and inviting us to make the presentation today on Bill 122. As you are aware, this bill is very important to our sector because it delineates the bargaining process not only for our members, but for the school board associations and also for the government. We have a keen interest in ensuring that the process meets the needs of our members: 60,000 teachers, occasional teachers, educational assistants, secretaries, custodians, psychologists, speech and language pathologists and other support staff and professionals. We do have concerns about the bill and welcome the opportunity to share those concerns today in the hope that changes will be made to improve the process and clarify roles and responsibilities.

We would first like to draw your attention to sections 3(4), 13(2), 28(1) and 32(1) and probably other consequential provisions that stipulate that the crown will not be a party in the proposed negotiations framework. We believe that the crown should be a party and a full participant to the negotiations. This would mean that, amongst other things, the legislation should clearly specify that:

—the crown would be bound by the duty to bargain in good faith, which is arguably now the case but not made explicit;

—the crown is also bound by the other unfair labour practice provisions under the act, namely sections 70, 72, 73, 76 of the Ontario Labour Relations Act, in order to provide for a potential remedy in response to government interference;

—the crown would be responsible for tabling and responding to positions and ultimately agreeing to any tentative collective agreement;

—the crown would not have the ability, as is now the case, to simply veto any agreement reached and ratified by the employer bargaining agency and affiliate members.

Next, we believe that section 23(2) should be amended. The article should require a central table for support staff once they have met a certain threshold of bargaining units and the "may" should be changed to "will" in the article. This change would, for OSSTF and other unions who meet the required threshold, obligate the parties to have a central table for support staff. While the government has provided certain guarantees that there would be a central table for OSSTF support staff, it is not a requirement under the bill. For the sake of clarity, the article should be amended and "may" should be changed to "will" in the article.

In section 37 dealing with arbitration, the factors being introduced are those applicable to the health care sector and firefighters, but it introduces the notions of private sector comparison and ability to pay. We believe that the criteria should be removed, and if they are not removed, the article should be amended to add a factor such as already exists in the federal Public Service Labour Relations Act. If the current five factors are not removed, then a sixth criteria should be added that states: "The need to establish compensation and other terms and conditions of employment that are fair and reasonable in relation to the qualifications required, the work performed, the responsibility assumed and the nature of the service rendered."

Section 42(1) of the bill should be amended. The article deals with the central grievance process for central table issues. The issue is that the central grievance process as written would duplicate arbitration and increase expenses for everyone. Under the present wording, issues can and, in fact, must be re-litigated. An effective central grievance provision is necessary. The central process cannot give rise only to a "declaration," which is the word used in the article; rather, it also needs to give rise to the ability to issue a "direction" so that local boards have to implement the decision, with which they would be directed to comply. In short, we are proposing that the bill be amended to allow arbitrators to issue a direction as opposed to a simple declaration.

In sections 24(2), 40(2), 41(1), as outlined in our first comment, the crown, even though it is not a party to negotiations, has given itself a number of extraordinary powers; namely, the crown can, in 40(2), dictate the term

of the agreement to be two, three or four years. In section 24(2) the minister can decide, based on her opinion, what matters will be discussed at the central table and in 41(1) must consent to a revision, even if the union and the employer bargaining agency have agreed. Again, if it was a party, some of these issues would be resolved, but the crown should not have the ability to dictate the term of the agreement by regulation. It should be bargained.

1220

Subsection 5(3) specifically excludes occasional teachers from the Provincial Schools Authority from the negotiations process. We understand that these employees are presently not unionized or even recognized in the current Provincial Schools Authority act. We believe that it would not only be practical, but also in keeping with the rest of the education sector if these employees were, through an amendment of the bill, integrated into OSSTF/FEESO, the union that currently represents permanent teachers.

These occasional teachers are an anomaly in the province of Ontario because all other teachers, permanent or occasional, were mandated through legislation 16 years ago to belong to their respective teacher affiliates. The government now has an opportunity to rectify that anomaly. In the least, the government should remove the obstacle to bargain for this group centrally, should they become unionized.

The Chair (Mr. Garfield Dunlop): Thank you very much. We will now go to the third party for questions. You have three minutes.

Mr. Peter Tabuns: Thanks, Mr. Elliott. I appreciate the presentation. The question of how the central items are going to be determined: Can you enlarge on that a bit? Because as I understand it, in the bill right now, ultimately, the crown can dictate what is or is not bargained centrally.

Mr. Paul Elliott: The way it is right now, the employer bargaining agencies and ourselves are bound—basically, there are two criteria in there: Items that are to be at a central table must have a significant impact province-wide on government policy and a significant impact on funding across the province also. Those are two things that we are bound to, and also the employer agency.

According to the bill as it currently stands, the government is not bound by those two criteria. The minister has sole discretion in deciding what may be at the table. We think the minister should basically have to follow the same criteria we have to follow.

Through the process right now, even before you begin bargaining any issues that are there, there still has to be an agreement of what will be bargained, which is the first step, which is something you could say is new at that level; but I think that all three parties to this process need to be bound by the same criteria in order to move that forward.

Mr. Peter Tabuns: I'm assuming it's standard for the scope of the bargaining to be the first item to be negotiated in any process.

Mr. Paul Elliott: Typically, yes.

Mr. Peter Tabuns: Typically. So this is outside of that normal process. Okay.

The question of the addition of consideration for the responsibilities that are involved when one is talking to an arbitrator: You're asking, if we don't take away the ability-to-pay language, that we modify this so that it's more balanced in terms of directing an arbitrator to carry through on a finding. Can you enlarge a bit on that?

Mr. Paul Elliott: Yes. I think it's important that we start to recognize this is something that has worked at the federal level. It's something that could easily work specifically when we get into central table issues. We really have broadened the scope to deal with a government. The ability to pay is something that we always have an issue with, specifically when you're dealing with the government, because the government, depending on what can happen and depending upon the party of the day, can really determine what that is outside of that arbitration process.

We believe that in the arbitration process, there needs to be recognition, as we go through those terms and what they are, of the terms and conditions of employment, relation of the qualifications that are required, the work performed, the responsibility assumed—all of that we think really is important for an arbitrator to make a decision on a go-forward basis.

The Chair (Mr. Garfield Dunlop): Thank you very much to the third party.

We'll now go to the government members. You have three minutes.

Mrs. Amrit Mangat: Thank you, Paul, for your presentation. You spoke about central table requirements for support staff only. Can you throw some light on what would be the merits and demerits of that?

Mr. Paul Elliott: One of the things we deal with right now is the funding issue. It really comes down to funding when you are talking about a central table bargaining. We have a group of employees out there that is not recognized anywhere in this in terms of having a central table. Our experience, going back to the days when school boards lost the ability to raise their own funds—this has been an outstanding issue in terms of being able to negotiate fair terms to a collective agreement when you don't have the opportunity to talk to that group that actually provides the compensation and funds school boards. So we have a significant group that really has been excluded through this bill. We feel it's their right also to have the opportunity to be at a central table and, at a central table, discuss working conditions with the actual funder of the school boards, which is significant.

Mrs. Amrit Mangat: May we know: Who are those groups? Can you name them?

Mr. Paul Elliott: I can say, anybody who works in the education sector who's not a teacher.

Mrs. Amrit Mangat: Not a teacher. Okay.

Mr. Paul Elliott: So anybody who's not a teacher does not have the right to be at a central table, and I think

that's unfair not only to those individuals, but I think it's unfair to the whole process.

Mrs. Amrit Mangat: Thank you.

The Chair (Mr. Garfield Dunlop): Further questions? Mr. Balkissoon.

Mr. Bas Balkissoon: I know you mentioned a couple of issues, but which would be the prime one?

Mr. Paul Elliott: I would say numbers 1 through 5—

Mr. Bas Balkissoon: So 1 through 5.

Mr. Paul Elliott: —or 1 through 6 would be the prime issue, but yes.

Mr. Bas Balkissoon: All right. Notwithstanding that, do you see this bill as improving the process compared to last year?

Mr. Paul Elliott: I would say it's improving a process—and I'll go all the way back to 2004. Since 2004, we have been dealing with a bargaining process that has been difficult. If you go back to 2002, when we really did not have that much government interference, we were at a bargaining table with a group that had absolutely no control over their funding, which makes it very problematic in terms of going forward.

What we have seen since 2004 and 2008 and this year is a growing influence of the government on the negotiation process, with absolutely no parameters and no ability to define how an agreement is done or how it's going to move forward.

In 2008, we had something called a provincial discussion agreement. In 2012, we have something called a memorandum of understanding. These are the issues. Having something in place moves this in a direction that defines the parameters and the roles and responsibilities, which is good at any bargaining table.

Mr. Bas Balkissoon: I'm glad to hear that. Thank you very much.

The Chair (Mr. Garfield Dunlop): Thank you very much. That concludes your time.

We'll now go to the official opposition.

Mr. Rob Leone: Thank you, Mr. Elliott, for your presentation. Just a question in follow-up on when Mr. Tabuns asked you about ability to pay: Are you suggesting that the government has an endless ability to pay? Is that your issue with some prescription on that?

Mr. Paul Elliott: No, not at all. But it can't just be the only thing that is looked at, because if you simply say that someone doesn't have the ability to pay, you're not looking in the long-term strokes; you're not looking ahead. Not only does the government have an expense account, but they also have the ability to raise revenue. If they decide not to increase revenue and they decide to decrease revenue, that's going to have repercussions all the way down the line. It's contingent upon the government, really, to not only look at expenditures but also the revenue side.

Ability to pay is one part of it, but I think the items that we have outlined, which, as you'll see, are not—that part is not going to be removed, what we have requested is an additional piece, and I think that additional

piece really balances what an arbitrator should be looking at.

Mr. Rob Leone: You also mentioned in your presentation something to do with the fact that things should be bargained and not done through regulation or legislation. When I talk to parents—I know that regulation 274 has been an issue that we've brought up before—they talk about playground supervision in the schoolyards. They have a variety of issues—extracurricular activities is something I mentioned before.

Is it your position that all of those things are subject to bargaining and not through regulation or through legislation?

Mr. Paul Elliott: Let me deal with the first one, because supervision is probably one that we've been dealing with for a number of years. Probably if you look at almost every single contract out there, there are supervision details built into that.

I know, since I've been a local bargainer—and I'll go back to the early 1990s—we've always had fruitful discussions around discussing what should happen with supervision in the schools, not only for our teachers but also our support staff. We have many support staff who do immeasurable amounts of supervision, which was agreed to by the boards.

When we came to those collective agreements and the school boards raised the issue of supervision, we've been able to come to agreements on supervision. Supervision is something that can vary not only from school board to school board but also from school to school and elementary school to secondary school. That specifically is one thing, considering that that can be a very localized issue, that really should be left to the bargaining process, because not only does that talk about the working conditions; it gets into the learning conditions. But that is something very specifically.

Mr. Rob Leone: Don't you think—

Mr. Paul Elliott: In reg 274, if I can—because you mentioned three things; right?

Mr. Rob Leone: Go ahead.

Mr. Paul Elliott: Reg 274 is kind of an interesting one. For years, we have been trying to get to a hiring practice and to deal with some hiring practices within our collective bargaining agreements that meet both sides. You could probably pick up almost any collective agreement and find within it parameters around the hiring practices, in terms of the responsibilities not only on the employer but the employee groups also.

1230

Reg 274 is something that I think is broad in scope and it's something that—we have tried to talk to the government about changes to reg 274, and we'll see where those go, but I think that is something that is broad in scope.

We have tried to deal with it, but I think in this new situation that we're dealing with, what we're finding are situations that the government might prefer to do with regulation, and there are things that we prefer to do with bargaining. I think there are some things that really

should be left to bargaining and some things that are happening in regulation.

The Chair (Mr. Garfield Dunlop): And that concludes your time today for everyone.

ELEMENTARY TEACHERS'
FEDERATION OF ONTARIO

The Chair (Mr. Garfield Dunlop): We'll now move forward to the Elementary Teachers' Federation of Ontario: Susan Swackhammer and Victoria Réaume. Welcome to Queen's Park. You have five minutes for your presentation.

Ms. Susan Swackhammer: Thank you. I am Susan Swackhammer, the first vice-president of the Elementary Teachers' Federation of Ontario. With me today is Victoria Réaume, who is our general secretary.

Thank you for the opportunity to participate in today's hearings. I'm here today as the official voice for the Elementary Teachers' Federation of Ontario and am speaking on behalf of 76,000 members who work in English-language elementary schools in every English public board across the province.

By bringing a formal, legal framework to the process of provincial education sector bargaining, the bill represents an important step forward from the lack of clear rules and responsibilities that characterized the informal provincial discussions between the government and education unions under the provincial discussion table process.

With each round, the PDT became increasingly fraught with problems and, as we all know, ended in total chaos between ETFO and the provincial government in 2012. ETFO, including its local leaders and active members, have known for some time that the spectre of provincial bargaining in our sector was on the horizon.

Provincial bargaining in the education sector has become a practical necessity because the provincial government has 100% control over funding and school boards have no authority to raise revenue. When the government removed school boards' authority to raise taxes in 1997, school boards' ability to negotiate directly with their employee unions was dramatically affected. Without any control over education finance, school boards were no longer able to respond to bargaining items that involved increased expenditure.

It's important, however, to protect and preserve the ability of school boards and their employees to negotiate directly on specific local issues. Bill 122's protection of local bargaining and the right to strike at both the provincial and local levels is very important. Collective bargaining is, by its very nature, an adversarial process. For provincial bargaining to be effective in our sector, the legislation must be balanced and fair and perceived as such by all parties involved. This submission identifies amendments designed to ensure that the proposed bargaining framework is indeed balanced and fair and works in the best interests of public education.

Since the introduction of Bill 122, ETFO has worked closely with its sister affiliates, AEFO, OECTA and OSSTF, as well as CUPE, to identify common concerns.

In the short time available for my remarks, I will quickly identify some key areas where ETFO is seeking amendments. We trust the committee members will carefully review our entire submission.

While the government states that Bill 122 establishes tripartite bargaining, the crown is not defined as a party. It should be so defined to clarify its role, its responsibility to bargain in good faith and its obligation to be subject to the unfair labour practice provisions under the Labour Relations Act. As noted in our brief, this amendment would apply to various sections of the bill.

Bill 122 proposes to give the crown extraordinary authority in having a say on what will be negotiated at the central table. The scope of central bargaining should be determined by agreement of the parties. The crown should not have the authority to veto the list of central table items agreed to by the parties.

The bill also gives the government the ability to dictate the term of the collective agreement as either two, three or four years. Such authority interferes with the concept of free collective bargaining. It should be amended to allow the issue to be negotiated by the parties or the term should be fixed by legislation so that the term is known in advance of the commencement of bargaining.

Bill 122 proposes that where an arbitrator makes an award regarding a central table item, that award will broadly apply to all agreements with those central terms. It should be amended to clarify that the arbitration settlement applies only to the parties to the central agreement being arbitrated. A settlement on a central term should not prevail over a local agreement.

The bill gives the minister the authority to establish a notice-to-bargain period of up to 270 days, considerably beyond the current 90-day provision in the Labour Relations Act. Such a long period will only lead to unnecessarily protracted negotiations. ETFO recommends amending the notice period to be within the last 180 days of the collective agreement.

Bill 122 requires a five-day notice period before the employees may initiate strike action and the employer can impose a lockout provision. The bill should be amended to require a five-day notice period to also apply to changes in terms and conditions of employment.

We did not have time to speak to all of our amendments—we have 19—but we would be pleased to answer questions. Thank you. If the questions are of a technical nature, I will refer to our general secretary, who has had the advice of legal counsel.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to the government members for their three-minute presentation or questions. Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you very much for being here. I've made note of the issues you've raised. Just for clarification, if the bill is amended, or we propose

amendments later on, to satisfy some of these issues, do you see that this bill will improve the bargaining process compared to previous years?

Ms. Susan Swackhammer: Absolutely. One of the things that ETFO said last time and that we've experienced over the last couple of times—we were told that it was a voluntary process in 2008, and suddenly it wasn't. Last time, we were invited to a table where everything was laid out for us, and we had an hour to accept it and move on. So we said if we sat across the table from people who knew something about education—because you'll remember there were bankruptcy lawyers there the last time who knew nothing about our sector. If we sat across the table from people who really knew what bargaining was for and that there were ground rules, we would be happier. If our proposed amendments are accepted, we would see that framework, and it would mandate who the players were at the table.

Mr. Bas Balkissoon: Okay. Did I hear you correctly that you also consulted with the other unions on some of these issues, and you have agreement amongst yourselves?

Ms. Susan Swackhammer: Yes, that's true.

Mr. Bas Balkissoon: Okay. Have you participated in the ongoing consultations that have gone on with the ministry?

Ms. Susan Swackhammer: Yes, we have.

Mr. Bas Balkissoon: Okay. So you'd be happy to see this bill approved by the committee and sent on to the Legislature as quickly as possible?

Ms. Susan Swackhammer: "Happy" is maybe a stretch, but it would be certainly preferable to what has been happening.

Mr. Bas Balkissoon: Thank you very much, and thank you again for being here.

The Chair (Mr. Garfield Dunlop): Any other questions from the government members?

Okay, we'll now go to the official opposition. You have three minutes.

Mr. Rob Leone: Thank you very much. You'd agree that this is a pretty important piece of legislation, I'm assuming, given your remarks. I noticed that, on the agenda, we have 12 presentations. Three quarters of the list have been filled with, basically, union presentations from the federations. Do you think that having one day of public hearings, five minutes to express your position and three minutes for us to ask questions, is sufficient on this major piece of legislation?

Ms. Susan Swackhammer: Well, unlike what happened to us the last time, there have been months of consultations. We have been invited to Queen's Park to speak on many occasions. We have had opportunities to meet with our other sister affiliates and the trustees' association. I appreciate, for you, you're maybe getting a day, but we're not seeing it yesterday for the first time.

Mr. Rob Leone: Well, isn't that part of the problem, though—that most of the negotiation has been done behind closed doors and that members of the Legislature weren't privy to the discussions and the permutations and

combinations that went in this particular piece of legislation? Here we are, spending three hours hearing and listening to public hearings from people like you. You're making very valid points, but the point that I'm trying to make is, wouldn't it have been nicer to have more presentations from more delegations? I know that we're hearing presentations from teachers and public school boards, but we're not hearing any from principals, who may have a vested interest in this particular piece of legislation—not to mention parents.

Ms. Susan Swackhammer: The truth of the matter is, this is a bill about collective bargaining, and the rights for collective bargaining belong to the unions and belong to the school boards. During your government's last term, you removed principals and vice-principals from bargaining units; they're no longer a union. Therefore, this particular bill can't apply to them.

Mr. Rob Leone: So you don't think they have any say or any interest in what's—

Ms. Susan Swackhammer: Oh, I think they work closely with the school boards' association, but I'm saying I suspect that they're not here today because this bill impacts how ETFO and school boards are going to conduct themselves with the government. We don't represent the principals' association—

Mr. Rob Leone: I would suggest that they're not here today because they didn't have the time to be here today. If there were more slots available for presentations, we probably could listen to some comments and questions that they may have with this particular—

Ms. Susan Swackhammer: You may know that, sir; I don't. I have no more to say on that topic.

1240

Mr. Rob Leone: Okay. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to the third party for up to three minutes.

Mr. Peter Tabuns: Thank you, Chair, and thank you, Ms. Swackhammer. Two questions: In the summary of recommendations, you have item 3, "That the bill be amended to provide a statutory requirement for central tables for non-teacher bargaining units in the same manner as provided for teacher bargaining units." When we've been looking into that, we found some legal technical problems defined in the Education Act. Can you enlarge a bit on this item?

Ms. Victoria Réaume: Yes. We have spoken to our affiliates and to CUPE with respect to this item. We are together in believing that it's important to have mandatory central tables for non-teaching staff. We feel that for the non-teaching staff there should be a parallel process which mirrors the process imposed by the bill on teachers.

Mr. Peter Tabuns: Fair enough. If you get a chance just to send us a note with some detail about how that would be structured, it would be very useful.

The second question is on your recommendation 7, "That the bill be amended to include provision for an expedited process for resolving disputes ... " Can you

give us some mechanics of that, the details of how that would be moved forward?

Ms. Susan Swackhammer: One of the challenges about not having the Ontario Public School Boards' Association as a legislated group representing—so when we've gone to these PDT tables, we have had agreements that individual school boards have refused to accept. We have spent millions of dollars and years trying to get a settlement in those areas. We haven't been able to resolve issues—I won't say in all school boards, but in some school boards—and the only people getting wealthy are the lawyers.

Mr. Peter Tabuns: And how would we expedite the process?

Ms. Victoria Réaume: One of the issues is how you determine central item issues and the scope of the central bargaining table. We believe that it should be negotiated between the participants at the bargaining table, but we feel that if there is an issue arising at the local level that a school board might insist is a central issue and not a local issue, there needs to be an expedited manner to resolve that. That's really what our recommendation in item 7 intends to address. We are looking for amendments to ensure that there's always a way to resolve an impasse on these issues.

Mr. Peter Tabuns: I have no further questions. Thank you very much.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to the government members. You have up to three minutes.

Interjections.

The Chair (Mr. Garfield Dunlop): Oh, I'm sorry. I apologize.

Mr. Peter Tabuns: We all look the same, Garfield. We all look the same.

The Chair (Mr. Garfield Dunlop): I thought I was looking after the Olympic gold game. I apologize.

ELEMENTARY TEACHERS' FEDERATION OF ONTARIO-YORK REGION

The Chair (Mr. Garfield Dunlop): We'll now go to the Elementary Teachers' Federation of Ontario-York Region: David Clegg. Thank you, Mr. Clegg.

Mr. David Clegg: Thank you.

The Chair (Mr. Garfield Dunlop): Good afternoon. You have about five minutes.

Mr. David Clegg: Thank you. Good afternoon. First of all, I want to thank you for the opportunity to make this presentation. I expect that the perspective I will be sharing will not fit the pattern that you will be hearing for the rest of the day and certainly that you have heard to this point.

I want to put into context the reason that I am here. I am currently a local president representing 5,000 elementary teachers in York region, but previously I had been the provincial president of ETFO and was involved, both in 2004 and 2008, in the informal, voluntary discus-

sions that took place. I want to speak from that perspective in terms of my recommendations.

The first recommendation is where I'll spend my allotted time. I was one of the individuals, certainly, in 2003, who was involved in conceptualizing and ultimately initiating the first set of provincial-level discussions.

ETFO moved in this direction, not because of any disdain for local bargaining or because of a preference for a central bargaining table; our reasons were practical, based upon our experience, and made possible by Bill 80, which legislated that all teacher agreements in the province signed after July 1, 2001, would have an expiration date of August 31, 2004.

In the preceding rounds of local bargaining since the passing of Bill 160, we attempted to address the inequities in working conditions across the province and repeatedly ran into opposition by school boards who pleaded their hands were tied by the funding formula, and we heard the plea that they would be happy to address these issues if they were given the resources to do it.

The solution, if there was to be any hope for province-wide systemic change without the need for multiple job actions, was to approach the government, as the sole source of funding, to make the necessary investments.

In 2004 and 2005, the government met with us, and we were able to achieve a four-year agreement, the longest agreement that had ever been achieved in the public elementary teaching sector. For the government, there was cost certainty, no disruption to students' instructional programs, and a de-escalation of long-standing systemic tensions. ETFO secured increases in salary and benefits for its members, and improved, standardized and more equitable working conditions in two historically contentious areas of concern: preparation time and supervision.

OPSBA, the school boards' association, received the necessary funding to implement the working-condition changes and were alleviated from having to bargain issues that had and would have led to further labour disruptions.

The success of these talks was predicated upon the items for discussion being limited and being agreed to beforehand. There were only three topics: salary/benefits, preparation time and supervision. All three were systemic points of contention at the elementary level, and it was recognized by all parties, given the rigid structure of the funding formula and the inability of school boards to raise revenues, that any solution would ultimately require government assistance.

The dynamic of these discussions was built upon the premise that all parties had something to gain and something to lose. The government was bargaining for peace and stability to meet its political promise to the Ontario electorate and to create an environment for its education agenda; ETFO for an end to inequities in working conditions on key issues across the elementary system; and the school boards' association for enhanced funding that would address systemic labour issues at the

elementary level that school boards did not have the individual will or resources to address.

This was a recipe for success, a recipe which was not subsequently followed or, I believe, replicated in what is proposed in Bill 122.

I've bargained locally and provincially for the last 17 years. It is my perspective that no form of bargaining at any level will succeed if the underlying structure does not create a level playing field.

The current conclusion that Ontario needs this change is primarily one of political convenience, stemming from the unmitigated disaster that occurred in 2012 and 2013 as the result of the heavy-handed and likely unconstitutional actions of the McGuinty government.

The record of legislated centralized education bargaining elsewhere in Canada is not one that should inspire confidence. The temptation for governments to tip the scales in their favour and to rely upon their legislative authority is well documented in the history of collective bargaining in the education sector in British Columbia. In a recent court decision, "The court has concluded that the government did not negotiate in good faith with the union after the Bill 28 decision. One of the problems was that the government representatives were preoccupied by another strategy. Their strategy was to put such pressure on the union that it would provoke a strike by the union. The government representatives thought this would give government the opportunity to gain political support for imposing legislation on the union."

Bill 115, in the Ontario context, is further evidence that governments will succumb to such temptations.

Passing Bill 122 is not something that the Ontario Legislature should consider lightly. Rather, there needs to be a fuller investigation into the antecedents of teacher bargaining in Ontario prior to 2003, and a re-examination of the systemic barriers that led to the first discussions in 2004. Premature passage into law of a system that may institutionalize chaos and confrontation on a province-wide scale should be more carefully considered.

The Chair (Mr. Garfield Dunlop): Thank you very much, Mr. Clegg. We'll now go to the official opposition. You have three minutes.

Mr. Rob Leone: Three minutes to discuss a complicated bill such as this. I'm going to ask the same question I asked the previous presentation delegation. Would you have supported further public consultation, open consultation, on this piece of legislation, given your presentation today?

Mr. David Clegg: Absolutely.

Mr. Rob Leone: Yes? The basis is, I think, you were mentioning that this might "institutionalize chaos." Can you explain that a bit more?

Mr. David Clegg: I hope all of you have taken the opportunity to examine the labour history in the education sector in BC, where they've had centralized bargaining for over 20 years. It is a litany of court cases. It has certainly stymied the progress of public education there, from my perspective. Even as late as yesterday, the BC Teachers' Federation announced that they're going to

take a strike vote again, after one year of attempting to bargain under their current legislation.

1250

What is contemplated here will forever change the face of how public education operates in Ontario. From a bargaining perspective, I do believe that there needs to be much greater forethought before we move down that road. I would hate to see our province replicate the disaster that has been BC.

Mr. Rob Leone: This has never been legislated before. The government calls this landmark legislation that's going to essentially suggest that there are three parties to every negotiation. Are you suggesting that the whole process of legislating this process is, in itself, problematic?

Mr. David Clegg: It's certainly problematic from my personal perspective. I don't believe that the bargaining process that currently exists is fundamentally broken. I think that the lessons that we learned as an organization between 1998 and 2003—you were dealing with the problem of a funding formula that didn't match the pre-existing collective agreements, you had amalgamation of school boards, you had a host of factors that created very difficult labour conditions. Despite that, the majority of local negotiations were successfully done without any disruptions. I'm suggesting that if you move to this model, the temptations for a government to unbalance, to tilt the playing field, are substantial. Again, I would point to the BC example as to what happens when a government sits at a table yet has the ability to turn to its legislative authority to solve a problem—maybe a political problem—if they so choose.

Mr. Rob Leone: So as this bill currently stands, would you recommend not supporting it?

Mr. David Clegg: I personally would recommend that it not be supported and that much more time be given to considering the potential outcomes that are built into the structures which I don't believe create the level playing field necessary for successful bargaining.

Mr. Rob Leone: Thank you very much.

The Chair (Mr. Garfield Dunlop): We'll now go to the third party. Mr. Tabuns.

Mr. Peter Tabuns: Thank you, Mr. Clegg. You've been very clear. I don't have any questions for you.

The Chair (Mr. Garfield Dunlop): No questions?

We'll now go to the government members for questions. Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you, Mr. Clegg, for being here and thank you for your presentation. I'm trying to judge your presentation versus the one just before you. Are you telling me that you're in total disagreement with the comments from your federation?

Mr. David Clegg: No. I understand the amendments that they're asking for to what I see as fatally flawed legislation. I think that if you read my recommendations, you'll find some commonality in terms of what—if we're not prepared to put this aside, and we're going to move forward with Bill 122, there need to be significant changes. I think my recommendations and those of my

parent organization have very similar flavours. What I am saying is that from my perspective, my experience, this bill is fatally flawed and will not achieve the type of stability that certainly the education sector and, I think, the people of Ontario deserve.

Mr. Bas Balkissoon: So with the amendments requested by your main federation, you believe there could be an improvement to the bill and an improvement to the process.

Mr. David Clegg: I believe theirs would help, but I think mine would help even more.

Mr. Bas Balkissoon: Okay. Thank you very much. No more questions.

The Chair (Mr. Garfield Dunlop): Thank you very much, Mr. Clegg, for your presentation.

ONTARIO ENGLISH CATHOLIC TEACHERS' ASSOCIATION

The Chair (Mr. Garfield Dunlop): We'll now go to the Ontario English Catholic Teachers' Association, OECTA. Warren Grafton will make the presentation. Welcome to Queen's Park, Mr. Grafton. You have five minutes for your presentation.

Mr. Warren Grafton: Thank you. I want to thank the committee for the opportunity to speak to you today about Bill 122, the School Boards Collective Bargaining Act. I'm joined today by Cheryl Fullerton, from our government relations department.

OECTA represents the 45,000 women and men who have chosen to teach in the publicly funded Catholic schools in Ontario. Our members teach in all grades from junior kindergarten to grade 12.

Since the passage of Bill 160 in 1997, collective bargaining has taken place without a negotiations framework that recognizes the fundamental changes to education funding and to the roles of the various unions represented, working in those publicly funded schools.

The abject failure of the voluntary PDT process to deal effectively with collective bargaining during a period of fiscal restraint became apparent to all in 2012. Soon after Premier Wynne took office, she indicated that she wanted to initiate consultations with education stakeholders about developing collective bargaining legislation for the education sector. Those consultations have taken place, and we have been party to those consultations.

The proposed legislation does outline the roles of various participants in the collective bargaining process and does reflect much of what we heard and discussed during the consultation process, but there are a number of areas where we believe amendments could be made that would strengthen and improve the bill.

It is important to note that the areas that we have identified as needing an improvement or a clarification are aspects of the bill that all teacher affiliates recognize as being critical. Although our brief does include a number of key recommendations, there are two areas in

particular that we believe must be addressed by the committee when it makes amendments to the bill.

The first is to ensure that the government is a party in the bargaining process and has the same obligations as any other party. The government has been clear that it does not intend to assume the role of employer at the bargaining table, which is consistent with its position that school boards will continue to act in that capacity. OECTA concurs; we believe that the crown should not take over the role of employer.

The bill clearly outlines the role of school boards at central and local tables, and their responsibilities under the Ontario Labour Relations Act. What the bill is not clear about is the government's role in the legislation.

Under certain provisions of the proposed legislation, sections 28(1) and 32(1), the crown is bound to bargain with the parties in good faith and make every reasonable effort to agree upon matters to be included in the scope of central bargaining and upon central terms. Of concern is the fact that the bill does not expressly state that the crown is prohibited from committing unfair labour practices prohibited under the Ontario Labour Relations Act. Among these are section 70, that employers not interfere with unions; section 72, that employers not interfere with employees' rights; section 73, that employers not interfere with bargaining rights; and section 76, intimidation or coercion re membership in a union.

Although the bill is clear that the employment relationship is with a school board, not the crown or employer bargaining agent, OECTA believes that it is important to ensure that it is the crown's duty to bargain in good faith, both in the scope of central bargaining and on the central terms, and that it is enforceable under the Ontario Labour Relations Act. To that end, OECTA is proposing an amendment to section 4.2 of the bill that would ensure that the crown's bargaining duty is enforceable as an unfair labour practice.

The other area of the proposed legislation that most concerns OECTA is section 42(1), dealing with grievance arbitration of disputes related to the central terms of the collective agreement. Although the bill provides for the opportunity to file a grievance about such an issue, the only remedy available to an arbitrator under this section is to make a declaration about the issue in question.

While a declaration is a clear finding, it does not ensure that the finding is enforceable. OECTA recommends that the provision also include that a direction be obtained. It is only through a direction that a local board must comply with a declaration of an arbitrator made under the central issue. Without this requirement, all school boards and teacher bargaining units must apply central terms locally; then we will be arbitrating the same issue over and over again, taking funds out of the classroom as boards raid classroom funding in order to pay lawyers and uphold the grievance process.

The Chair (Mr. Garfield Dunlop): Thank you very much for that presentation.

We'll now go to the third party. You can open the questions, three minutes. Mr. Tabuns.

Mr. Peter Tabuns: Thank you for coming in today. I'd like to go to that second point you were touching on, and that's the direction from an arbitrator and its application throughout. Can you tell us your experience with this to date? What has brought you to make this recommendation?

Mr. Warren Grafton: Well, one of the issues that we have had to date is that, when we have bargained a central issue under the MOU, or even previously under the PDT process, some of our boards have been very reticent to engage that issue. So we have, by necessity, had to grieve that same issue over and over and over again across the province to get resolution to the issue.

While that is an issue of funding for our teacher affiliates, because we do take that money out of our membership funds, it is more an issue of public tax dollars being used and taken out of classrooms and out of support to students in order to support multiple grievances across the province on a board-by-board basis.

1300

Mr. Peter Tabuns: A question that I asked a previous presenter, about the matter of determining what's going to be on the bargaining table, centrally: Can you speak a bit about the necessity, from your perspective, to negotiate what actually is going to be the scope of the bargaining?

Mr. Warren Grafton: I have been a local bargainer. I started bargaining in 1998 in Waterloo, and I've bargained locally in Waterloo since that time. One of the problems I see in the current bargaining process is the imposition of ideas upon the entire process. From time to time, in a local issue, a local bargaining process, there are some issues that the board and the union agreed, "You know, they're running fairly smoothly now. We don't need to touch that." So it was beneficial to be able to focus on the issues that were causing some concern across the board.

I think if we have an issue where those concerns can be imposed unilaterally by the minister, we have some issues with that because then the minister might indeed say, "You know, the government is concerned about this issue, but neither the boards or the unions are." The government could be opening issues in bargaining that we don't necessarily need. It is always more beneficial to negotiate and to talk and to come to agreement about what we need to discuss than to have one or more parties demand and impose something upon them.

Mr. Peter Tabuns: Okay. Thank you.

The Chair (Mr. Garfield Dunlop): We'll now go the government members. You have up to three minutes for questions.

Mr. Bas Balkissoon: Thank you very much for being here. I've made note of your comments with regard to the government being part of the process of bargaining in good faith. I'd have to say to you, along with the other issue you raise, which is the grievance issue, should those amendments come forward—I understand that you've

raised that issue before—do you feel that the bill will certainly improve the bargaining process that has taken place, compared to previously?

Mr. Warren Grafton: In comparison to the previous bargaining process, especially the most recent one, yes. I think having a process is the way to go. We need to have something in place that says what the roles of each of the parties are and to allow each of the parties to function within their roles. Provided that some of the amendments are done, then OEFTA does support having a central table with a clear, defined process for bargaining. The last 15 years have been chaotic in many ways. In 2004, we achieved a PDT. No, in 2004, we didn't achieve a PDT, but we did in 2008. The MOU—it's certainly been chaotic, a long process.

Mr. Bas Balkissoon: Would you say—I think you started to comment on it—that the change in funding where school boards used to raise their own funds—that particular power being removed from them is what resulted in the chaos that has happened in the last couple of rounds of bargaining?

Mr. Warren Grafton: Well, I would suggest that the school boards not being able to raise their own funds and the government being the sole source of funding has in part created that chaos. I would note that that power wasn't taken away from the school boards and that they voluntarily gave that up.

Mr. Bas Balkissoon: Okay. Seeing that the government is now the funder and there wasn't a framework, do you see this bill as a framework required and absolutely necessary, and we should move forward very quickly to have it adopted?

Mr. Warren Grafton: Yes.

Mr. Bas Balkissoon: Thank you very much, and thank you for being here.

The Chair (Mr. Garfield Dunlop): No further questions from the government members? Okay.

We'll now go to the official opposition for three minutes.

Mr. Rob Leone: Thank you very much for the presentation. I just want to pick up on that last conversation, where you suggested that the school boards had given up—you believe that they voluntarily gave up their ability to raise funds. Why do you think they did that? What was the purpose of that? I was still in school when this all happened.

Mr. Warren Grafton: I cannot read the minds of trustees, let alone trustees that are in the past. My understanding is that they were looking for an established process of equal funding across the province, which was achieved.

Mr. Rob Leone: Do you think that that process is fairer, or would you argue against that? Obviously, how negotiation takes place is underlying. The problem, as I remember it, and I was in high school at the time, was that some boards were wealthy and some boards were not. Part of the equalizing of the funding formula allowed all boards to have the same money. Is that a position that you wouldn't encourage?

Mr. Warren Grafton: I strongly encourage fair funding. I do believe that the funding formula still has many faults in it that need to be addressed.

Mr. Rob Leone: So do I, okay.

You made a comment as well that I took interest in and that I wrote down. You said that money was taken out of the classroom for grievances, and the process for resolving grievances was taken out of the classroom. Do you have an estimate of how much money that is?

Mr. Warren Grafton: I do not know how much money the boards are spending. I could suggest that for the federations it's to the tune of millions of dollars.

Mr. Rob Leone: Millions of dollars?

Mr. Warren Grafton: Yes.

Mr. Rob Leone: And has that, over the years, gone up?

Mr. Warren Grafton: Yes.

Mr. Rob Leone: Yes. Would you have a ballpark in terms of how much it has gone up over the years?

Mr. Warren Grafton: No, I'm sorry. I don't.

Mr. Rob Leone: Okay. These grievances are a result of negotiated settlements not being lived up to according to what was negotiated—would that be fair to say?

Mr. Warren Grafton: Yes. It's about the interpretation of those negotiated settlements in various boards—individual boards. By and large, I believe most boards will abide by most parts of the agreement, but there are parts of the agreements that boards have, in the past, said—"You know, we don't agree with that part," or "We don't agree with the interpretation of that part of the agreement." So we have, on a board-by-board basis—and during the last round with the MOU—tried to address that with a dispute resolution mechanism which hasn't worked out well because of the lack of a central authority.

Mr. Rob Leone: So, as we begin to negotiate more and more things, is that the reason why dollars for grievances are going up? We're talking about working conditions, supervision and those kinds of things. Is that the reason why—

Mr. Warren Grafton: It's not about what we're negotiating, because we've always negotiated working conditions, we've always negotiated planning time, we've always negotiated supervision; it's about an attitude and approach that says that just because it was negotiated at the central table doesn't mean I, as a board, necessarily agree and have to follow it.

Mr. Rob Leone: I see. Okay. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much for your presentation today.

MR. JOHN DEL GRANDE

MR. SAM SOTIROPOULOS

The Chair (Mr. Garfield Dunlop): We'll now go to John Del Grande and Sam Sotiropoulos, Toronto school board trustees. Gentlemen, welcome to Queen's Park. You have five minutes for your presentation.

Mr. John Del Grande: We'd appreciate if you'd give us the three-minute warning when it comes up.

I thank the committee for the opportunity to present here today. My name is John Del Grande. I'm an 11-year trustee with the Toronto Catholic District School Board. The views I submit are my own, but have also been formed based on discussions with other trustees around the board table in the past.

I'm sharing my time today with my public school counterpart, Trustee Sam Sotiropoulos. I'll note that we're the only ones here, given limited witness time, to truly represent direct employers' interests.

It has been reported that the minister made suggestions that teachers' unions and employers were in support of this bill. I believe this to be a misnomer because nobody asked local school boards directly.

I'm disappointed in the fact that such a critical piece of legislation, which fundamentally changes the law and employer authority of school boards and gives rise to new empowerment of school board associations, only gets three hours of hearings.

I have expressed support for some method of central authority on financial matters, given 95% of the school board funding comes from the Ministry of Education and property tax levies.

The missing element of this bill is the fact that central elements are not properly defined. It should not be up to the minister to define what is centrally going to be bargained from time to time and place to place. It needs to be consistent year to year so you have direct knowledge from the school boards and the unions on what's going to be central versus what's going to be locally bargained.

Aside from clear scope, both trustees are here today with a concern of empowerment of the school board associations for which they were never mandated. I've reviewed the mission and vision, including the original scope of our association when it was first formed by our board, and nowhere did it include direct labour relations and bargaining. By designating these associations, the autonomy of local school boards was infringed and could violate the association of trustees. At no time did our board confer bargaining authority to its trustee association. In fact, the last PDT MOU—we specifically never gave a board-approved motion, yet the association perpetrated its authority unilaterally.

Some \$1.7 million of taxpayer money is flowed from Catholic school boards into our association with little transparency. I sat as a director there and was unable to get detailed financial information including staff salaries. These organizations govern themselves as private, non-profit companies, which is completely wrong when government and taxpayer money almost completely funds their operations.

I'm concerned that hundreds of thousands of dollars have already started to flow through these associations, and I suspect others, with more on the way, even before the bill has taken full effect. If they're going to give rise to the empowerment of associations, we need to have a

clear and transparent process for school boards to have direct authority over who gets selected on the bargaining team and public accountability in terms of the funds that are being used. The model today does not provide that.

1310

Mr. Sam Sotiropoulos: Thank you. I too want to echo the sentiments expressed by my counterpart around the issue of the limited scope of the public consultation on this very important bill. Three hours is certainly not enough time. I would say that most of my colleagues are oblivious to the fact that we're having this meeting here today, despite the fact that the rain of emails that we get on a consistent, daily basis included somewhere in that, perhaps—although I wasn't privy to it—a notice that OPSBA was going to be involved in these hearings today. I cannot confirm having received any such notice myself.

I want to bring two points to the table here which are crucial, I think. With respect to the employer bargaining agency and coercive regulation—or the lack of regulation—around the establishment of the collective employer bargaining group, the TDSB as it stands at this point in time is not a member, technically, of OPSBA. We have not paid our membership fee for this year, the deadline for which was September 30. So the question arises, of course, of whether or not any employer agency designated or delimited by the minister has any sort of bargaining rights for the TDSB per se.

The second point that I wish to raise is 21(4), around voting. It seems as if a double majority of some kind is required here, because the disproportionate nature of the representation of the TDSB on OPSBA is not reflected in the language in 21(4), because it states explicitly:

“If voting is required in respect of collective bargaining by a trustees' association, the outcome of a vote must be decided by the approval of a majority of the school boards that are represented by the association, with their votes weighted to reasonably reflect, for each school board, the size of the bargaining units containing employees of the school board.”

I submit to you, ladies and gentlemen of the committee here, that the Toronto District School Board is in a league of its own. Our representation is disproportionately underwhelming at OPSBA. This particular voting clause requires some clarification if it's to be effected.

I would speak against the adoption of this particular bill at this time.

Thank you for indulging our delegation here today.

The Chair (Mr. Garfield Dunlop): Thank you so much for your comments.

We'll now go to the government. You have three minutes for your comments. Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you for your deputation. I've got your input here and I'm just wondering about the recommendations you put in front of us, especially number 4, if that responsibility rests with us.

Mr. John Del Grande: Well, I will say that if this bill comes to pass, you're empowering associations with brand new authorities they never had, and if it's going to

pass in this nature, then there's a responsibility for the House to ensure that the right pieces are in place for these associations if they're going to act in that capacity and to act as a public trust, because dollars are going to flow through them, and they're flowing to the school boards. Those are public dollars. So absolutely we need the transparency pieces enacted in legislation.

Mr. Bas Balkissoon: No, but my point is, does that responsibility to resolve this problem—because it's an internal problem within the association that is a not-for-profit, as you stated—rest with the provincial government or does it rest with the members of the association?

Mr. John Del Grande: It rests with the provincial government, because they're giving authority now to these groups to act in an official capacity. Historically, they were not in an official capacity, so that would have been an internal issue. But now, by enacting them as a sole authority, absolutely.

Mr. Bas Balkissoon: Okay. Thank you, Mr. Chair. That's all I have.

The Chair (Mr. Garfield Dunlop): Further comments from the government members? Ms. Mangat.

Mrs. Amrit Mangat: OPSBA spoke in their representation earlier about how the language of the bill must be modified in order to put in place a system that will allow the crown and school board associations to fulfill their shared responsibilities. Do you support that recommendation or no?

Mr. Sam Sotiropoulos: As an individual trustee, I do not. My sentiments, I think, are shared by a number of my colleagues; I'm not speaking for anyone else, though. But the fact that we have not paid our OPSBA membership for this year speaks volumes about our status in that organization at this time, despite what they may have maintained.

Mrs. Amrit Mangat: That's the reason why you are not supporting the recommendation?

Mr. Sam Sotiropoulos: I'm sorry, I'm unclear as to your question.

Mrs. Amrit Mangat: That's the reason that you don't support the recommendation about modification of the language?

Mr. Sam Sotiropoulos: I'm not aware. I was not present for their recommendation, so I can't speak to something that I'm not aware of.

Mrs. Amrit Mangat: Okay. Thank you.

The Chair (Mr. Garfield Dunlop): We'll now go to the official opposition. You have three minutes.

Mr. Rob Leone: While I appreciate, gentlemen, your presentation today, I notice that you're from the Toronto Catholic and Toronto District School Boards and you have easy access to come to Queen's Park to make a presentation. I guess I'm wondering whether there would be other locations, in other school boards in other parts of the province, that may have trustees who feel similar to you who are actually not going to be able to make the same kind of presentation that you're about to make.

Does that, to you, speak to the fact that we should have opened up the public hearings on this particular

piece of legislation—not just here in Toronto, but to travel around the province to solicit some feedback in our local communities?

Mr. John Del Grande: Absolutely. Trustees are the designated authority of their school boards and they hold the responsibility of it. Even in my own board, we're not tabling the discussion on Bill 122 until tomorrow, so it's too late to even have an official position as a board. It goes to show you how far and few communications have been in really trying to understand what's happening here. There are all kinds of proposed amendments and no time to chew on them.

Mr. Sam Sotiropoulos: I will even add, if I may, that within our board, our representatives at OPSBA have been anything but forthcoming or even offering information relating to any of this material.

Mr. Rob Leone: So they basically have shut you out, is what you would say?

Mr. Sam Sotiropoulos: Yes, effectively.

Mr. Rob Leone: So they've been part of the conversation; you have not been part of the conversation. I find that very interesting.

What do parents say to you, as trustees, about certain concerns that they bring forward? I know that we, as legislators, hear about merit-based hiring and regulation 274. We hear about new teachers having problems getting jobs. We hear about extracurricular activities in the public school boards being taken away during the Bill 115 process. We hear about the supervision and safety of children in the schoolyards. What do you say about the ability of your boards to address these concerns given the constraints that are presented to you?

Mr. Sam Sotiropoulos: If I may, around the challenges, the funding challenges in particular, the TDSB finds itself in with respect to things like—and this again speaks to the disproportionate representation that we would have on OPSBA to deal with localized matters such as the funding of the early childhood educators. We pay on average, I believe, \$6 to \$7 more than any other board in the province and we're not funded for that, according to the funding formula.

Mr. Rob Leone: Sixty-seven dollars more?

Mr. Sam Sotiropoulos: Six to seven dollars—I can't remember the exact figure—per hour at the high end that is not accounted for in the funding formula. This is a very local issue and yet, because we are the largest public school employer in the province, this translates to quite a few million dollars for us. So we're taking monies from Peter to pay Paul in many other facets of the operation and it does affect things like supervision.

Office administration in particular is a tough one. Honestly, I will never get used to the notion that I dial up a school, and at lunch, a student picks up the phone. I have a huge issue with that. There's a safety concern there because, to be honest with you, I've elicited information from students that they should never have told me—i.e., their name, for one—which is a matter of some concern and of grave concern to parents, I'm sure, if they were ever made aware of that.

Mr. Rob Leone: Do you think those—

The Chair (Mr. Garfield Dunlop): Okay, that's the time for that—

Mr. Rob Leone: Thank you.

The Chair (Mr. Garfield Dunlop): We'll now go to the third party.

Mr. Peter Tabuns: I have no questions. Thank you, Chair.

The Chair (Mr. Garfield Dunlop): Would you like to finish that question off? We've got a bit of time here.

Mr. Rob Leone: Sure. I'm just saying, to what extent do you think parents would have some say on some of these issues that are presented to you?

Mr. John Del Grande: Thank you. I've heard multiple times from the government over the years, "Local decisions for local bodies for local issues." Parents and students are looking for their local representatives to answer the questions and enact what needs to happen. All I see is pointing different fingers at different committees, different associations. Where is the accountability layer? The government is the first to point back when schools have to close, but they're the ones that put all the regulations in place. That's the problem with these kinds of things, in terms of who is actually acting as the authority level here and who can actually be accountable to the parents. Ultimately, it's us.

The Chair (Mr. Garfield Dunlop): Thank you for your presentation today, gentlemen.

ONTARIO CATHOLIC SCHOOL TRUSTEES' ASSOCIATION

The Chair (Mr. Garfield Dunlop): We'll now go to our next presenter, the Ontario Catholic School Trustees' Association: Marino Gazzola and Kevin Kobus. Welcome. Good afternoon, Mr. Kobus. I hope things are going well for you.

Mr. Kevin Kobus: Hey, Garfield. Good to see you.

The Chair (Mr. Garfield Dunlop): Welcome to Queen's Park. You have five minutes for your presentation.

Mr. Marino Gazzola: Thank you. The Ontario Catholic School Trustees' Association represents all of the province's 29 English-language Catholic district school boards. On behalf of the association, I'm pleased to say that we welcome the opportunity to be integrally involved in the consultation process established to develop Bill 122, the School Boards Collective Bargaining Act, 2014.

1320

While Bill 122 includes many of our recommendations, there remain some important amendments that would address the concerns of Catholic school board employers and the needs of Ontario's education sector as a whole.

Section 12, central and local bargaining: OCSTA would recommend that subsection 12(1) of Bill 122 be amended to state that both local and central bargaining "will" take place; the current language says "may."

OCSTA also recommends that subsection 12(2) be amended to reflect the mandatory nature of the next central bargaining process by replacing the word “if” with the word “when.”

Section 13, parties to central bargaining, is unclear under what circumstances the crown would not participate in central bargaining. OCSTA recommends that subsection 13(2) be amended to say, “The crown will participate in central bargaining of each central table.”

Subsection 16(2), duty to co-operate: Section 17 of the Labour Relations Act requires both parties to bargain in good faith and make every reasonable effort to make a collective agreement. OCSTA therefore recommends that subsection 16(2) of Bill 122 be amended such that all parties—the employer bargaining agency, the employee bargaining agency and the crown—are obligated to co-operate in good faith in preparing for and conducting central bargaining. It currently applies only to the employer bargaining agency.

Subsection 21(11), requirement to pay fees: To ensure adequate funding for the labour relations activities set out in Bill 122 and the necessary costs associated with expanding the role of trustee associations, OCSTA recommends that the legislation be amended to make reference to the provision of direct funding to school boards to specifically address costs associated with labour relations and the collective bargaining process.

Subsection 22(1), substitution if employer bargaining agency unable or unwilling to act: This section allows for the employer bargaining agent to be substituted if, in the opinion of the minister, the agency is unable or unwilling to perform its duties. OCSTA has concerns that the section does not clearly articulate the test to be applied in order for the minister to relieve the OCSTA bargaining team of its duties to represent Catholic boards, nor is there any mechanism to receive notice or provide submissions on the minister’s decision. The steps for establishing the committee are also unclear. The minister is granted total discretion under section 22. In our submission we’ve set forth a five-point approach that we believe would be acceptable.

Subsection 34(4), consent for lockout in respect of central bargaining: Pursuant to subsection 2(3) of Bill 122, the school board retains its status as the employer of the employees. Requiring consent of a non-party, i.e., the crown, before a lockout is inconsistent with the status of school boards as a party to central bargaining and as the employer. OCSTA therefore recommends that subsection 34(4) be amended to delete the requirement for crown consent to lockouts in central bargaining.

Subsection 35(2), definition of “strike”: This section is essentially identical to the current definition of “strike” in section 277.2 of the Education Act. In our view, there is an opportunity to amend the definition of “strike” to expressly include co-instructional activities, and add a definition of co-instructional activities.

Our proposed amendment is indicated below in bold, underlined font. The first parts are the current legislation. We would add, under (c), “but not limited to programs

involving co-instructional activities”. We would also include a definition for co-instructional activities that would read:

“For the purposes of this act, ‘co-instructional activities’ means activities other than providing instruction that,

“(a) support the operation of schools,

“(b) enrich pupils’ school-related experience, whether within or beyond the instructional program, or

“(c) advance pupils’ education and education-related goals, and includes but is not limited to activities having to do with school-related sports, arts and cultural activities, parent-teacher and pupil-teacher interviews, letters of support for pupils, staff meetings and school functions but does not include activities specified in a regulation made under subsection (1.2).”

I thank you for the opportunity to be here today.

The Chair (Mr. Garfield Dunlop): And thank you very much for your presentation.

We’ll now go to the official opposition. Mr. Leone.

Mr. Rob Leone: Can I just ask what section of the legislation you’d like to see those amendments added to—what you just said?

Mr. Marino Gazzola: It actually forms part of the education—the definition of a strike. That’s where we would include it.

Mr. Rob Leone: Okay, very good.

Mr. Marino Gazzola: Collective bargaining legislation doesn’t come around very frequently and it’s not opened up. So this would give an opportunity to add something that we think would be good and help out, especially when it comes to the bargaining.

Mr. Rob Leone: And in particular, how would that help in terms of your perspective, differently than what’s currently in place?

Mr. Marino Gazzola: First of all, right now when you get into a bargaining issue, whether it’s a strike or a lockout, but even a work-to-rule, it’s detrimental to the school. It stops the activities that go on at the school. We firmly believe that sports and the cultural activities are all part of a well-rounded, complete education of a student, and the taking away or the interruption of those activities is detrimental.

Mr. Rob Leone: So you would support listing those items, extracurricular activities being one of them, that would not be subject to job action? Is that what I’m hearing clearly?

Mr. Marino Gazzola: Yes.

Mr. Rob Leone: Okay. Well, there’s going to be some interest, I think, in that particular aspect.

I know that over the course of the last job action, public school boards underwent a job action, but the Catholic ones did not. Can you give some indication as to what effect that had on you? I know a lot of parents in my riding suggested they were going to leave the public school system and go to the Catholic school system as a result of the stability there. Did you experience that province-wide?

Mr. Marino Gazzola: I don't know about province-wide. There were certainly some calls, but I think it has to be clear that, in the last round, the contracts were imposed; the boards were not part of those negotiations.

Mr. Rob Leone: But in terms of the question, you don't have any statistics or anything like that, that would lend themselves to that.

You mentioned extracurricular activities. One of the things that we're very interested in is regulation 274. Do you think that there would be room to add to your proposed amendment provisions that would allow regulation 274 to be part of perhaps some way of ensuring the parents have the best teachers in the classroom?

Mr. Marino Gazzola: First of all, I think any time the parents have a view, it's important to listen to them. I also think it's very important that the best candidate be given the job, which would basically give the best education to a student.

Mr. Rob Leone: Well, it's just unfortunate that we don't have parents here to talk about these sorts of matters, and as I have belaboured on and on again—I think the Chair is going to say I'm out of time—but I think we would have benefited from some of their input.

The Chair (Mr. Garfield Dunlop): Thanks, Mr. Leone. We'll now go to the third party: Mr. Tabuns.

Mr. Peter Tabuns: Thanks, Chair, and thanks, Mr. Gazzola, for the presentation today. The first item that you raised was this matter of whether central bargaining will take place. The current language says "may." Have you discussed this with the government, or is there an indication why they used permissive rather than directive language?

Mr. Marino Gazzola: I really don't know why the language is in there. I think we just need to ensure that the bargaining definitely will take place. Any time you leave an option open, it can be taken, and I think we have to have the assurance that it will take place. We can't go through what happened last time.

Mr. Peter Tabuns: Agreed. The matter of the crown participating in central bargaining at each central table: I just assume that they would be. Currently, the act is written such that they don't have to be part of the bargaining?

Mr. Marino Gazzola: I think if it's going to be a tripartite bargaining process, they have to be involved, and I think it's necessary to know that the mandatory obligation will be there.

Mr. Peter Tabuns: Okay. And you haven't had a discussion with them about this?

Mr. Marino Gazzola: No.

Mr. Peter Tabuns: Well, I think you raise a very valid point.

I don't have further questions, Mr. Chair. That was very useful. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you. Government members?

Mr. Bas Balkissoon: Just a comment to the deputation. Thank you very much for being here. I've noted all the things you've said, because they're similar to the previ-

ous deputants, and hopefully we'll come back with the amendments that everybody will agree with.

The Chair (Mr. Garfield Dunlop): Thank you so much, gentlemen, for your presentation today.

ASSOCIATION DES CONSEILS SCOLAIRES DES ÉCOLES PUBLIQUES DE L'ONTARIO

The Chair (Mr. Garfield Dunlop): We'll now go to our next deputation, l'Association des conseils scolaires des écoles publiques de l'Ontario: Denis Labelle, president, and Louise Pinet, executive director.

Good afternoon, folks. Welcome to Queen's Park. Will your presentation be in French? You can do it either way; we have translation. You have five minutes.

Mr. Denis Labelle: Let's negotiate. I'll do the presentation in French, and we can answer in English. How's that?

The Chair (Mr. Garfield Dunlop): Okay.

1330

M. Denis Labelle: Monsieur le Président, mesdames et messieurs les députés, je me nomme Denis Labelle et je suis le président de l'Association des conseils scolaires des écoles publiques de l'Ontario, l'ACÉPO—that's the acronym. M^{me} Louise Pinet, la directrice générale de l'ACÉPO, m'accompagne aujourd'hui.

Nous vous remercions de nous avoir accordé du temps aujourd'hui et nous souhaitons que toutes les modifications apportées au projet de loi permettent à mieux encadrer le processus de négociation collective dans le système scolaire de l'Ontario.

À notre avis, le projet de loi 122 doit être adopté rapidement dans le but d'assurer la réussite des négociations futures, mais surtout pour assurer la réussite scolaire et le bien-être de chaque élève sans interruption dans leur apprentissage scolaire.

Nous avons huit recommandations ici. La première recommandation : l'ACÉPO recommande que le projet de loi garantisse que les quatre associations d'employeurs siègent comme partenaires égaux au sein des organismes patronaux auxquelles elles participent.

La deuxième recommandation : l'ACÉPO recommande que le projet de loi indique clairement que le gouvernement, les associations d'employeurs et les syndicats doivent tous négocier de bonne foi.

La troisième recommandation : l'ACÉPO recommande l'ajout de garanties du respect des droits linguistiques dans le processus de négociation collective prévu dans le projet de loi 122.

Quatrièmement, l'ACÉPO recommande que le gouvernement garantisse que l'ACÉPO pourra travailler en français.

La recommandation numéro 5 et l'article 6 du projet de loi 122 : l'ACÉPO recommande que le projet de loi 122 ne permette pas de défaire, ni n'empêche de créer, des unités de négociation combinées dans les conseils scolaires.

Recommandation numéro 6, l'article 21(6) du projet de loi : l'ACÉPO recommande qu'en ce qui a trait à la

négociation provinciale avec le syndicat l'AEFO, le projet de loi crée un organisme central négociateur ayant comme partenaires égaux l'ACÉPO et l'AFOCSC, conformément à la recommandation 1 ci-dessus.

Recommandation numéro 7 : l'ACÉPO recommande que pour tout modèle de transmission et de calcul de fonds nécessaires aux associations pour remplir efficacement le mandat d'organisme négociateur des employeurs, la méthode de calcul doit être juste et équitable, peu importe le nombre d'employés, d'élèves ou de conseils scolaires au sein de l'association.

La dernière recommandation, numéro 8, l'article 22 : advenant le cas où le lieutenant-gouverneur en conseil crée un comité pour se substituer à l'association d'employeurs membres d'un conseil, il doit obligatoirement y avoir un représentant des conseils scolaires publics laïcs de langue française sur ce comité.

Nous sommes ici, en conclusion, pour vous dire que l'ACÉPO est en accord avec le principe et les grandes lignes de ce projet de loi qui rend légitime un processus pour la négociation des conventions collectives entre les conseils scolaires et leurs employés au palier provincial, tout en respectant la négociation locale. Merci beaucoup.

The Chair (Mr. Garfield Dunlop): Thank you very much. Merci. We'll now go to the third party. You have three minutes for any questions or comments.

Mr. Peter Tabuns: Je suis désolé. Je parle seulement un peu de français et je dois parler en anglais.

I need to be very clear, because you have a number of important recommendations here, but the most important for me is that you are recommending that the two francophone school boards be allowed to work together as one employer unit for purposes of negotiation. I want to make sure I've understood that correctly.

Mr. Denis Labelle: That's correct.

Mr. Peter Tabuns: Okay. And you have two recommendations, 6 and 7—and, again, because my French unfortunately is not as strong as I'd like it to be: You are recommending that there be no obstacle put in the way of this taking place.

Mr. Denis Labelle: That's correct.

Mr. Peter Tabuns: Okay, that's really critical to all this.

What do you see is the advantage to that being done? I understand as long as people's rights are fully respected, you're comfortable with it. What do you see is the advantage of doing it?

Mr. Denis Labelle: More specifically it is in the—c'est dans le mémoire, basically. But I will let Louise handle that question here, just to some of the advantages.

M^{me} Louise Pinet: Le principal avantage, c'est qu'il y a un syndicat qui représente les employés dans le système d'éducation publique—de langue française publique laïque—mais aussi les employés dans le système d'éducation catholique de langue française. Puisqu'il n'y a qu'un seul syndicat, nous ne voulons pas une surenchère entre les deux groupes d'employeurs. Alors, nous voulons travailler ensemble pour assurer une équité dans le système.

Mr. Peter Tabuns: I want to thank you. That was very useful and very clear.

The Chair (Mr. Garfield Dunlop): Are there any other questions from the third party? Okay.

To the government members then: You have three minutes. Mr. Crack?

M. Grant Crack: Bienvenue, monsieur Labelle et madame Pinet. Merci pour votre présentation cet après-midi. Vous avez mentionné, dans recommandation numéro 3, l'ajout de garanties du respect des droits linguistiques dans le processus. Dans le passé, est-ce qu'il y avait des préoccupations avec le processus?

M^{me} Louise Pinet: Merci de votre question. Il faut dire qu'au niveau du gouvernement, on a fait de grands efforts pour augmenter la capacité de négociations en français du côté des employés de la fonction publique au ministère de l'Éducation, et nous voulons nous assurer que lorsque nous allons travailler en français, nous allons pouvoir le faire de façon efficace. Nous savons aussi que dans le modèle où nous pouvons travailler avec nos collègues de langue anglaise, il faut avoir une capacité de service dans les deux langues et de s'assurer que ça ne soit pas séquentiel mais que ce soit parallèle ensemble pour pouvoir arriver à des solutions efficaces. Nous avons bon espoir qu'avec le projet de loi, cela sera mis en oeuvre d'une façon positive.

M. Grant Crack: Merci beaucoup, et merci pour les huit recommandations. Pensez-vous que c'est une amélioration dans le processus avec le projet de loi 122?

M. Denis Labelle: Sans doute, c'est un 360. Puis, nous sommes fiers de pouvoir dire que nous supportons la nouvelle législation comme telle—telle que proposée. Je suis très impressionné là du fait qu'on a eu beaucoup de présentations. Nous avons été bien informés dans le processus, et en plus de ça, il y a eu une consultation qui s'est fait. C'est la raison pourquoi nous sommes ici aujourd'hui : nous sommes prêts à dire que l'ACÉPO supporte le changement comme tel.

M. Grant Crack: Merci.

The Chair (Mr. Garfield Dunlop): No further questions, Mr. Crack? Thank you very much.

We'll now go to the official opposition. Mr. Leone.

Mr. Rob Leone: I have no questions.

The Chair (Mr. Garfield Dunlop): No questions. Mr. Smith, any questions? Okay.

Thank you so much for your presentation today. It's a pleasure to have you here.

Mr. Denis Labelle: Same here. Merci beaucoup.

M^{me} Louise Pinet: Merci, monsieur le Président.

CUPE ONTARIO

The Chair (Mr. Garfield Dunlop): Our next presenter is CUPE Ontario and Mr. Fred Hahn, the president, and Terri Preston is with you as well.

Mr. Hahn, you have five minutes for your presentation, please.

Mr. Fred Hahn: Okay. Good afternoon. My name is Fred Hahn. I'm the president of CUPE Ontario, and with

me today is Terri Preston, who is the elected chair of our school board workers' coordinating committee.

CUPE represents 55,000 school board support staff in schools across the province, in public and Catholic boards, elementary and secondary boards, and English and French boards. CUPE's education workers keep our schools clean, safe and functioning. They are custodians, stationary engineers, early childhood educators, school secretaries, administrative staff, bus drivers, foodservice workers, educational assistants, library technicians, English-as-a-second-language instructors, literacy instructors, community advisers and IT staff, both in schools and at board offices. The majority of our members in the school board sector are women, and the average wage of those workers is \$38,000 a year.

CUPE's Ontario school board workers' committee coordinates activities among 113 bargaining units, including the election of a central bargaining committee to represent members in any province-wide discussions or negotiations.

1340

Any meaningful discussion today about Bill 122 needs to be situated, we believe, in the context of what preceded it; namely, the memorandums of understanding that were centrally negotiated between CUPE and the province of Ontario under the shadow of Bill 115. Today, more than 14 months after the province negotiated an agreement with us, they have still not ensured the full implementation of that central agreement.

I'm now going to ask Terri to explain to you the impacts of those actions on our view of Bill 122.

Ms. Terri Preston: Hello. As Fred mentioned, CUPE education workers have supported the concept of central bargaining since 2008. The introduction of Bill 115 seriously eroded our faith in that process. In fact, the last time I spoke at one of these hearings was to speak to you about the impact that bill would have on our members.

Despite the challenge presented by the bill, we managed to negotiate a memorandum of settlement with the government on December 31, 2012. This MOU was ratified by 113 bargaining units covering 67 school boards. Unfortunately, we still have 10 out of 67 school boards that are failing to implement the centrally negotiated language.

Our considerable efforts over the past year to have the government stand behind its signature on our MOU have not met with success, so our members are now asking why they should trust in a central table involving the government again.

The attraction to central bargaining for our members is greater consistency in our working conditions across the province. Because the government continues to permit 10 boards to take an approach to sick leave which is inconsistent with the CUPE MOU, our members remain opposed to legislatively expanding the government's role in central bargaining as provided for in Bill 122.

Mr. Fred Hahn: So let me be clear: If the government were to manage today to finally implement the memorandum of agreement that we signed more than 14

months ago, and all of that was done, there would still be issues that we think would need to change in what is being proposed.

There are components of Bill 122 that reflect Bill 115 and we believe they must be altered in order to demonstrate true respect for free collective bargaining. This includes any inherent power the government would have given itself in the lead up to Bill 115, like unilateral demands that employees and employers must accept government parameters, for example.

I want to highlight five main areas in the bill that would need to be amended in order to fully respect free collective bargaining. There's more detail in the written brief we presented.

In terms of access to a central process, the bill should be amended to ensure that it is not the authority of the crown to either force support staff into a central agreement or to deny them one. The crown should be required to give CUPE support staff workers access to central bargaining if their union so requests it, so long as CUPE represents the majority of its locals comprising the majority of its members in the sector. Where that happens, access to that process should remain through successive rounds of bargaining until CUPE advises the government formally that it would wish to withdraw.

The bill should be amended so that the crown cannot unilaterally impose the term of the collective agreement. The term of a collective agreement should be determined only by the parties to that agreement by means of collective bargaining. That is a basic tenet of free collective bargaining.

The bill should provide that arbitrators or boards of arbitration dealing with disputes on centrally negotiated language would remain seized until their decisions are fully and properly implemented. This would be to prevent having locals or individual school boards needing to re-arbitrate disputes on central language in order to achieve a remedy. That would just be a dual process that no one would want.

The bill should make clear that the crown has all of the same obligations of any other party; in other words, it has the obligation to bargain fairly and in good faith, it should be subject to the unfair labour practices provisions of the Labour Relations Act, and it should be made clear that complaints against the crown, as a party, could be heard at the Ontario Labour Relations Board.

Finally, subsection 4(3), in particular, should just be deleted entirely from the bill. This has to do with related employers and it is, we think, completely unrelated to the establishment of a central bargaining process in the sector. It would hamper our unfettered right to bring labour board subsection 1(4) applications with respect to school boards and that must be respected. Therefore, we're suggesting that this section be removed.

As you've heard, we don't oppose central bargaining as a concept or as a framework, so long as the parties are bound to conduct that bargaining in good faith. We need to be assured that a deal is a deal, and that the parties live up to the collective agreements and the agreements that

they signed. The Ontario government must live up to the commitments it made to CUPE and our members in memorandums more than a year ago.

Finally, even if those memorandums were enforced today, Bill 122 needs to be amended to protect the integrity of free collective bargaining, and we call on all three political parties today to make that happen before the bill goes back to the House for third reading consideration.

Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much for your presentation.

We'll now go to the government members for up to three minutes of questioning. Mr. Balkissoon?

Mr. Bas Balkissoon: Thank you, Mr. Chair. Mr. Hahn, thank you very much for being here. I've noted your comments, and I certainly will pass them on to the minister. I just want to thank you for being here today.

Mr. Fred Hahn: Thank you.

The Chair (Mr. Garfield Dunlop): Okay. Any other questions from the government members?

We'll go to the official opposition. You have up to three minutes.

Mr. Rob Leone: Wow. Okay. Mr. Hahn, I was here when you had your press conference, maybe a couple of months ago now, where you'd stated CUPE's objection to the bill on the basis of what happened with Bill 115. You're here today to say that, should they remedy and live up to the full tenets of the bill, subsequent to the amendments that you're proposing, CUPE would then support the bill? I'm just kind of confused as to where you stand on the piece of legislation.

Mr. Fred Hahn: Our position came directly from our members, who democratically made that decision, and what they told us very clearly was that unless the government lives up to what it bargained more than a year ago, we wouldn't support any process going forward.

Mr. Rob Leone: So, no deal.

Mr. Fred Hahn: But what we're trying to do is also to encourage government to live up to what it has bargained. We appreciate that what this legislation does is propose a structure for the future of a very large group of our members, a very important part of our communities: our schools. And so, to not make comment on what's being proposed, we think, would be irresponsible.

There are real problems that impact directly on the ability of free collective bargaining in what has been proposed in Bill 122, so we wanted to make comment on those particular areas.

Mr. Rob Leone: And your members, as they're involved in the education sector—what positions do they hold in our schools? Just for the committee's—

Mr. Fred Hahn: We're proud to represent all of the support staff in our schools, literally everyone who isn't a teacher, a vice-principal or a principal. We have folks who are custodians, maintenance workers, the school secretaries, the IT staff, all of the folks who work with some of our youngest students, our early childhood educators, some of the folks who work with our students with disabilities, and our education assistants; we have

folks who teach English as a second language—all of the vital support staff that we think are incredibly important to making our schools function.

Mr. Rob Leone: How do you square the to-and-fro that you have—that your members are going to have, simply because they are education workers—with some of the demands, I'll say, that the teachers' federations are putting in place? How do your members square in that whole to-and-fro, where there are limited funds, where there are certain expectations that promises are kept and so on? How do your members deal with what are, in effect, very powerful teachers' federations?

Mr. Fred Hahn: What our members understand inherently from working in our schools is that our students, our kids, in communities succeed because we have teams of people in schools who are focused on making sure that those kids succeed in those communities. From our perspective—

Mr. Rob Leone: So, your focus is student success.

Mr. Fred Hahn: —teachers and support staff think that we can establish that best when we work together as a team. But treating people differentially when they're members of a team isn't right either.

There's a great deal of focus in the media on teachers and schools. That's completely understandable—everyone's had a teacher—but all of us who know about the school system, any of us around this table, surely must understand and acknowledge that schools don't function unless they're clean and safe—

Mr. Rob Leone: Sure.

Mr. Fred Hahn: —that they need an administrative backbone to run, and that our students require additional supports from support staff like EAs and ECEs. Those are our members, and teachers acknowledge that very much.

Mr. Rob Leone: Okay. Thank you, sir.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll go now to the third party.

Ms. Cindy Forster: Thanks so much. Thanks for being here today. I want to zone in on your third recommendation, with respect to boards of arbitration dealing with disputes that are centrally negotiated remaining seized, up until their decisions are fully implemented. I think that kind of flows out of the MOU issue around the sick time.

Now, I don't know why the support staff in the education system—and perhaps the teachers—are being treated differently than, say, nurses in the province or health care workers in hospitals, where boards of arbitration do remain seized until their decisions are fully implemented. Has this been a historical practice?

1350

Mr. Fred Hahn: Our experience in central bargaining, particularly in the health care sector, is extensive. We represent workers in many hospitals who are engaged in central bargaining with the Ontario Hospital Association, and that process is quite different from what's being articulated here.

But particularly in relation to grievance arbitration on central issues, it doesn't seem to make sense to us, what is proposed in the bill: that an arbitrator would only make a finding and then leave two parties, who have already perhaps been in a disagreement about the interpretation of the language, to find a remedy. That just doesn't make sense, and we believe that it would lead to a dual process wasting both the resources of school boards and the resources of our members.

Ms. Cindy Forster: Okay. Thank you.

The Chair (Mr. Garfield Dunlop): Ms. Sattler.

Ms. Peggy Sattler: Thank you for the presentation. We had some earlier recommendations around the participation of support workers in central bargaining. Your recommendation 1 talks about requests from CUPE to participate. Is it your view that it should be an optional process? Or should there be a mandatory process for central bargaining with support staff?

Mr. Fred Hahn: This is based very much in the culture of our organization. We're an incredibly democratic union. Our members and our locals make decisions, and they instruct us on how to engage. So what we're recommending here is that it should not be left up to an individual minister to decide whether or not people have access. Rather, if workers themselves have democratically decided to instruct us, as their union, to make a request and we make that request, it should be granted.

Ms. Peggy Sattler: Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much. That concludes our presentation. Thank you very much, Mr. Hahn, for your presentation today.

ASSOCIATION FRANCO-ONTARIENNE DES CONSEILS SCOLAIRES CATHOLIQUES

The Chair (Mr. Garfield Dunlop): Mr. Thomas is not here yet from OPSEU. With the indulgence of the committee—we're running a few minutes ahead here. I'm wondering if Mr. Benoit Mercier from the French Catholic school board would be prepared to make his presentation, because he was on the list, but didn't have time to get in today.

Mr. Rob Leone: I'll move it.

The Chair (Mr. Garfield Dunlop): You'll move that?

Interjection.

The Chair (Mr. Garfield Dunlop): Okay, we don't have to move it. So there's agreement that he goes in. We've got time. We're running about 20 minutes ahead. Mr. Mercier?

Mr. Rob Leone: There are two presentations as well.

Mr. Bas Balkissoon: I'm just wondering if we should listen to the people who are scheduled first and then give them a chance—

The Chair (Mr. Garfield Dunlop): Well, they're right on schedule here. Mr. Thomas is coming in.

Mr. Bas Balkissoon: No, but are the 2:30 and the 2:45 here? Because if they're here, we should listen to them.

The Chair (Mr. Garfield Dunlop): I think it's my prerogative to go. We've got 20 minutes here and I want Mr. Thomas to go in here. He'll get here. We'll have lots of time, I think, and even time for your debate.

Mr. Mercier, please go ahead. You have five minutes.

M. Benoit Mercier: Merci beaucoup, monsieur le Président. Je remercie le comité de nous donner l'occasion de venir vous parler aujourd'hui. Comme de fait, j'étais un petit peu en retard pour soumettre le nom de l'AFOCSC pour venir faire une présentation à ce comité et donc j'apprécie beaucoup le fait que vous nous donniez l'occasion de nous présenter aujourd'hui.

L'Association franco-ontarienne des conseils scolaires catholiques représente huit conseils scolaires catholiques de langue française en province et environ 80 conseillères et conseillers scolaires élus, et le mémoire que nous vous présentons aujourd'hui est vraiment le fruit d'une grande collaboration entre nos conseils membres.

En principe, l'AFOCSC est en accord avec le projet de loi en autant que votre comité, vous pouvez étudier nos recommandations et les adopter.

Principalement, vous avez entendu aujourd'hui ce que les autres associations d'employeurs vous ont communiqué. Nous sommes grandement en accord avec ces principes-là, mais en tant qu'AFOCSC, j'aimerais vous attirer vers quelques recommandations que nous vous proposons.

La section 13(2): comme vous l'avez très bien entendu, nous croyons que la Couronne doit faire partie du processus des négociations et doit être sujette aux mêmes conditions que les associations et les syndicats, c'est-à-dire de négocier de bonne foi et de participer pleinement au processus.

La recommandation numéro 4 fait référence à l'article 21(6). Comprenant très bien que l'AFOCSC et nos collègues de l'Association des conseils scolaires des écoles publiques de l'Ontario, nous négocions avec un syndicat d'enseignants, notre position est que l'AFOCSC devrait avoir sa propre table centrale pour négocier les termes et conditions d'emploi de ses employés.

Notre argument est basé sur le fait qu'en 1867, lorsque le Canada a été créé—plusieurs constitutionnalistes et plusieurs historiens vous diront que si le Canada existe aujourd'hui, en grande partie c'est à cause des droits des minorités. Encore aujourd'hui, une des valeurs fondamentales du Canada est de respecter les minorités qui existent. Donc, même avant 1867, la Loi Scott de 1863 accordait aux catholiques de langue française de gérer leurs propres écoles, et donc, au niveau de la gouvernance, de s'occuper de leurs affaires pour des francophones catholiques par des francophones catholiques. Donc, notre revendication c'est effectivement à ce que l'AFOCSC puisse avoir sa propre table centrale de négociation.

Les deux autres éléments dont j'aimerais vous faire mention aujourd'hui, c'est en lien avec les articles 25 et

26 au niveau des droits constitutionnels et des droits linguistiques. Si l'AFOCSC croit qu'il pourrait y avoir atteinte aux droits confessionnels lors de la négociation, l'AFOCSC a le droit d'indiquer cela, et s'il n'y a pas entente entre les parties, l'AFOCSC pourrait soumettre le litige à la Commission des relations de travail de l'Ontario.

Nous reconnaissons très bien que ce sont des juristes qui participent à la commission. Nous croyons très bien qu'ils auront accès à toute l'information nécessaire pour pouvoir rendre une décision sur un litige potentiel. Notre recommandation à ce moment-ci est que ces personnes-là puissent avoir de la formation au niveau des droits constitutionnels et au niveau des droits linguistiques, parce qu'il y a déjà beaucoup de jurisprudence qui existe, et c'est de faire certain que ces personnes-là puissent avoir accès à l'information pour prendre des décisions.

Alors, monsieur le Président, je termine ma présentation là-dessus.

The Chair (Mr. Garfield Dunlop): Thank you very much. Merci. I will now go to the official opposition. You've got up to three minutes.

Mr. Rob Leone: Thank you very much. Merci beaucoup. I'm going to ask my question in English. I want just a clarification, if you may. I'm not really sure; are you from the AEFO?

Mr. Benoit Mercier: No. I'm from the school boards' association.

Mr. Rob Leone: School boards' association. Because I see Carol behind you, so I wasn't really sure where that was coming from.

Mr. Benoit Mercier: I used to be.

Mr. Rob Leone: There has been a lot of debate, and I appreciate the fact that we were able to squeeze you in today, and I feel that we should have opened up the process a bit more to have consideration from parties like yourself who thought it was important to make a presentation to this committee before. I appreciate the fact that this may be a little bit direct, but to what extent do your members who are from different parts of the province—do they actually know what we're talking about here in this bill?

Mr. Benoit Mercier: Yes. We have been keeping our members informed through our board of directors.

Mr. Rob Leone: Has there been a debate or has there been discussion in terms of the kinds of recommendations you've made today?

Mr. Benoit Mercier: Absolutely. Our boards have been completely involved in the process. The brief that you have before you is the fruit of a big collaboration between the French-language Catholic school boards across the province.

Mr. Rob Leone: So you sat around and debated these issues and you came up with these recommendations?

Mr. Benoit Mercier: Yes. There was a first draft that was written and was sent out for validation, a second draft and a third draft, and this is the final.

Mr. Rob Leone: So there was a process involved.

Mr. Benoit Mercier: Yes.

Mr. Rob Leone: And generally speaking, were your members satisfied with what you've seen with this bill?

Mr. Benoit Mercier: Generally, I would say yes.

Mr. Rob Leone: Whether or not there were amendments that you've recommended?

Mr. Benoit Mercier: Sorry?

Mr. Rob Leone: I know you have recommended some changes, but in general, they're supportive?

Mr. Benoit Mercier: In general, they're supportive through the fact that in the last round of bargaining, the school board associations and the school boards have been left aside during the negotiation process. We feel that the process that is put forward greatly enhances a framework with which we will know what our roles and responsibilities will be. For that reason only, it is great progress.

1400

Mr. Rob Leone: Okay. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much to the official opposition.

To the third party, you have three minutes.

Ms. Cindy Forster: Thanks for your presentation. Can you expand a little bit more on the linguistic and constitutional piece—one I couldn't hear very well out of my earpiece? I'm wondering whether it's consistent with the position that the last presenter made a few minutes ago.

Mr. Benoit Mercier: With respect to my colleague from the French public school boards' association?

Ms. Cindy Forster: Correct.

Mr. Benoit Mercier: We differ in our opinion at this point. We feel that we should have a right to have a central table to negotiate terms and conditions with employees who are working in the eight French Catholic school boards. Our argument is based on historical facts, article 93 of the Constitution, and section 23, as well, of the Charter of Rights and Freedoms.

This goes back even pre-Confederation. We feel that if Canada exists today, it's because our founding fathers decided that minority rights were very important and that to protect the French Catholic system outside of Quebec and the English Protestant system in Quebec, that certain components needed to be put into law to respect those rights. So we're basing our arguments on that.

Ms. Cindy Forster: They also address the issue of funding for translation in the collective bargaining process. Can you speak a little bit about that?

Mr. Benoit Mercier: We're completely in agreement with that. We negotiated with our employees who work in the French Catholic system, so we feel that negotiations need to be happening in French, and that if there's ever any translations, they be done promptly and that both languages have equal weight.

Ms. Cindy Forster: So that the boards are actually having to use funds that should be used for education of students and end up having to use it for translation services or—

Mr. Benoit Mercier: Our hope is that the government will pick up that tab.

Ms. Cindy Forster: Right. Okay. Thank you.

The Chair (Mr. Garfield Dunlop): No further questions? Thank you very much to the third party.

Now to the government members, Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you, Mr. Chair. Sorry about my French, but I'll ask my question in English. I hope it helps. I just had difficulty understanding what you were saying versus the previous speaker. Are you prepared to work together, or are you not? Are you looking for your own separate negotiation?

Mr. Benoit Mercier: We have demonstrated over a number of years that we are able to work together. There are processes in place, and we are having discussions at this point to make sure that we're aligned going forward, if the bill passes as it is. I'm here today to speak on behalf of my membership who feel that they have a right to have their own central table to discuss and negotiate terms and conditions of their employees.

Mr. Bas Balkissoon: Can you describe what took place in the previous set of negotiations? Did you work together or did you work independently?

Mr. Benoit Mercier: This is my second year in my current position. What I recall happening, as I was on the other side of the table at that time, is that the two French-language board trustee associations worked collaboratively together. They sat at the table together. They discussed issues together, and they put forward items together to negotiate.

Mr. Bas Balkissoon: Okay. Mr. Chair, thank you very much. I clearly understand what the gentleman has said. Thanks for being here today.

The Chair (Mr. Garfield Dunlop): Thank you very much, Benoit, for your presentation today.

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

The Chair (Mr. Garfield Dunlop): Our next presenter is the Ontario Public Service Employees Union: Warren "Smokey" Thomas. Thank you very much for being here, Mr. Thomas, and welcome to Queen's Park. You have five minutes for your presentation.

Mr. Warren Thomas: All right. Give me 10, Garfield.

I have Anastasios Zafiriadis with me. He's our negotiator around our staff, for technical questions.

OPSEU is proud to speak on behalf of the 2,600 education support staff members we represent in several school boards throughout the province of Ontario.

OPSEU broadly supports the measures taken by Bill 122, or the Schools Boards Collective Bargaining Act, to formalize the central bargaining process in Ontario's schools.

As a participant in the provincial discussion tables in 2008 and 2012 as a member of the collaborative education support staff (CESS) unions, OPSEU feels that the PDTs were an important and valuable process and the precursor to the central bargaining process.

Central bargaining is a valuable process that will unify and strengthen Ontario's education sector by rationalizing the collective bargaining process and establishing industry standards that will improve working conditions for the invaluable employees working in this sector.

OPSEU's support for Bill 122 is not without reservation. In its current form, Bill 122 restricts access to central bargaining for educational support staff to bargaining agents who represent a minimum of 15 bargaining units. OPSEU does not object to this and recognizes that sensible restrictions on central bargaining are necessary.

OPSEU further acknowledges that Bill 122 will allow ETFO, OSSTF and CUPE to form central tables, as these organizations each represent at least 15 bargaining units and a majority of the education support workers in the education sector.

However, OPSEU submits that it is paramount that the committee recognize the central bargaining rights of the approximately 45 bargaining units, comprising some 15,000 education support staff, represented by OPSEU and several other unions.

OPSEU firmly believes that all unions with bargaining rights in the education sector should have access to central bargaining. However, OPSEU is concerned that, in its current form, Bill 122 will allow any union that represents at least 15 bargaining units in the education sector a central table. It is OPSEU's position that this is entirely unnecessary and would only serve to waste resources and fragment the collective bargaining process.

OPSEU recommends that the Minister of Education and the government make it clear in Bill 122 that the collaborative education support staff unions be required to form a central table that is open to all unions not affiliated with ETFO, OSSTF and CUPE, representing support staff in the education sector. Bill 122 should designate this "council of unions" as the employee bargaining agency for its constituent unions.

Since the spring of 2013, OPSEU has been working closely with several other unions representing education support staff to form a council of unions. At this time, OPSEU is proud to speak on behalf of these unions and the approximately 8,000 education support staff that we represent.

OPSEU is confident that a council of unions representing a significant number of education support staff would be a viable and effective bargaining agent fully committed to participation in central bargaining. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much for your presentation.

We'll now go to the NDP. You have three minutes for your questions.

Ms. Cindy Forster: Thanks for being here today. What I'm hearing is that there are 15,000 employees who belong to a number of different unions, but they don't make up 15 each.

Mr. Warren Thomas: No.

Ms. Cindy Forster: So what you're suggesting is that there be a central table made up of a number of unions to participate in the central part.

Mr. Warren Thomas: We could meet the threshold if we were allowed to form a council and then bargain with the council.

Ms. Cindy Forster: Right, and that would give 15,000 workers around the province a voice.

Mr. Warren Thomas: About 8,000 right now have agreed to the process in a variety of smaller unions.

Ms. Cindy Forster: Okay. Were there any other parts of Bill 122 that you wanted to speak to today?

Mr. Warren Thomas: No, we're pretty good with it, actually.

Ms. Cindy Forster: You're pretty good with that?

Mr. Warren Thomas: It almost pains me to say.

Ms. Cindy Forster: Do you have anything, Taras?

Mr. Taras Natyshak: No.

Ms. Cindy Forster: Okay. That's it. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much, third party.

We'll now go to the government members for questions: Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you, Mr. Robinson, for being here.

Mr. Warren Thomas: That's Mr. Thomas.

Mr. Bas Balkissoon: Mr. Thomas. What am I saying?

Mr. Warren Thomas: I'm not near as good-looking as him, and I can't sing.

Mr. Bas Balkissoon: I just want to make sure I hear you clearly: So you're in agreement with the bill, but your main concern is to make sure that those with less than 15—if they combine with others and they have a working agreement, they be recognized to be part of the central process?

Mr. Warren Thomas: Yes. Anastasios has been working with some other smaller unions and we have agreement that represents about 8,000 people. The government could say those unions form a council and go bargaining as a group, and I think it would work. It would save everybody a fair bit of money, and everybody would sort of be treated equally across the province.

Mr. Bas Balkissoon: I hear you. Thank you very much. Other than that particular issue, do you see the bill as a positive process in terms of rectifying some of the problems of the past?

Mr. Warren Thomas: Yes, absolutely.

Mr. Bas Balkissoon: And you would be very supportive that we do this process here at committee and send it on to the Legislature as quickly as possible.

Mr. Warren Thomas: As long as you give us what we want.

Mr. Bas Balkissoon: Thank you very much, and thank you for taking the time to be here.

The Chair (Mr. Garfield Dunlop): We'll now go to the official opposition for questions.

Mr. Rob Leone: Mr. Thomas, thank you for your presentation. I just want to make a point of clarification for what you're presenting today. You're suggesting that there should be a council of unions basically to negotiate on a certain subset of issues or of all the issues?

Mr. Warren Thomas: A central table, all issues.

Mr. Rob Leone: A central table.

Mr. Warren Thomas: We recognize that CUPE, OSSTF and ETFO have enough to be on their own. They have more than enough to qualify for the central table. What we're asking is, allow the smaller unions to form a council, if you will, and then you'd bargain with the council and the council would represent all those smaller unions. There's a big degree of co-operation right now, so we have concurrence on groups that represent about 8,000 people. We think if you made the council for the rest, we could make it work.

1410

Mr. Rob Leone: And would you be bargaining with each of the four parties as outlined in the—

Mr. Warren Thomas: No, we'd be bargaining—

Mr. Rob Leone: —or would you be bargaining with the government?

Mr. Warren Thomas: My understanding is they'll bargain separate and we'll bargain separate.

Is that not right? Go ahead.

Mr. Anastasios Zafiriadis: What we'd like is one support table.

Mr. Rob Leone: A support table?

Mr. Anastasios Zafiriadis: A support table for all the unions. As Smokey said in his presentation, everybody would have the ability to enter into that council, whereas if you had smaller groups, it would just be—

Mr. Rob Leone: Be absorbed, basically?

Mr. Anastasios Zafiriadis: Well, you'd be spending excess money on various tables, as opposed to one table. We did the PDT with the group that we're trying to get together at one table, so we'd just prefer one central table for the support groups.

Mr. Warren Thomas: Take a look at what we do with the OHA in health care; like, we have a central table, but you bargain local issues. It would be quite similar.

Mr. Anastasios Zafiriadis: And we've been in consultation with the ministry with respect to the process. As Smokey said, we have the same setup in our hospital—where we have a central table that deals with issues and then local tables which deal with specific local issues.

Mr. Rob Leone: And could you clarify for me who your members are in terms of what roles they play in the education system?

Mr. Anastasios Zafiriadis: We have educational assistants, early childhood education, office, clerical. We have a whole bunch within OPSEU's bargaining units.

Mr. Rob Leone: Right. And how many members do you personally—OPSEU has—

Mr. Anastasios Zafiriadis: Approximately 2,600 or 2,700.

Mr. Rob Leone: Okay. That's all the questions I have, Mr. Chair.

The Chair (Mr. Garfield Dunlop): Thank you very much for your presentation this afternoon.

ASSOCIATION DES ENSEIGNANTES
ET DES ENSEIGNANTS
FRANCO-ONTARIENS

The Chair (Mr. Garfield Dunlop): Our next presenters are Carol Jolin, president, and Pierre Léonard, general secretary, l'AEFO. Thank you very much for being at Queen's Park today. You have five minutes for your presentation and questions and answers after.

M. Carol Jolin: Alors, monsieur le Président Dunlop, membres du comité, bonjour. Je m'appelle Carol Jolin. Je suis le président de l'Association des enseignantes et des enseignants franco-ontariens. Au nom de l'AEFO, je tiens à vous remercier de prendre quelques minutes aujourd'hui pour m'entendre sur le dossier qui nous intéresse, le projet de loi 122.

Je suis ici pour réitérer une modification particulièrement qui semble avoir été bien reçue par le gouvernement lors des consultations auxquelles nous avons participé. Nous espérons que les partis politiques coopèrent pour adopter un projet de loi modifié qui est nécessaire, voire essentiel, à la modernisation et à la négociation collective dans le secteur de l'éducation.

Avant de préciser la recommandation, permettez-moi de vous rappeler qui nous sommes. L'Association des enseignantes et des enseignants franco-ontariens est un syndicat qui compte environ 10 000 membres et qui représente les enseignants et les enseignantes des écoles élémentaires et secondaires de langue française de l'Ontario, tant catholiques que publiques, en plus du personnel professionnel et de soutien oeuvrant dans différents lieux de travail francophones.

Bien que l'AEFO soit d'accord avec l'orientation et la vision du projet de loi concernant la négociation collective dans le système scolaire, nous proposons 10 recommandations qui visent à rendre le projet de loi encore plus efficace pour les intervenantes et les intervenants impliqués dans la négo. Le mémoire que je vous invite à lire vous donnera des précisions sur ces 10 recommandations, mais à des fins d'efficience, je vais miser aujourd'hui sur une d'entre elles qui, à mon avis, est la plus déterminante pour le secteur francophone afin d'assurer un processus de négociation clair et efficace pour toutes et tous.

La recommandation la plus importante pour l'AEFO est la suivante : la mise en place d'une seule table de négociation pour le secteur francophone. Je m'explique. Dans les faits, le projet de loi 122 propose que l'AEFO négocie deux fois, d'une part avec l'Association des conseils scolaires des écoles publiques de l'Ontario, l'ACÉPO, et d'autre part, avec l'Association franco-ontarienne des conseils scolaires catholiques, l'AFOCSC. Il s'agit donc d'un dédoublement de travail. Une seule table centrale pour le secteur francophone simplifierait le processus. La négociation serait plus efficace pour l'AEFO, pour les conseils scolaires et pour le gouvernement.

L'AEFO a proposé des amendements au projet de loi 122 qui ont été développés conjointement avec les

associations de conseils scolaires catholiques et publiques, l'AFOCSC et l'ACÉPO, lesquels se retrouvent dans notre mémoire à la recommandation 6.

Les amendements portent spécifiquement sur la question d'une table centrale de négociation pour le secteur francophone. Actuellement, le projet de loi 122 impose deux tables centrales, mais qui peuvent être combinées à la discrétion de la ministre de l'Éducation en place au moment de la négociation. Dans les faits, ça signifie que le secteur francophone doit attendre une décision ministérielle avant d'entamer la négociation, et ce, contrairement à nos collègues du côté anglophone.

Nous croyons qu'une telle approche nuirait au bon fonctionnement du processus de négociation pour le secteur francophone et fait preuve d'iniquité envers les francophones. Nos amendements sont fondés sur la présomption que la négociation dans le secteur francophone demeure avec une table centrale, plutôt que l'inverse. Aussi, nos amendements respectent les droits et les privilèges confessionnels des conseils scolaires catholiques.

Nous demandons que le comité se penche sérieusement sur notre proposition, et ce, dans l'esprit d'équité pour les francophones et de l'efficacité du processus de négociation pour les quatre parties, soit le gouvernement, l'AFOCSC, l'ACÉPO et l'AEFO.

Donc, ça termine ma présentation, monsieur Dunlop.

The Chair (Mr. Garfield Dunlop): Thank you very much. Merci.

Okay. The line of questioning will begin with three minutes from the government members first. Mr. Balkissoon?

Mr. Bas Balkissoon: Thank you, Mr. Chair. I just want to say thank you very much, and thank you for your input. I've heard clearly that you're looking for a single table, and I'll take that back to the minister.

M. Carol Jolin: Merci.

The Chair (Mr. Garfield Dunlop): Any further questions? Ms. Mangat?

Mrs. Amrit Mangat: Thank you, Chair. I know you prefer one single French bargaining table. Can you shed some light on what would be the benefits of that?

M. Carol Jolin: The first one would probably be—je vais y aller en français; ça va être un peu plus facile.

Toute l'implication qui est autour de la négociation, à négocier en deux tables, c'est qu'on est en train de doubler le travail qui doit se faire : question de temps, d'énergie et de pouvoir. Également, dans le projet de loi on parle de négocier les items qui vont être à la table centrale. En ayant deux tables, ça ne veut pas dire que ce serait nécessairement les mêmes items qui se retrouveraient à la table centrale. Donc, ça aussi aurait un autre impact sur tout le processus de négociation et ça risquerait de faire durer très longtemps le processus de négociation parce que, justement, les ressources qu'on a, il faudrait véritablement les séparer entre deux tables, et c'est la même chose pour le gouvernement.

Mrs. Amrit Mangat: Thank you.

The Chair (Mr. Garfield Dunlop): No further questions? Thank you very much to the government members.

To the official opposition: You have three minutes.

Mr. Rob Leone: Carol, thank you for your presentation. Is your recommendation number 6 the major recommendation that you're trying to make, in terms of combining the two tables?

M. Carol Jolin: Pour les francophones elle était extrêmement importante. Je partage les recommandations qui ont été soumises par mes collègues des autres filiales, mais pour nous autres, pour les francophones, celle-là est très importante à cause de tout le travail qu'elle va nécessiter si on se retrouvait dans l'alternative, c'est-à-dire deux tables de négociation.

Mr. Rob Leone: And is the purpose for saying that mainly about pooling money together and saving money through the process, instead of having two sets of lawyers? Is that the main reason for it?

M. Carol Jolin: Ce n'est pas simplement une question d'argent; c'est une question d'efficacité également. Et pour le gouvernement, aussi, d'amener des gens à la table, c'est du temps, c'est de l'énergie et, évidemment, c'est de l'argent aussi. Quand on sait ce que les avocats coûtent aujourd'hui, c'est peut-être une petite chose aussi qui entre en ligne de compte. Mais c'est principalement les facteurs de temps et d'efficacité. On sait comment une négociation, des fois, peut prendre du temps, et à ce moment-là on risque de s'étendre de façon exponentielle.

Mr. Rob Leone: So this will in essence save time, do you think?

M. Carol Jolin: Pardon?

Mr. Rob Leone: This will save time by combining the two?

M. Carol Jolin: Exactement. Si on a une table de négociation, toute l'énergie qu'on va investir de notre organisation va être sur cette table-là.

1420

Mr. Rob Leone: Thank you. Merci beaucoup.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to the third party. You have three minutes.

Ms. Cindy Forster: Thanks for being here. I just want some clarity. You talk about a single table for both the public and the Catholic francophone systems. Would you be coming to some kind of conclusion and putting forward similar issues, or would you each have your own issues that you would be putting forward at the central table?

M. Carol Jolin: Bien, si je me réfère à ce qui a déjà fonctionné lors des tables centrales qu'on a eues dans le passé, il y a eu des négociations conjointes, et les négociations ont permis d'en arriver à des ententes avec des ententes collectives. Alors, je ne vois pas pourquoi, dans un processus qui est légiféré, on ne pourrait pas faire la même chose.

Ms. Cindy Forster: Okay. So are you looking to try to develop the same rights and equity for employees in both the public and the Catholic?

M. Carol Jolin: Nos conventions collectives sont les mêmes pour les deux associations de conseils scolaires. Donc, pour nos membres qui travaillent du côté catholique et du côté public, ce qui a été négocié à la table centrale est dans toutes les conventions. Pour ce qui est de la négociation locale, c'est une autre chose. Chaque unité négociait localement.

Ms. Cindy Forster: Thank you.

M. Taras Natyshak: Merci, monsieur Jolin, pour votre présentation ici. On voit que vous avez à nous parler de 10 recommandations, mais vous avez seulement eu la chance de parler d'une recommandation. Je voulais savoir si vous voulez parler d'une autre ou peut-être d'une autre priorité pour votre association?

M. Carol Jolin: Bien, la deuxième priorité, avec un petit peu plus de temps, c'était qu'on recommande qu'il soit explicite que la participation de la Couronne à la négociation de la table centrale soit à titre de partie à part entière—mes collègues l'ont soulevé déjà—assujettie aux mêmes droits et obligations que les autres parties à la table centrale, soit l'obligation de négocier de bonne foi et de ne pas commettre de pratiques déloyales, telles que définies par la Loi de 1995 sur les relations de travail. C'est le deuxième point qui nous tient particulièrement à coeur.

M. Taras Natyshak: Combien de temps est-ce qu'on a?

The Chair (Mr. Garfield Dunlop): You have another minute.

M. Taras Natyshak: Avez-vous des « concerns » sur le système d'arbitrage de griefs?

M. Carol Jolin: C'était mon troisième point, merci.

M. Taras Natyshak: Voilà. Vous avez 45 secondes.

M. Carol Jolin: Nous recommandons que le redressement découlant de l'arbitrage des griefs des conditions qui sont négociées centralement puisse aller au-delà de l'obtention d'une déclaration d'interprétation d'une disposition négociée centralement et inclure l'autorité d'accorder toute réparation jugée appropriée par l'arbitre. Ça, c'est pour éviter qu'on ait une interprétation à la table centrale et qu'on soit obligé d'aller par le processus de griefs sans tenir compte de ce qui a été jugé à la table centrale. Ça, c'est extrêmement important. On parle de toute l'implication du travail que ça nécessite de faire tout le travail en double ou de se retrouver avec le même grief dans douze unités. Donc, c'est un point qui est également très important pour nous autres.

M. Taras Natyshak: Excellent. Je vous remercie pour votre présentation.

The Chair (Mr. Garfield Dunlop): Thank you very much for your presentation this afternoon.

M. Carol Jolin: Merci.

The Chair (Mr. Garfield Dunlop): Ladies and gentlemen, or the committee members, our next presenter is by teleconference at exactly 2:45. We have a motion moved by Mr. Balkissoon, and I'm open to debate that up until 2:45. Then we'll be either voting on it or we'll be moving it to next week, but at 2:45, we'll be listening to the On-

tario Secondary School Teachers' Federation, district 9, via teleconference.

Mr. Balkissoon, if you'd like to start explaining your motion.

Mr. Bas Balkissoon: Thank you, Mr. Chair. I'll be very short. We've attempted to deal with this bill over the recess for the Christmas holidays. I think it was delayed until last week, when we had our first meeting. You have heard from many of the deputants who are key stakeholders in this particular piece of legislation. When I say key stakeholders, they're stakeholders in the bargaining process. They were here, and you've heard many of them are generally supportive of the bill, if we do some amendments, and I suspect my colleagues in the opposition and ourselves will be submitting those amendments.

What I'd like to do in this motion is actually accelerate the process, that it comes back to the Legislature. We meet next week on Wednesday, and then we're off the following week. So rather than waste that time, I'm asking that we meet two days during that week to deal with the items as we agreed at subcommittee. It's just putting a specific date to get it done. That way, the legislation can go back to the House for final debate and hopefully approval and become law. The bargaining process needs to start as early as possible, because most of these agreements expire later this year.

The Chair (Mr. Garfield Dunlop): So you're actually asking for additional time for clause-by-clause. Basically—

Mr. Bas Balkissoon: No, I'm asking to set the dates for the clause-by-clause. In my motion, I—

Interjections.

The Chair (Mr. Garfield Dunlop): Okay. The way we stand today, we have next week at 3 o'clock for clause-by-clause—sorry, at 12 to 3 next week, and then two weeks after, 12 to 3.

Mr. Bas Balkissoon: Right.

The Chair (Mr. Garfield Dunlop): Okay. And you're saying adding these two additional days in there—basically a full day—

Mr. Bas Balkissoon: Just in case we can't get it done, I'd like to—and if we get it done, then it goes to the House.

The Chair (Mr. Garfield Dunlop): And you're asking the House leaders for permission to do that.

Mr. Bas Balkissoon: To meet on those two days to get the clause-by-clause done.

The Chair (Mr. Garfield Dunlop): Okay. So I'm opening it up to debate, up until 2:45. Any comments on that?

Mr. Rob Leone: I just want a point of clarification. I'm very confused, given the fact that we are scheduled for two days of clause-by-clause. We're meeting next week, I believe, and then we have two additional meetings for clause-by-clause. So are we actually having three days of clause-by-clause? Is that what this is suggesting?

Mr. Garfield Dunlop: This would add two full days to the six hours we have planned.

Mr. Rob Leone: So in essence, the government is admitting that in rushing to get this thing to committee—instead of just doing clause-by-clause next Wednesday, which is March 5, from 12 to 3, they also, in addition to that, think we don't have enough time now. They're going to add time to meet from 9 to noon and 1 to 5 on Tuesday, March 11, and Wednesday, March 12. Is that what they're saying?

The Chair (Mr. Garfield Dunlop): Yes.

Mr. Rob Leone: So they're admitting that they don't have enough time to go through this bill.

The Chair (Mr. Garfield Dunlop): We will have another 14 hours—I look at it as another 14 hours of debate here. Right? Sorry, 14 hours of clause-by-clause.

Mr. Bas Balkissoon: Mr. Chair, no. I'm just saying, we're meeting next week for clause-by-clause. We had previously agreed to two days for clause-by-clause. In addition to next Wednesday, my request with this motion is to designate two days during the break to complete the job, so that when the House comes back the following week, we are completed with our work and the legislation is back before the Legislature. If we finish in one day during the break, that's fine.

The Chair (Mr. Garfield Dunlop): Okay. I just want to make sure that everybody's clear on this.

Mr. Rob Leone: I'm not clear.

The Chair (Mr. Garfield Dunlop): Right now, we have six hours designated for clause-by-clause: three hours next week and three hours two weeks after that, on the Wednesday, 12 to 3, and we have to finish clause-by-clause in those six hours, the way it stands right now. What you're doing is you're adding another seven hours on March 11 and seven hours on March 12.

Mr. Bas Balkissoon: If needed.

The Chair (Mr. Garfield Dunlop): If needed. Of course, yes.

I'm going to ask you to clarify this, because I want to make sure we're clear on this.

The Clerk of the Committee (Mr. Trevor Day): The committee set out for itself, in a previous motion, that it would do clause-by-clause next Wednesday and the Wednesday after constit week. That is committee-imposed-on-itself scheduling. It's not from the House, so you don't have to finish at that time. It's not a must. It's not that the bill will be deemed back. That's when something comes from the House that says you only have that many days. This is the committee doing its own internal scheduling as to when it will take up this business.

The Chair (Mr. Garfield Dunlop): Yes, go ahead.

Ms. Cindy Forster: Can I just get some clarity? So we have six hours booked when? Next Wednesday?

The Chair (Mr. Garfield Dunlop): Next week from 12 to 3.

Ms. Cindy Forster: So we have three hours booked.

The Chair (Mr. Garfield Dunlop): Three hours booked next week and three hours two weeks after that.

Ms. Cindy Forster: So that's March 4, is it?

The Chair (Mr. Garfield Dunlop): The 19th, yes.

Ms. Cindy Forster: The 4th and the 19th.

The Chair (Mr. Garfield Dunlop): Yes.

Ms. Cindy Forster: Okay.

The Chair (Mr. Garfield Dunlop): That's what we have booked right now and planned on Bill 122, and this is adding two days in the const week.

Mr. Bas Balkissoon: So we would finish earlier.

The Chair (Mr. Garfield Dunlop): Do I have any more comments on it? Mr. Leone.

Mr. Rob Leone: I have a lot of comments, Chair. I think my colleagues who were here last week were very disturbed that we weren't able to have further deliberations on this particular piece of legislation. I think one thing that has come out of today's hearings so far has been the very need to expand the investigation and the deputations to this committee. I'm not sure what the motivation is by this motion other than to say that maybe—well, they haven't admitted that they're wrong, but I think that they have clearly shown that they might just be that, and that two days of clause-by-clause might not be enough to get through all of the potential problems that might exist with this bill. Certainly, we've heard from a number of delegations that there are parts of this legislation that need to be amended. We've heard from a couple of delegations who simply do not support the legislation as is.

1430

So my perspective, Chair, is that we go beyond simply authorizing the committee to meet during the intersession of our break week to include further public hearings. I think that our position has been pretty clear on this, that we need to hear the voices of people not just in this particular area, in Toronto, but we need to hear and provide an invitation for other people across the province to come and make those deputations.

Now I do not believe we're able to request that. We can have further deputations—are we? We are able to?

So, Mr. Chair, I would move an amendment that rather than meeting on March 11 and March 12 for the purpose of clause-by-clause, we meet on Wednesday, March 5, for the purpose of public hearings, on Wednesday, March 12, for the purpose of public hearings and that clause-by-clause resumes on March 19, 2014.

The Chair (Mr. Garfield Dunlop): Okay. So we've got an amendment here to your motion, that we meet next Wednesday, March 5, for continued public hearings, and on March 12 for public hearings—I'm not sure of the timing you have involved in that—and then clause-by-clause would start on March 19. That's an amendment to your motion, Mr. Balkissoon.

Mr. Bas Balkissoon: Mr. Chair, I would actually rule on that amendment because I believe this committee has dealt with similar requests to have additional public hearings and a decision was made. I think we also discussed back at that time that those who could not make public deputations still have the opportunity to make written submissions to the committee before clause-by-clause and that the committee would take their submissions into consideration.

I know what my colleague is trying to do, but I would ask you to rule because I think we have decided on that particular request.

The Chair (Mr. Garfield Dunlop): Mr. Balkissoon, the committee agreed on both clause-by-clause and on committee hearings.

Mr. Bas Balkissoon: That's right.

The Chair (Mr. Garfield Dunlop): His amendment is in order because you're changing it, as well, by changing the amount of clause-by-clause.

Mr. Bas Balkissoon: Just the clause-by-clause, yes.

The Chair (Mr. Garfield Dunlop): Okay. So I want to just make sure we have the debate on this, and if we don't finish it by 2:45, we're going to start debating it again next week.

Mr. Bas Balkissoon: Well, I would state that my position is, I would have difficulty supporting that because I believe those who have not indicated they want to make deputations still have the opportunity up until next Monday to have their written submissions to us—

The Chair (Mr. Garfield Dunlop): A written submission, yes.

Mr. Bas Balkissoon: A written submission to us that can be considered—

The Chair (Mr. Garfield Dunlop): I'm sorry. We clarified this again, Mr. Balkissoon. I want to make sure we're clear on this.

Mr. Bas Balkissoon: Mr. Chair, just to get it on the record: I say that because this bill is about collective bargaining, and the stakeholders that are involved in collective bargaining have made their presentations today. I have difficulty understanding where we're going to get the additional deputants—that are related to this bill and involves them.

The Chair (Mr. Garfield Dunlop): Okay. The written submission deadline is 3 o'clock today, not next week.

Mr. Bas Balkissoon: Okay, but they can still do it.

The Chair (Mr. Garfield Dunlop): They can do it up till 3 o'clock today, yes. But we're sort of changing everything here right now, so I want to make sure—any further comments here? Mr. Leone.

Mr. Rob Leone: I certainly have. I'm very concerned when I hear comments from the parliamentary assistant to education that suggest that parents may not want to have a say on the direction or future direction of the education system. I fundamentally believe that our objective and our role as legislators is to make sure that student success is paramount, that it becomes the priority by which we guide ourselves. I would hate to embark on a major piece of legislation, such as this, a "landmark" bill that you have presented to us, without further debate, without deliberate public consultation that delves into the issues that we've explored.

Now, I know there was a presentation today by the Catholic trustees' association that states that when parents are involved in the discussions about education, the system is better. I fundamentally object to any notion that we would limit that debate to any degree.

This is an important piece of legislation. I think the discussions that we've had today were very helpful. I think the questions and the comments presented by members on this committee have been very appropriate in terms of getting some further insight into the different permutations and combinations and the different issues that arise from the delegations.

I'm concerned when we have a delegation that came to us from two trustees, one from the Toronto Catholic District School Board and one from the Toronto District School Board, who have suggested that their consultation has been completely shut out and that we require, I think, further investigation in terms of what they're saying.

We had in this process an opportunity to publicly advertise for submissions to this committee. The reality is that each and every slot that was allotted was already filled before that advertisement even went out the door. I have serious concerns that we are shutting out debate and that, in fact, the parties here are colluding to get their way on Bill 122.

I think that these discussions have to be out in the open, that we have to be very up front about where we stand. I think the representations that people can make—I don't know who's going to come forward. I don't have a crystal ball on whether any organization will take us up on the offer. But the reality is, I think we have an obligation, as members of the Legislative Assembly committee, to open the door, to talk to people who might be interested in presenting to this committee, because their perspective might enlighten us on how to improve this legislation.

I'm very concerned that the government has done all of this behind closed doors, in consultations with their "partners of education," where, frankly, everybody else was shut out. We don't know what was going on. And despite having months of negotiation on this particular piece of legislation, we've had delegation after delegation after delegation asking for and recommending changes and amendments to this piece of legislation.

If anything should speak to the value of further public consultation on this particular piece of legislation, it's the simple fact that there are issues with this legislation. It's a simple fact that this is a very important piece of legislation that purports to govern how education negotiations take place in the future, and that in itself is the primary motivation for us to expand the scope of this committee.

I'm not going to be a party to trying to ram this legislation through. I'm not going to be a party to any potential collusion that might be taking place here with respect to this piece of legislation. My obligation as a member of provincial Parliament is to represent my constituents. My obligation as the critic for education for the official opposition is to solicit information from different parties, and that is, I think, what our role here is essentially to do.

Frankly, Chair, I would recommend strongly that we engage in further committee hearings, inviting deputations from across the province to come to Toronto or to participate via teleconference, as I understand a delegation is going to do today. I appreciate the fact that we

have opened up these committee hearings to the potential for technological innovation to permit folks from the far stretches of the province to come here to participate in the discussions that we're going to have.

Like I said, Chair, this is an essential piece of legislation. I think we cannot ram these issues through. Parents continually come up to us and talk about the need for an open dialogue on the future of merit-based hiring in our schools. They come to us and talk about things like supervision in our playgrounds. They come to us to talk about a variety of aspects that are of concern to them. We have an obligation to make sure that we get things right, and I don't have a monopoly on exactly what that is. What I do have is a sense of what people are telling me, as a representative of this committee and as a representative in this Legislature—to share those thoughts and those opinions. There isn't unanimity on this piece of legislation. I think that we have an obligation for further public hearings, and I would encourage members of this committee—

The Chair (Mr. Garfield Dunlop): I'm going to have to get you to wind up here, because I've got to go to the presenter now.

1440

Mr. Rob Leone: Well, I will just say, Chair, that I think that we should do whatever we can to further the debate on this particular issue.

The Chair (Mr. Garfield Dunlop): Okay, so we're not having a vote on this today, because we're going to the next presenter, as I explained earlier. Right now we're going to clause-by-clause next week, and if you want to try to change something after that, it'll be at the discretion of the House.

Mr. Bas Balkissoon: Chair?

The Chair (Mr. Garfield Dunlop): Yes?

Mr. Bas Balkissoon: We still have time on the clock, and I'd ask you to call the question.

The Chair (Mr. Garfield Dunlop): Are the members ready to vote here today on—

Interjections.

Mr. Rob Leone: I still had the floor. That can't happen.

The Chair (Mr. Garfield Dunlop): Okay. We're not calling the question today. The members are not ready to vote on this.

Interjection: Yes, they are. They said yes.

The Chair (Mr. Garfield Dunlop): They said no.

Mr. Rob Leone: I still had the floor.

Mr. Todd Smith: We had the floor. The reason that the floor was given up was to go to the—

The Chair (Mr. Garfield Dunlop): Okay. So right now we're going to go to the presenter.

ONTARIO SECONDARY SCHOOL
TEACHERS' FEDERATION, DISTRICT 9

The Chair (Mr. Garfield Dunlop): The next presenter is Ontario Secondary School Teachers' Federation, District 9, and Tracie Edward should be on the line.

Ms. Tracie Edward: Yes, I am. Can you hear me?

The Chair (Mr. Garfield Dunlop): Yes, we can. You have five minutes, Ms. Edward.

Ms. Tracie Edward: Okay. Our district represents 1,600 members in six diverse bargaining units. Our members reside and work in ridings currently held by each of your respective parties. Our work creates educated young people and adults who contribute their knowledge and skills to the economy of Ontario. Our right to negotiate and collectively bargain our wages and working conditions defends the public interest, because our working conditions are the learning conditions of students. Our negotiation rights should be strengthened to improve education, not limited. As teachers and education workers, we know the problems students and their families face and see what is needed to resolve them.

School boards have a mandate and are elected to oversee the public education system at the local level. Many school boards have negotiated unique programs and staffing language over the years to meet the diverse needs of their areas. Since local taxation was removed from school boards, it has become progressively more difficult to negotiate local issues. The voluntary provincial discussion tables provided some funding for provincially negotiated items, but the logistics left little opportunity for meaningful local bargaining.

If the aim of provincial bargaining legislation is to raise the standard and quality of education, it must also be available to all education workers, not just teachers, as support staff play an equally vital role in our system. The salaries and working conditions for teachers are somewhat similar throughout the province, but there is great disparity in the salaries and working conditions of our support staff. Provincial standards in this area could address the systemic inequality, and therefore, our support staff have a right to a provincial bargaining table to address this problem.

However, if provincial bargaining's aim is to lower standards to the lowest common denominator, it will not only have no legitimacy, it will lead to conflict and instability—something the legislation is intended to eliminate. We think wherever this legislation eliminates the right of one party, whether it be the unions or the boards, to say no, it violates democratic rights.

No one party should have the recourse to dictate; otherwise, it will only lead to conflict, as has been witnessed with the contracts imposed with Bill 115, the Putting Students First Act, and the reversal of the imposed provisions in the teachers' contracts in British Columbia. Bill 122 leaves the crown with the prerogative to dictate an outcome if there is a disagreement in several situations.

Where there is a disagreement on what will be negotiated centrally, the government reserves for itself the ultimate right to decide based on very broad criteria. There is a fear that the government could force a truly local issue to the central table and school boards would lose their ability to address unique situations.

Arbitrators will continue to be bound by the boards' ability to pay, yet there is no mention that arbitrators must consider what is fair remuneration or decent working conditions as criteria. Arbitrators should continue to be independent and not bound by one-sided criteria.

The provision which allows the government to dictate the term of collective agreements should not be allowed since the length of a contract is often a critical piece in negotiations.

These measures all violate the principle of equality for the parties in negotiations. The crown also needs to be subject to the duty to bargain in good faith to ensure a government uses its powers appropriately to affirm rights, not violate them, as was done with Bill 115.

When the minister first spoke to the legislation, she stated: "Now we are in a time of fiscal restraint..." This gives us an indication that the government may want these powers not to raise the quality and standards of education, but to restrain workers' rights. The Drummond report called on the government to implement measures such as increasing class sizes and cutting funding to the tune of \$1.06 billion. The Drummond report also refers to teachers' federations, support staff unions and our contracts as "obstacles." Instead, these should be seen as integral to the partnership needed to avoid conflict and improve education.

In closing, we encourage all parties, given it is a minority situation, to eliminate the arbitrary dictate for the government contained within the legislation. If not, then you are helping to bind our hands if the attacks on public education that are implied in the Drummond report are pursued. This will not lead to peace and stability in the education system.

Teachers and education workers in Essex county are hoping to see amendments to Bill 122 to ensure any rights we currently have under the Labour Relations Act are reaffirmed.

The Chair (Mr. Garfield Dunlop): Is that your presentation completely, Ms. Edward?

Ms. Tracie Edward: Yes. Thank you.

The Chair (Mr. Garfield Dunlop): Thank you very much. We'll now go to each of the three parties for questioning.

We'll start with the official opposition. Mr. Leone.

Mr. Rob Leone: Tracie, thank you for your presentation. I'm just looking for my agenda. Where are you from?

Ms. Tracie Edward: District 9. It's Greater Essex, down in Windsor.

Mr. Rob Leone: Sorry, I missed that.

Ms. Tracie Edward: Windsor, Ontario.

Mr. Rob Leone: Oh, so you're in southwestern Ontario?

Ms. Tracie Edward: Yes.

Mr. Rob Leone: Well, I appreciate the fact that you took the time to get yourself on the list to make a presentation today. I think it's an important part—that we start soliciting some ideas from folks like you in terms of

the different things that may be impacting you, perhaps particularly at a more local level. I think that's very important to understand.

If I could ask you, what is the most important thing that you'd like changed in this piece of legislation?

Ms. Tracie Edward: I guess from a local perspective, having the government have the ability to put something at the central table that is truly local in nature.

Mr. Rob Leone: So you're worried. Are your members worried about the same kind of thing?

Ms. Tracie Edward: Yes. We have some very unique programs in our school board and the contract language fits with that.

Mr. Rob Leone: Can you explain what those unique programs are?

Ms. Tracie Edward: One of the programs we have is the Walkerville Centre for the Creative Arts. The process for people to be hired into those programs is through an interview process. We have language that has them staffed appropriately while still protecting the staffing of other staff in the building who are not in that program particularly.

Mr. Rob Leone: So your position is that Bill 122 might affect those specific local issues that have been previously negotiated by your board?

Ms. Tracie Edward: Yes. If the minister at the time decided that something was going to be discussed at the provincial table, part of the legislation says that it would not be able to be discussed at the local table and could possibly override our local language.

Mr. Rob Leone: Okay. Well, those are all the questions I have. Thanks for taking the time to be with us today.

The Chair (Mr. Garfield Dunlop): Thank you very much, Mr. Leone. We'll now go to the third party. Mr. Tabuns.

Mr. Peter Tabuns: Ms. Edward, thank you very much for participating today. What you have said has reinforced the comments of a number of the people who presented before us earlier this afternoon. I don't have questions for you, but I do want to thank you.

Ms. Tracie Edward: Okay. Thanks.

The Chair (Mr. Garfield Dunlop): We'll now go to the government members. Mr. Balkissoon.

Mr. Bas Balkissoon: I just want to say thank you to Ms. Edward for taking the time to present to us today. I have your written presentation. It's similar to what other parties have given to the committee. I appreciate your input, and thanks very much.

Ms. Tracie Edward: You're welcome.

The Chair (Mr. Garfield Dunlop): Thank you very much, Ms. Edward, for your presentation today.

Ms. Tracie Edward: Okay. Thank you.

The Chair (Mr. Garfield Dunlop): That concludes our presenters today, ladies and gentlemen.

We have an amendment deadline of Monday at noon, and written submissions at 3 o'clock today. We'll see you back here next Wednesday at 12 o'clock, noon, for clause-by-clause.

The meeting is adjourned.

The committee adjourned at 1450.

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Mr. Peter Tabuns (Toronto–Danforth ND)

Also taking part / Autres participants et participantes

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Ms. Peggy Sattler (London West ND)

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Mr. Trevor Day

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Mr. Andrew McNaught, research officer,
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CONTENTS

Wednesday 26 February 2014

School Boards Collective Bargaining Act, 2014, Bill 122, Mrs. Sandals / Loi de 2014 sur la négociation collective dans les conseils scolaires, projet de loi 122,	
Mme Sandals.....	M-271
Ontario Public School Boards' Association.....	M-271
Mr. Michael Barrett	
Ontario Secondary School Teachers' Federation.....	M-274
Mr. Paul Elliott	
Elementary Teachers' Federation of Ontario.....	M-277
Ms. Susan Swackhammer	
Ms. Victoria Réaume	
Elementary Teachers' Federation of Ontario-York Region.....	M-279
Mr. David Clegg	
Ontario English Catholic Teachers' Association.....	M-281
Mr. Warren Grafton	
Mr. John Del Grande; Mr. Sam Sotiropoulos.....	M-283
Ontario Catholic School Trustees' Association.....	M-285
Mr. Kevin Kobus	
Mr. Marino Gazzola	
Association des conseils scolaires des écoles publiques de l'Ontario.....	M-287
Mr. Denis Labelle	
Mme Louise Pinet	
CUPE Ontario.....	M-289
Mr. Fred Hahn	
Ms. Terri Preston	
Association franco-ontarienne des conseils scolaires catholiques.....	M-291
M. Benoit Mercier	
Ontario Public Service Employees Union.....	M-293
Mr. Warren Thomas	
Mr. Anastasios Zafiriadis	
Association des enseignantes et des enseignants franco-ontariens.....	M-295
M. Carol Jolin	
Ontario Secondary School Teachers' Federation, District 9.....	M-300
Ms. Tracie Edward	