



ONTARIO PUBLIC
SCHOOL BOARDS'
ASSOCIATION

Leading Education's Advocates

Ontario Public School Boards' Association
439 University Avenue, 18th Floor
Toronto, ON M5G 1Y8
Tel: (416) 340-2540
Fax: (416) 340-7571
webmaster@opsba.org
www.opsba.org

Laurie French
President

Rusty Hick
Executive Director

July 20, 2017

To: Peter Z. Milczyn, MPP (Etobicoke—Lakeshore) and Chair of the Standing Committee on Finance and Economic Affairs
Eric Rennie, Clerk of the Standing Committee on Finance and Economic Affairs
erennie@ola.org

Re: OPSBA Submission for Bill 148, Fair Workplaces, Better Jobs Act, 2017

Bill 148, Fair Workplaces, Better Jobs Act, 2017 was introduced by Minister of Labour Kevin Daniel on June 1, 2017. This legislation builds upon *The Changing Workplaces Review Final Report* and its recommendations for how the province can create fairer workplaces. We support the intent of the bill to improve working conditions for Ontarians. There is no doubt that every sector is reviewing this bill and its proposed amendments for direct and indirect implications.

The Ontario Public School Boards' Association (OPSBA) has reviewed the legislation and sought legal counsel to identify potential impacts for school boards. With more than 210,000 individuals working within the four publicly-funded education systems, the changes to both the *Employment Standards Act* (ESA) and the *Labour Relations Act* (LRA) could have considerable financial and process implications for our member boards. They could also become pressure points for the next round of bargaining. OPSBA and its member school boards have historically negotiated collective agreements that are fair and equitable for employees while working within the funding provided by the Ministry of Education. More than 80% of school budgets are spent on staffing costs. We therefore ask that any direct or indirect financial increases due to this legislation be fully funded by the Ministry of Education.

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 and they are supported in their roles through the peace and stability engendered by successfully negotiated collective agreements. As responsible employers, school boards respect all existing and future legislation that help to reinforce our main priority which is enabling student success.

A priority of our Association has been to secure a legislated, fair structure and process for effective provincial collective bargaining. Our goal in this regard is to bring stability to the entire education sector. The creation of the *School Boards Collective Bargaining Act* (SBCBA) in 2014 was a significant commitment by the government that identified OPSBA as the Designated Bargaining Agent for English public school boards at central bargaining tables. This has resulted in making the collective bargaining

process in the education sector more stable and consistent. In spring 2017, this was reinforced by the *School Board Collective Bargaining Amendment Act* (SBCBAA), which allowed for two-year extensions of the existing central collective agreements. These have been ratified by all parties through to August 31, 2019. The groups included in this are: Canadian Union of Public Employees (CUPE), Elementary Teachers' Federation of Ontario (ETFO) Teachers and Education Workers, the Education Workers' Alliance of Ontario, the Ontario Council of Educational Workers, and the Ontario Secondary School Teachers' Federation (OSSTF) Teachers and Education Workers.

With regard to the proposed amendments under the *Employment Standards Act*, we will work with our member boards, legal counsel and our ministry (Education) to assess the impacts of:

- Increase in Minimum Wage;
- Equal Pay for Equal Work;
- Work Scheduling;
- Vacation Pay;
- Public Holiday Pay;
- Overtime Pay;
- Employee Leaves (personal emergency, family medical and crime-related child death and disappearance); and
- Other possible changes.

An additional concern worth highlighting is the indirect pressure that a higher minimum wage for school bus drivers would place on student transportation costs for school boards and Transportation Consortia.

If these amendments are passed, we anticipate that there will be direct or indirect increased costs to our member boards. In this case, we again have to state our expectation that these be fully funded by the Ministry of Education.

Although Bill 148 includes a proposal to amend the *Labour Relations Act* to expand the powers of the Ontario Labour Relations Board (OLRB) by allowing it to review and organize bargaining units, the School Board Collective Bargaining Act (SBCBA) has been consequentially amended to exempt education collection bargaining from this section. This is helpful as the SBCBA already includes a framework for the OLRB to consolidate bargaining units at central bargaining tables. The exemption would preserve this established structure created under the SBCBA.

Thank you for the opportunity to provide our feedback and comments regarding Bill 148, Fair Workplaces, Better Jobs Act, 2017. We fully expect to have more detailed conversations with the labour relations staff within the Ministry of Education about the implementation of this legislation and its proposed amendments to both the ESA and LRA.

Sincerely,



Laurie French
President

The Ontario Public School Boards' Association (OPSBA) represents public district school boards and public school authorities across Ontario. Together our members serve the educational needs of nearly 70% of Ontario's elementary and secondary students. The Association advocates on behalf of the best interests and needs of the public school system in Ontario. OPSBA believes that the role of public education is to provide universally accessible education opportunities for all students regardless of their ethnic, racial or cultural backgrounds, social or economic status, individual exceptionality, or religious affiliation.