

The current education crisis – *in a nutshell*

Who's right? Who's wrong? Why are the teachers so angry? Why did the province bring in Bill 115? Why isn't there any running club on Thursday? What's in the new law anyway?

All these questions and more are being asked this week in Ontario schools.

How did we get here?

Across the province, contracts for all teachers and support staff expired on August 31st. The province, saddled with an approximately \$15 billion annual deficit, is looking for ways to cut costs. Freezing salaries for two years and mandating that teachers, support staff, principals and vice-principals take up to 3 unpaid days off would help eliminate some of the deficit in the short term. The province is also planning reductions for other public sector employees such as doctors, nurses and government workers.

Was the new law necessary?

There was definitely some sabre-rattling in August on the part of the teachers who had not reached agreements with the province, but there was little threat of a strike. It is not uncommon for bargaining to start in earnest only at the end of a contract, in which case everyone keeps working under the terms of the old contract. In the case of teachers, if the contracts had expired, the majority of teachers would have received no increase in salary, but those with 10 years experience or less (approximately 40% of teachers) would receive an automatic incremental raise based on their years of experience and their additional qualifications.

The Ontario English Catholic Teachers' Association (OECTA) and the French-language teachers' federation (AEFO) did sign on to a provincial agreement, and some of their members have signed contracts with local school boards.

How did the province end up negotiating with teachers – aren't school boards the boss?

Under Ontario law, school boards are teachers' employers. In the last few years, the Ministry of Education introduced a voluntary provincial discussion table, where the teachers' federations, support staff unions and school board associations worked with the Ministry to come up with a provincial framework for things like salaries, preparation time and supervision time (the time teachers must spend supervising students at lunch or recess). The provincial framework was helpful because it took care of many of the big picture items, it ensured that provincial funding matched employee contracts, and it made the bargaining process quicker.

But the actual contracts are signed with the 72 individual school boards. And, up to now, it has been the job of school boards to make sure that their local

agreements meet the educational needs of students and, in some cases, reflect the unique needs of the board.

Why are sick days such an issue?

The province has a deficit problem that is partly a bookkeeping problem. Right now, teachers get 20 sick days per year in their contracts (on average, teachers actually take about 9 sick days a year). Every board has to be able to show on their books that they have the money to pay for all 20 days – even though they're rarely used. Changing the contracts so that teachers can only have 10 sick days instead of 20 will instantly eliminate (on the books) nearly \$2 billion of the provincial deficit. Doing that, plus eliminating teachers' right to "bank" a portion of their sick days, will remove approximately \$2.7 billion from the books and thus from the deficit.

Is the education law only about money?

No. The law grants the province some extraordinary new powers and contains two provisions that will affect classrooms.

The money part of the law is contained in the right it gives the province to impose contracts on school boards, teachers and support staff, which will freeze wages (except for newer teachers moving up the salary grid), reduce sick days, require three unpaid days off for most staff (including principals and vice-principals) in 2013/14, change retirement benefits and cancel increases in the number of high school Student Success Teachers and funding for elementary teachers' professional development.

Some of the more startling non-financial components of the law are:

- The Labour Relations Board and any other arbitrators are prohibited from either inquiring into or making decisions about the constitutionality of the law or whether the law is in conflict with the *Human Rights Code*.
- The province can use the *Labour Relations Act* to enforce the new law, but the *Labour Relations Act* doesn't apply if it conflicts with the new law.
- The courts are not allowed to be used to question or review any of the terms or conditions in the new law.
- No arbitration can over-ride any terms of the province's stipulations for the contracts.

- Strikes and lock-outs during the two-year period the legislation currently covers are banned, and deemed unlawful, and it will be unlawful to even call for a strike, threaten a lock-out or encourage any employees to go on strike.

The educational components of the new law focus on hiring and testing:

- It will change the rules about hiring practices for both long term occasional and permanent teachers. They will be hired based on seniority and the additional qualifications courses they have taken. Boards and principals will be allowed to choose from a list of five teachers.
- It will limit school boards' power to impose diagnostic tests and testing schedules. These tests are used both to assess individual students in areas such as reading, and by the Literacy and Numeracy Secretariat to assess classroom and school performance. Teachers will now be able to decide on their own which assessments they choose to use and how often they use them.

Do school boards and principals support the new law?

While both the Catholic Principals' Council and the Ontario Principals' Council and all four school board trustee associations have said they understand the need for fiscal restraint, they have also raised very strong objections to the new law.

The Ontario Principals' Council said in its [submission to the Legislature](#) during the 4.5 hour consultation, "...this legislation is premature and is unlikely to withstand a Charter challenge. There is no crisis requiring legislative intervention. Teachers and students are back at school, and our members are working with both to ensure a smooth start to the school year...We encourage the government to allow the normal labour relations process to work. Allow the parties who understand school operations best to negotiate agreements that respect the financial goals of the government."

In a [letter to MPPs](#) before Bill 115 was passed, the four school board trustee associations said "the government's expectations are unrealistic, unreasonable and unprecedented."

Are all teachers withdrawing extra-curricular activities?

The new law allows the province to step in immediately if anyone suggests labour action such as a strike or work to rule. When the law came into effect, the Elementary Teachers' Federation (ETFO) recommended that teachers "take a pause" for an

indefinite period in volunteer activities. The Ontario Secondary School Teachers (OSSTF) called for a one-day protest. Teachers in schools across the province have reacted in different ways. Some are continuing with all activities, others have stopped running sports teams and clubs (which must have teachers to operate) and are not attending curriculum or "meet the teacher" nights. There is no consistency and it has been difficult for parents and students to find out what activities and meetings are cancelled.

Are extra curricular activities important?

Participating in extracurricular activities, sports and clubs builds student engagement and students' sense of belonging at school. And research shows that both engagement and belonging have a significant impact on students' overall success. [A report written for the Ministry of Education in 2001](#) said "co-instructional activities such as sports and the arts are vitally important parts of a student's education. Students who participate in co-instructional activities have greater opportunities to develop character, critical thinking skills, social skills, and talents. They learn first-hand the importance of teamwork, responsibility, commitment, and hard work."

Teachers have been supporting extra-curricular activities in schools on a voluntary basis for decades. The new law makes it illegal for teachers to go on strike, threaten a strike or work to rule as ways of expressing their opposition to the law and/or the imposition of contracts. Withdrawing extra-curricular activities is one of the few legal options they have.

People for Education and others have expressed a hope that teachers, school boards, principals and the Minister of Education will work together to ensure students have their extra curricular activities back as soon as possible.

Who can I talk to about this?

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