

CUPE Ontario ***Bargaining Conference***

Mobilizing our Members and our Allies:

Campaign Report and

Sample Bargaining Handouts

Part 2

Community Living

we make it possible

November 14, 2005

Questions & Answers on Central Bargaining

Background:

The Ontario Ministry of Community and Social Services funds our ACL employers on an individual basis. This funding model has resulted in ACL agencies competing for dollars as they struggle to provide services for people with a developmental disability, and their families, and low wage rates for staff.

Provincial underfunding has also kept employers fighting workers at the bargaining table. Bargaining is often difficult and lengthy. Strikes are frequent.

ACL employers are now recognizing that the province has used this divide and conquer tactic successfully to continue to underfund agencies.

A central bargaining structure would stabilize contract negotiations, and present opportunities for workers and employers to collectively pressure the province to provide adequate funding the sector.

1. What is central bargaining?

Central bargaining can take many different forms. In general terms, central bargaining is a model of collective bargaining where a number of local unions and their employers all agree to come together and bargain some issues "centrally" or together at a "central table".

Other issues – called "local issues" - are bargained with each individual employer at "local tables".

2. Where are we now?

We are working towards a central bargaining model. We are not there yet. Currently we are engaged in coordinated bargaining. We are also focused on establishing the foundations for central bargaining and developing a joint lobbying relationship with employers.

For the past year we have encouraged employers, through their employer lobby groups to assess the merits of central bargaining and to work with us to build the new central bargaining framework structures best suited to our sector.

At several meetings with the employer lobby groups, the ACLBC and CUPE national staff clearly outlined our intention to move to an improved central bargaining model, one that will allow our sector a unified way to put pressure the province to adequately fund developmental services.



3. What needs to happen before we get to central bargaining?

In our case, we have an existing structure - the ACLBC (Associations for Community Living Bargaining Council) – that already provides a mechanism to develop strategies and determine priorities for our sector on a provincial basis.

Representatives on the ACLBC are elected to the council regionally. ACLBC representatives work closely with CUPE National assigned staff to implement bargaining and campaign priorities identified by the CUPE ACL membership.

Currently our employers have no similar structure to our ACLBC.

We have asked employers to determine how they will align themselves to prepare to bargain centrally. We have also offered a facilitated process where the union and the employer group can jointly develop a framework or structure for central bargaining.

As part of this process, the union and the employers would determine the key issues that will be bargained centrally. Other issues – referred to as “local issues” - are bargained with each individual employer at “local tables”.

Once the employer group and the union establish the model for central bargaining that will be used in our sector, each employer and local union can opt to participate in central bargaining or chose to bargain separately.

4. What is coordinated bargaining?

Coordinated bargaining is a way for local unions in a sector to establish bargaining priorities, share information, and develop strategies to support collective bargaining.

Coordinated bargaining involves locals agreeing to a unified provincial strategy in a round of bargaining.

That strategy typically includes:

- common bargaining proposals
- a central communications plan
- commitment of each local to actively participate and achieve the priorities established by the sector.

We are currently in a phase of coordinated bargaining as part of our ACL provincial strategy. This coordination is key to getting employers to agree to common proposals that will enhance wages, benefits and working conditions in our sector.

Our coordinated sector priorities are wages, pensions, contract expiry date, and a letter committing the employer to work together with the union to lobby for adequate funding and move to a central bargaining model.

5. What is our timeframe to achieve a central bargaining model?

In 2006 we will be working with the employer for a proposed model for central bargaining and during the 2007 round of bargaining we will be moving towards it.

Food for Thought

- More than 40 ACL employers have settled fair contracts with their unionized workers.

But Community Living Toronto (CLT) is concession bargaining.

- Provincial underfunding for developmental services has resulted in low wages and heavy workloads for ACL workers.

But CLT is pushing contract proposals that will increase workplace stresses and instability in this round of bargaining. How is that respecting workers?

- CLT is dangling “perks” to CUPE 2191 in the middle of bargaining a new collective agreement.

If the employer wants to show gratitude for the contribution workers make, then they should negotiate a settlement

It's time to tell CLT we want a fair deal.

December 11, 2007



**SPECIAL UPDATE for
Ontario CUPE School Board Locals
Assigned CUPE National Staff**



**School board sector member mobilizing, bargaining, strikes yield results
CUPE emergency meeting set for early January 2008**

Mobilizing, province-wide coordinated bargaining strategies, and several key strikes by CUPE's Ontario school board sector members over the past year has yielded exciting results. CUPE school board locals now have a unique opportunity through a sector-wide provincial process to put negotiations for fair funding for school support services squarely on the table with the Ontario government.

The province has agreed to facilitate a negotiations process between CUPE and school employers. This is a major step forward for the sector.

We now have a formal process to negotiate and make gains on the key issues identified by CUPE school board sector members, such as: a 7-hour day for educational assistants (EAs), adequate staffing levels, square footage, professional development, violence, supervision and benefits.

This is the outcome of the direction given by CUPE school board sector members to CUPE Ontario, the Ontario School Board Workers Coordinating Committee (OSBCC), and CUPE National staff to explore opportunities to coordinate bargaining for the sector and move forward on achieving fairer funding for school support services.

The clear message from the Ontario government is that it wants to move quickly to get the negotiations process off the ground. The government has asked that CUPE be ready to begin talks on January 21, 2008. The province is also facilitating a similar negotiations process with teachers and other support workers represented by (OSSTF). Therefore, CUPE participation in these negotiations is essential to ensure that the provincial government recognizes the vital contribution support workers make to quality schools by adequately funding education support services.

An emergency meeting for all Ontario school board locals is being scheduled for January 2008 (meeting date and location to be announced).

Details of the sector-wide provincial bargaining process will be provided at the emergency meeting, and all school board locals, including those not affiliated to CUPE Ontario, are strongly encouraged to attend. Input and direction from all locals is important. We are asking that local union representatives come to the meeting with a mandate from their members to participate in these historic negotiations.

Additional information about the emergency meeting and a Question & Answer fact sheet about the facilitated negotiations process and discussions with the province will be mailed out to all Ontario CUPE school board locals and assigned CUPE National representatives shortly.

All parts of CUPE are working together to ensure these significant negotiations succeed.

Again, we encourage all CUPE school board locals and assigned CUPE National staff to support the sector-wide provincial bargaining process, and to attend the emergency meeting in January 2008.

In solidarity,

Sid Ryan, President, CUPE Ontario

Roger D. Neeley, Ontario Regional Director

Frank Ventresca, Chair, OSBCC

OUR SCHOOLS NEED

FAIR FUNDING



www.cupe.on.ca

CAMPAIGN UPDATE

JANUARY 2007

MOBILIZING FOR OUR RIGHTS

This fall Ontario CUPE members in the school board sector began an ambitious campaign — **'Fair Funding Now'** — to change how the provincial government funds school support services.

Currently, the education funding formula promotes a cycle of continuing cuts to special education, custodial, maintenance, secretarial and clerical, and many other areas of school support services. Using the school board budget process, CUPE school board members highlighted how structural flaws in the funding formula fuel cuts to support workers' jobs and how these cuts impact on the quality of students' education in school communities across Ontario.

At an emergency school board sector meeting late in October, members passed a resolution focused on escalating local actions and using collective bargaining to strengthen protections for school board workers. The resolution called for:

- Province-wide local 'days of action,' MPP lobbying, a postcard campaign;
- CUPE members mobilizing in communities to elect 'no-cuts' trustees in the November school board elections;
- Launching a communications campaign that included media releases, letters to the editor, and deputations to school boards in order to show the public how the flawed funding formula hurts both students and school board workers;
- CUPE locals supporting the **'Fair Funding NOW'** campaign through a \$10 per member contribution.

CUPE call for 'fair funding' continues

The next phase of the **'Fair Funding Now'** campaign, has now been approved by CUPE Ontario and sector leaders representing school board workers from across the province on the Ontario School Board Coordinating Committee (OSBCC).

The campaign continues to focus on how funding impacts on education issues in local communities as we head into this spring's provincial budget announcement.

'Fair Funding NOW' focus areas:

*EAs' hours of work/workload;
issues related to special needs;
supervision;

*\$350 million provincial under-
funding of facilities;

*School closures;

*Community use of schools;

*How the education funding
formula fuels support staff cuts.

**Look for more information
on the "Fair Funding NOW"
campaign in the next
bulletin update.**



From October to December (2006) from Thunder Bay to Toronto, CUPE members in the school board sector called on the province to recognize the vital contribution support staff make to the quality of students' education by fixing funding formula flaws.

There were many positive outcomes as a result of CUPE's very public mobilizing focused on education funding.

MOBILIZING SUCCESSES

In our communities:

- ❑ CUPE media releases were picked up by local media, many CUPE members' letters to the editor that focused on education under-funding and the funding formula were published, TV and radio stations interviewed CUPE leadership and members following the October 23 sector meeting in Toronto.

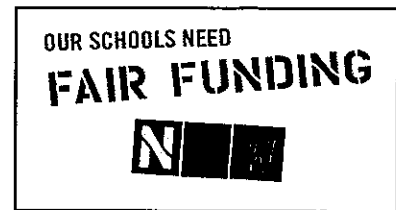
The mostly positive media coverage has positioned CUPE as the 'go-to-it' media source for information on the funding formula in many Ontario communities.

- ❑ The election of many progressive 'no-cuts' school board trustees across Ontario in the November elections.
- ❑ Several school boards offered to work with CUPE in securing better provincial funding for support services.
- ❑ CUPE radio ads were heard by millions of voters in southern Ontario.

With the provincial government:

- ❑ Ontario Liberals publicly acknowledge that the funding formula is flawed and that they intend to make changes to it prior to the 2007 provincial election.
- ❑ The Education Minister met with CUPE leaders. She agreed to consider setting up a discussion table specific to education support workers' issues and to meet with CUPE on a regular basis.
- ❑ CUPE brief — called the 'The Fix Is In' — presented to the parliamentary assistant to the minister.
- ❑ Stating that the upcoming spring budget will provide "new" monies for education;

Don't forget to send your local's \$10 a member contribution to the province-wide campaign.



BARGAINING SUCCESSES

Mobilizing on education funding issues has also resulted in positive outcomes at the bargaining table. Several locals in bargaining this fall and early winter, have negotiated new contracts that include additional hours for EAs — a priority issue in both bargaining and the 'Fair Funding Now' campaign.

SOLIDARITY SUCCESS

For the first time, CUPE & OSSTF are joining forces on school support services funding issues.

A special CUPE/OSSTF symposium has been organized on February 21 – 22, 2007 in Toronto.

Plan to attend this important school board sector meeting.

Use the OSBCC list serve to share what's happening in your school.

To sign up, please contact: podonnell@cupe.ca

Here's what you should share with others in the sector?

- ❑ successful ways to get members involved;
- ❑ bargaining achievements on hours of work or staffing formulas;
- ❑ local campaign actions.

VALUE

Educational Assistants in our schools



**OUR SCHOOLS
NEED FAIR FUNDING
NOW**

Funding formula short-changes special education

Deficiencies in Ontario's education funding formula for support services mean that school boards don't have enough money to deliver quality special education programs.

These funding flaws are the continuation of a pattern that has short-changed special needs students and dedicated Educational Assistants (EAs) in our schools since the provincial education funding formula was introduced in 1998.

Lack of resources and policy supports put EAs at increased risk

The job of EAs is to work with special needs children and they are trained to do that. However, a bad funding formula is creating situations where EAs are exposed:

- To health and safety hazards on an ongoing basis;
- To back injuries as a result of lifting heavy students with mobility impairments;
- To repeated acts of violence and verbal abuse from students who have severe physical and behavioural difficulties. Some of these children lash out, hit, bite and kick EAs who may need hospital attention as a result.

THE LACK OF RESOURCES AND POLICY SUPPORTS MAKES IT DIFFICULT TO MEET THE NEEDS OF SPECIAL NEEDS STUDENTS WHILE ADEQUATELY PROTECTING EAS FROM HARM.

'Proudly committed to helping special needs students succeed'



McGuinty government failing special needs students and EAs

Enhancing both special education programs and health and safety for EAs requires political will and genuine cooperation between the ministries of education and labour.

But, so far, the government has failed to:

- Enact province-wide policies on violence committed against special education support staff;
- Set standards concerning training and safety equipment to improve health and safety;
- Adequately fund special education.

Funding gaps hurting EAs and special needs students

The spring 2006 education grants eliminated or reduced various grants that school boards had used to help cover the cost of EAs' jobs. And increasingly, EAs are downloaded work in order to fill provincial funding gaps. As a result, EAs' working conditions have worsened, increasing workloads and the risk of injury and burnout.

Funding shortfalls have meant:

- Cuts to the time EAs have to spend with special needs students. Hours of work decreased from seven, to six-and-a-half, to six, or even less than six hours a day in some school boards. This has created untenable workloads for EAs. They are struggling to carry out all their required tasks within a shortened workday.
- Not enough workers. Hundreds of EAs and special education support workers have been cut. Faced with a funding formula that does not provide sufficient dollars for support services and Ontario's balanced budget legislation, school boards have targeted special education for cuts to balance their budgets. This further increases the workloads of those EAs that remain in our schools.

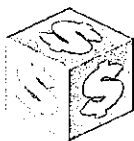
Hidden cuts to special education

Since the province and teachers' federations and school boards reached an agreement last year on additional teacher preparation time, EAs and other support staff are increasingly performing more supervision of students—work that teachers used to do.

In some boards, EAs are doing more than 400 minutes a week of general supervision—a full day per week.

When EAs are asked to do general supervision on top of their regular work, it amounts to a hidden cut to special education because that's time not spent with special needs students.

PROBLEM IS...THE PROVINCE DIDN'T INCREASE FUNDING TO SCHOOL BOARDS TO COVER THIS NEW AGREEMENT WITH TEACHERS.



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NOW**

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FEBRUARY 2007



**Ontario School Board Workers
Coordinating Committee (OSBCC)**



Fund the actual cost of special education in the funding formula—not just a small portion

It is time for the Ontario Liberals to acknowledge the key role that EAs play in our school system, and change the provincial funding formula so that special education is adequately funded.

There are more than 20,000 EAs employed by school boards across the province. Yet the funding formula only mentions those EAs who work as JK/SK EAs, of which there are relatively few left across the province.

The Ontario government must demonstrate their commitment to special needs children by valuing the responsibility and the work EAs do by introducing the following measures to improve their working conditions:

- Revise the funding formula to include realistic benchmarks for EAs' salaries, hours of work, and professional development. This increase in funding would allow school boards to have all EAs work a minimum of 6.5 seven-hour day.
- Establish province-wide standards and guidelines to ensure EAs are optimally employed to serve the interests of special needs children.
- Provide significant funds for training and ongoing professional development to deal with the educational demands and violence that can occur when students with autism spectrum disorder and other severe behavioural conditions are given the public education they deserve.
- Set standards concerning training and safety equipment.
- Change the Education Act to include the roles and responsibilities of EAs in our school system.

VALUE

CUSTODIANS in our schools



**OUR SCHOOLS
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NOW**

Underfunding flaw in education funding model

Unrealistic benchmarks continue to be the leading defect in the funding model, and it has created a huge deficit in school boards' school operations budgets. Funding of school operations is based on student enrolment and an arbitrary 'dollars per square foot' benchmark, so school operations funding declines when enrolment drops—even if no schools or classrooms are closed!

This benchmark has been so inadequate that a recent study estimates an annual school operations province-wide deficit of \$375 million since the funding formula was introduced eight years ago.

Fewer custodians Depleted reserve funds

Yet, despite the \$375 million yearly underfunding, securing adequate dollars for school operations does not rank high among school boards' priorities. Rather, boards deal with major school operations budget shortfalls by cutting custodial staff and depleting reserve funds to meet balanced budget legislation.

It's a strategy that compromises healthy and safe school environments for students and workers.

'Proudly committed to helping students succeed'

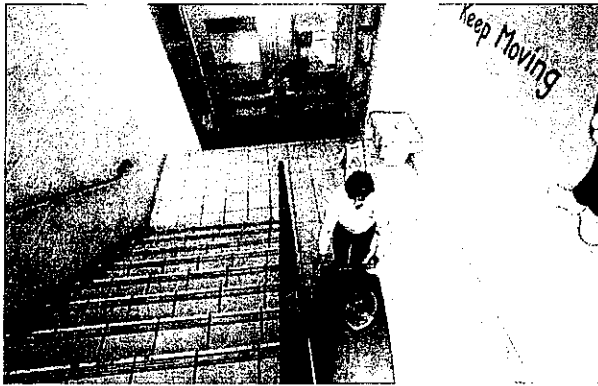


Dirtier schools

Fewer custodians also means dirtier schools. Alternate day or every third-day cleaning schedules are common ways school boards deal with too few custodians in a losing battle to keep schools clean and well maintained.

Sadly, both the McGuinty Liberals and Ontario school boards are ignoring the deplorable conditions of our schools. Cleanliness is on the decline, and flu and cold germs spread more easily, leading to more student absences and staff sick leave.

EVIDENCE CONTINUES TO SHOW THAT CLEAN, HEALTHY SCHOOL ENVIRONMENTS CONTRIBUTE TO STUDENT SUCCESS. A FUNDING MODEL PURPOSELY DESIGNED TO 'UNDERFUND' CLEANING AND MAINTENANCE HINDERS STUDENTS' ACHIEVEMENT.



Low morale, heavy workloads

Cuts to custodial staff, cuts to custodians' hours of work have increased and intensified the workload and duties of custodians. As a result, there are higher rates of physical injury, stress, burnout and low morale among custodians.

Schools less safe

Often called the 'eyes and ears' in our schools, custodians spot strangers in the building and other potential safety problems. With fewer custodians, schools are less safe.

Some school boards have contracted out custodial services to private operators. To make a profit, these contractors pay their workers low wages and no benefits. The result is high employee turnover rates and a revolving door of unfamiliar cleaning staff coming into school facilities that raises safety concerns for students.

The funding model — what needs to change?

- Elimination of the use of 'per-pupil' funding as the basis for the model.

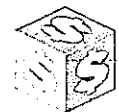
Setting realistic benchmarks that provide school boards with the needed \$1.375 billion yearly in school operations funding to avoid annual deficits.

Finding benchmarks that recognize the full cost of using school facilities for adult classes and community use.



Ontario School Board Workers
Coordinating Committee (OSBCC)

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