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# Provincial Bargaining 2012 – an overview

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As you may know, the provincial government has taken actions to interfere with your working conditions and free collective bargaining by implementing Bill 115 – the *Putting Students First Act*. This has created chaos in the school board sector. We are asking CUPE members to engage in a province-wide strategy to defend our contracts and fight against the government's illegal actions.

## **Background on Provincial Discussion Table (PDT)**

At the CUPE Ontario school board workers conference in February 2012, local union leaders voted on items they wanted discussed at a provincial discussion table. Some examples of those issues are job security, a provincial benefits plan for CUPE support staff, scope of work (including supervision) and clear direction not to agree to any concessions.

From February to August, the provincial bargaining committee worked to see if there was a framework that could be agreed to between CUPE, the school board associations and the ministry – one that would be good for support workers.

Other unions were doing the same. If we had reached an agreement, it would have gone back to your local's bargaining tables for discussion and ultimately to you as members to vote on. That is how bargaining works. It is a democratic process.

Instead, in July, the Ministry of Education cut a deal with the Ontario English Catholic Teachers Association (OECTA) – without the agreement of the Ontario Catholic School Trustees Association (the employer representative of English Catholic schools in Ontario).

The government then tried to force this deal on every

other union calling it a “roadmap” that others should follow.

CUPE had a face-to-face meeting with the Minister of Education in August and went through in detail why this deal was unacceptable for support staff. Minister Broten encouraged us to look for a CUPE solution. But when we returned to talks with the government and the school board associations, it was clear the deal with OECTA was the only “deal” the government was interested in discussing.

## **Overview of Bill 115**

At the end of August, while the vast majority of education workers were on summer layoff, the government introduced a law shamelessly called the “*Putting Students First Act*” – Bill 115.

### **What is Bill 115?**

This Bill is now law in Ontario. It gives unprecedented power to the Minister of Education and Cabinet to interfere in all collective agreements in the education sector. It also sets out conditions which must be included in our collective agreements – those conditions being the same as those reached between the government and OECTA. That deal imposes a wage freeze, it ends banked sick time, cuts available sick days to 10 per year, and, among other things, contains unpaid days of work.

Bill 115 also gives the Minister of Education the power to review, approve, or re-write any collective agreement, or any provision of our agreements in the next two years.

This is an unacceptable deal that does not work for support staff. This law takes away our right to free collective bargaining.

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## Why is the OECTA settlement unacceptable?

Your sick leave plan was changed by OECTA/Bill 115 from two days per month (in most cases) with unused days being placed in a bank to protect you in the future, to a ten day per year plan with no carry over. After ten days of illness in a year, sick pay drops to two thirds of your regular pay. If a third-party insurance company agrees you are seriously ill, you will receive ninety per cent of your salary – but only if you are off for more than five consecutive days after the tenth day of illness in a school year. If you have the flu, for example, your sick pay will be 66.67 per cent of your regular pay once you have used your ten days.

The OECTA/Bill 115 changes also impact us through:

- Two years with no wage increase has a greater impact on those who make less – the average CUPE school board support worker makes \$38,000 annually.
- Under OMERS pension regulations, contributions are not automatically made by the employer if the employee is making less than 100 per cent of their wages. This is not the case for teachers.
- Reduced wages while off sick may also have the effect of reducing unemployment insurance benefits when an employee is laid off or in receipt of Special Benefits such as sick benefits or pregnancy parental benefits.

## Implementation of Bill 115

In spite of their opposition to Bill 115, most Boards have started implementing Bill 115. However, some Boards have taken the opportunity to implement worse conditions than those contained in Bill 115.

Even before Bill 115 became law, CUPE immediately began working against the legislation. We are working closely with the Elementary Teachers Federation of

Ontario (ETFO), the Ontario Secondary School Teachers Federation and the Ontario Public Service Employees' Union (OPSEU) to challenge this unconstitutional legislation.

We also worked with the Canadian Civil Liberties Association (CCLA), who publically stated that Bill 115 is an undemocratic and unprecedented attack on workers' rights. This has led to CUPE launching a legal Charter Challenge on Bill 115. But this may be a long fight in the courts – in the meantime...

The leadership from across the sector has passed an Action Plan to continue to fight Bill 115.

## Putting pressure on government

There are many ways of having our voices heard. That's why we are asking locals to:

- ✓ File grievances each and every time your collective agreement is violated
- ✓ Wear black on Wednesdays
- ✓ Organize and participate in rallies in your community
- ✓ Lobby your MPP to repeal Bill 115
- ✓ Take action on Mobilizing Mondays – sign up for our e-updates
- ✓ Hold strike votes with their membership by November 11

We are asking for your support in taking strike votes by November 11. The significance of the date relates to the 2-month anniversary of the passing of Bill 115 as well as Remembrance Day – a day where we remember those who fought to defend our rights.

For more information, please visit  
[cupe.on.ca/supportededucation](http://cupe.on.ca/supportededucation)

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