



September 13, 2019

Provincial Executive Liaison Report

To: District 10 Council

From: Malini Leahy, Executive Officer

1. Update on Central Table Bargaining

On August 22, 2019, the Ontario Labour Relations Board convened a hearing in Toronto to determine which issues will be dealt with at central bargaining tables and which would be dealt with at local tables for both Support Staff and Teacher/Occasional Teacher negotiations. The government and the trustees' associations' had proposed a more extensive list of items to be bargained centrally than OSSTF/FEESO was willing to agree to. On Friday, September 6, the Labour Board issued their decision. The Chair of the Labour Board, Bernard Fishbein determined that all matters in dispute would be referred to the Central Table. As Harvey has stated in various media outlets, "We are extremely disappointed that trustee associations put forward, and the Ontario Labour Relations Board accepted, the argument that local school boards are incapable of making even the smallest collective bargaining decisions and cannot be trusted to determine even the most minute budgetary allocations. One wonders about the ongoing relevance of these previously important local governance bodies. Nevertheless, OSSTF will proceed to put proposals on the bargaining table that are good for Ontario's students."

2. OSSTF and ETFO v. Crown - Unfair Labour Practices Complaint Update

The Unfair Labour Practices complaint against the Crown regarding the payment to OECTA members to compensate them for the grid delay in September 2014 continues to move toward a hearing. A Case Management Hearing was held on July 26, 2019 at the OLRB. At the hearing, all parties informed Vice-Chair, Paula Turtle that they continue to discuss disclosure issues, and that given the anticipation of negotiations occurring in the fall, it would not be appropriate to schedule the matter for a hearing before the New Year. Vice-Chair Turtle, issued a decision that set time-lines for disclosure to occur, and scheduled 10 days for the matter to be heard. Those dates are February 3, 6, 21, April 9, 21, 29, May 7, 8, and June 18 and 24, 2020.

OSSTF/FEESO will be proceeding to call evidence first, and we anticipate that the February dates and possibly the first April date will be ours.

3. Human Rights Tribunal Decision – Kahn v. Upper Grand District School Board Background

GK is a student with the Upper Grand District School Board. During the 2018-2019 school year, GK was attending a French Immersion school in grade 2. GK has been diagnosed with ASD, and has functioned satisfactorily during the JK, SK and Grade 1 program with the UGDSB, although he was showing increasingly dysregulated behaviour as he progressed through Grade 1. At the beginning of his Grade 2 year, his dysregulation increased dramatically, and he became both physically and verbally abusive with students and staff at the school. His violent behaviour culminated with a brutal assault on one of his Educational Assistants, an OSSTF/FEESO member. She

was left with a severe concussion and Post Traumatic Stress Disorder (PTSD), and was off work for several months after the incident.

The UGDSB initially suspended and then expelled GK because of their concern for the safety of GK, other students, and school staff. GK's mother initially appealed his expulsion to the Child and Family Services Review Board. The CFSRB upheld the expulsion. Ms. Kahn also filed a complaint at the HRTO alleging that GK was discriminated against in the delivery of education services because of his disability.

OSSTF/FEESO applied intervener status in the complaint in order to represent the safety concerns of our members. Our application was approved, and we participated in the case as an Intervener. The complaint was heard in 9 days of hearing in the first two weeks of July. The adjudicator assigned to the file was Brenda Bowlby, a former Hicks Morley lawyer with an extensive background in special education matters.

Decision

Ms. Bowlby found that French language instruction, the switching of the reward system, and Ms. Kahn's behaviour were aggravating factors for GK's dysregulation. Bowlby rejected the contention that GK's dysregulation was caused by the UGDSB's failure to provide ABA in the classroom. She found that the Board took reasonable steps to deal with GK's dysregulation and that there was no reasonable basis for Ms. Kahn to reject the proposed accommodations. As a result, the application was dismissed in a decision dated August 8, 2019. Because there was no reason to examine whether there was reason for the UGDSB to claim that it faced undue hardship with respect to ensuring the health and safety of its employees, the issue that prompted OSSTF/FEESO to seek intervener status played little role in the decision.

4. Freedom of Information Access Request – Ministry of Education Consultations (2018)

Summary

The OSSTF/FEESO Public Policy Analyst has submitted a series of Freedom of Information (FOI) Access Requests related to Ministry of Education consultations in 2018 and 2019. Due to the volume of records created in the consultations, general requests for all documents have been supplemented by specific, targeted requests. These have met with mixed results and have been addressed on a case-by-case basis.

A request for copies of submissions from stakeholders who provide human resource services, promote education privatization, and/or sell education technology (especially related to online learning) have been denied under a 'Cabinet Records' exemption.

Background

On March 4, 2019, the Public Policy Analyst submitted a freedom of information request to the Ministry of Education (EDU) asking for records relating to the 2018 education consultations. Upon consultation with the assigned FOI officer, the Public Policy Analyst agreed to break the single request into five smaller requests. This was deemed advisable given the volume of records involved.

One of the smaller requests was EDU-190023, which asked for a list of the stakeholders who submitted comments to the Ministry. This request was successful and OSSTF/FEESO received a full list of stakeholders. The bulk of the submissions were

from groups who are largely supportive of public education (Ontario's education unions, People for Education, etc.), but several stood out as likely to include proposals that would erode the public system and the professional status of OSSTF/FEESO's members.

On July 5, 2019, the Public Policy Analyst submitted a follow-up request (EDU-190074) for submissions made by the following organizations, noting that they were referenced in response to FOI EDU-190023:

- Advocis, the Financial Advisors Association of Canada
- Cardus Family Think Tank
- Dickson Consulting
- Human Resources Professionals Association
- Money School Canada
- Microsoft Canada
- Pearson Canada
- D2L Corporation
- Hatch Coding

In a letter dated August 9, 2019, the Ministry of Education advises that the request for copies of the submissions (EDU-190074) has been denied, citing section 12 (Cabinet Records) of the Freedom of Information and Protection of Privacy Act. This constitutes a formal refusal to share the documents and can therefore be appealed to the Information and Privacy Commissioner. An appeal could be a lengthy process, but these documents may provide insights into the origins, interests and end-goals of the government's policies related to online learning and education privatization. The General Secretary has assigned staff to appeal the Ministry of Education's denial of access for records requested in EDU-190074.

5. Ford Government Announcement "First Year Investment of Ontario's Four-Year Math Strategy"

Education Minister Lecce announced on August 28, 2019 that the Government will be committing \$200-million over four years "***...to get back to basics and make sure students and educators have the math skills and resources to succeed in the classroom and beyond.***" The announcement comes in response to the Grade 9 Mathematics Assessment and the Primary and Junior Assessments summaries released by the Education Quality and Accountability Office (EQAO) released on the same day.

The investment will:

- Provide funding to all school boards in the province to hire math-learning leads to coordinate and support board-level improvement efforts;
- Invest in extensive training and coaching in over 700 targeted elementary and secondary schools, providing educators with direct access to experts and evidence-based instruction to develop the knowledge and pedagogy for better equipping students to succeed in math;
- Expand online tutoring programs for students to make sure opportunities for high-quality math instruction is not limited to the classroom;
- Deliver \$6 million in support for summer learning programs to prevent learning loss;

- Ensure new teachers entering the profession have the skills to teach math, and involve math in their teaching where appropriate, through investments in professional development for educators dealing with math proficiency; and
- Contribute \$4 million to subsidize additional qualifications (AQ) math courses for teachers, which will further build skills and confidence for educators at the front of the classroom.

The initial investment of \$55-million will focus on “*teaching fundamentals*” and move away from what the Government calls “*discovery math*” which emphasizes critical thinking, problem solving and application. The announcement did not include any changes to the mathematics curriculum that the Government claims is central to falling standardized test scores.

6. AAP – Professional College Education Campaign Meeting

An in-house Work Group was struck in 2018 to complete the Annual Action Plan 2018-19 initiative – *Education Campaign Re: Professional Colleges*. Assigned staff and Executive developed and delivered an action plan designed to: develop an education campaign for members about concerns with the College of Teachers; examine the roles and responsibilities of other Professional Colleges and highlight any concerns; and share the results with our members, OTF and affiliates, and other unions as it applies. This work has concluded.

The Professional Colleges Education Action Plan approved by the PE in October 2018 included:

1. Draft a series of four articles for Update and/or social media platforms.
2. Update and revise an existing workshop to review college governance, regulation, investigation and discipline, as well as political issues of the range of professional colleges to which OSSTF/FEESO members belong.
3. Condense the information generated for the comparison chart created by members of the Work Group, to be shared with members, OTF and affiliates, and other unions as applicable.
4. Create a short, animated video to highlight the role of professional colleges and advice for members regarding advice, advisories and investigations by and from the various colleges

Assigned staff consulted with sector caucuses and the ESC for additional input from members. In the end, five articles were written and published in Update, two articles were written for The Post, a revised Professional College Workshop was delivered at 2019 Summer Leadership, the comparison chart created was shared with OTF, and the video is in the final stages of production, in both English and in French. The video will be promoted through social media and published on the OSSTF/FEESO website. In the initial action plan, individual one-page documents for members with common professional college information on one side, and college-specific information/concerns on the reverse were also proposed. We do not believe that these one-pagers specific to each professional college are necessary at this time for the following reasons:

- The one page College-specific documents would be redundant to the already provided report card articles as found in Update, and out of date as soon as a new issue arose;

- We created a video that was more inclusive and informative than originally anticipated.

7. OSSTF/FEESO Participation in the Joint Labour Delegation to Bangladesh, 2019

In the spring of 2019, the Provincial Executive approved a continuation of OSSTF/FEESO's work in support of the Bangladesh Centre for Worker Solidarity (BCWS) and participation in a joint labour delegation to Bangladesh to work directly with BCWS, labour leaders in ready-made garment (RMG) industry, and factory level workers. The following is a report of OSSTF/FEESO's participation the delegation.

The six-member delegation arrived in Bangladesh representing a cross-section of labour organizations, with representatives from the Public Service Alliance of Canada (PSAC), the Canadian Labour Congress (CLC), the United Steel Workers (USW), the Centre international de solidarite ouvriere (CISO), and the Ontario Secondary School Teachers' Federation (OSSTF/FEESO). CUPE is also a member of the Joint Canadian Partners project with the BCWS but was unable to partake in the delegation's visit.

The delegation's agenda included meetings and visits with:

- Factory workers at their homes in the slums of Dhaka and Ashulia
- BCWS leaders, female labour leaders, and factory-level union leaders
- Babul Akhter - President, Bangladesh Garments & Industrial Workers Federation
- Rashadul Alam Raju "Rajul" - President, Bangladesh Independent Garment Workers Union Federation
- Benôit Préfontaine, High Commissioner of Canada to Bangladesh
- Philip Baines, Deputy Director, Pakistan and Bangladesh, Global Affairs Canada
- Tuomo Poutiainen, Country Director, ILO Country Office for Bangladesh
- Rob Wayss, Executive Director, The Accord on Fire and Building Safety in Bangladesh
- The Secretary of Development for the Bangladesh Ministry of Labour
- Rubana Huq, President, Bangladesh Garment Manufacturers and Exporters Association

The meetings with the government and officials, ILO, and the Accord director provided history and frameworks for the slow transition of oversight of labour and health and safety protections from the Accord to the Bangladesh government. More powerful were our meetings with the union members / workers and union leaders connected to the BCWS. Only about 10% of Bangladesh's labour force is unionized, with only 120 registered unions in the RMG sector, and even fewer with actual collective agreements in place. However, the overwhelming message from both the high level and grass roots union members and leaders is that they believe fully in the power of organized labour to bring about positive change in their lives.

The delegation visited the home of two different workers, both women who work the factory floor as sewers for minimum wage (approximately \$128 CAD a month). Many workers in the RMG industry in Bangladesh fear union involvement because of widespread harassment, reprisals, firings, and blacklisting of those seen to be involved in union activities. Workers reported to the delegation of regular firings for asking for full wages, for attending union meetings, for requesting statutory leave time, or for challenging unsafe working conditions. At its worst, the crackdown on union activities by

factory “thugs” and local authorities has resulted in blacklisting of workers, harassment, violence, kidnapping, and even murder of those deemed involved in union or worker-rights actions. These workers continue to see the value in unionizing and in standing up for their rights.

The delegation created a variety of goals for our continued work with the BCWS, including helping them draft a USW co-sponsored Global Affairs Canada grant application focusing on the rights of female RMG workers. Further to this support, the Joint Canadian Partners project in support of the BCWS proposed to continue its work for at least another 3 years. OSSTF/FEESO has been asked to continue as part of this solidarity partnership.

8. Child Care Worker & Early Childhood Educator Appreciation Day

The Ontario Coalition for Better Child Care (OCBCC), along with all of its partners, will recognize the 19th annual Child Care Worker & Early Childhood Educator Appreciation Day (CCWAD) on October 24, 2019.

The day, proclaimed by school boards and municipalities, highlights ECEs and all staff who work with young children by recognizing their commitment to Ontario’s future. The Ontario labour movement sponsors this day to draw attention to the value of this work and to call for increased support, improved working conditions and increased wages for these workers.

Both the poster and the order form can be found at https://www.childcareontario.org/ccwad_2019. The deadline to order is October 1, 2019.

9. Recent D/BU Memoranda

- 001 - Benevolent Council Dates and Application Form
- 002 - MAC 203-17 Work Group - Application Deadline Extension
- 003 - Local No Cuts to Education Actions
- 004 - 2019 ESO Conference
- 005 - Labour Day 2019
- 006 - Response to Ministry of Education Announcement
- 007 - Temporary Letters of Approval and Letters of Permission 2017-2018
- 008 - Anti-Harassment Officer Training
- 009 - Member Mapping - Call for Presenters/Mentors
- 010 - Long Term Disability Advisory Work Group Vacancies
- 011 - Analysis of 2019-2020 Class Size Regulation
- 012 - Orange Shirt Day
- 013 - FNMI Work Group Vacancy
- 014 - Job and Program Loss Reporting - Updated Information Needed
- 015 - Environmental Advisory Work Group

