

Provincial Executive Liaison Report

To: District 10 Executive & Council

From: Jeff Denys, Treasurer

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1. Winter 2023 Curriculum Updates for Implementation in September 2023

The Ministry of Education recently announced several curriculum updates and changes to be implemented in September of 2023.

Elementary Language, Grades 1-8, and Grade 9 English

The new de-streamed English, Grade 9 course (ENL1W) replaces English, Grade 9, Academic (ENG1D). As of September 2023, English, Grade 9, Academic (ENG1D) will not be offered, and the associated course code will expire at the end of the 2022-23 school year.

Note: English, Grade 9, Applied (ENG1P) expired September 1, 2022.

The new course description for English, Grade 9 (ENL1W) is as follows:

“This course enables students to continue to develop and consolidate the foundational knowledge and skills that they need for reading, writing, and oral and visual communication. Throughout the course, students will continue to enhance their media literacy and critical literacy skills, and to develop and apply transferable skills, including digital literacy. Students will also make connections to their lived experiences and to society and increase their understanding of the importance of language and literacy across the curriculum.”

Social Studies, Grades 1-3 and Grade 6

Changes will be implemented including new mandatory learning on the Holocaust to help younger students gain a deeper understanding of its significance and combat rising cases of antisemitism in Ontario schools.

In addition, the ministry is also continuing revisions to introduce mandatory Indigenous-focused learning to the Grades 1-3, Social Studies curriculum through a co-development process with First Nations, Métis, and Inuit partners. These revisions will complement the mandatory learning already present in Social Studies, Grades 4-6 and History, Grades 7, 8 and 10, introduced in 2018, and will complete the spectrum of learning across this curriculum.

Secondary Computer Studies

A new Grade 10 Computer Studies course has been announced: Digital Technology and Innovations in the Changing World (ICD2O) to be implemented in classrooms in September 2023. This course will replace Introduction to Computer Studies, Grade 10, Open (ICS2O). The new course description is as follows:

“This course helps students develop cutting-edge digital technology and computer programming skills that will support them in contributing to and leading the global economic, scientific and societal innovations of tomorrow. Students will learn and apply coding concepts and skills to build hands-on projects and investigate artificial intelligence, cybersecurity, and other emerging digital technologies that connect to a wide range of fields and careers. Using critical thinking skills with a focus on digital citizenship, students will investigate the appropriate use and development of the digital technologies that they encounter every day, as well as the benefits and limitations of these technologies.”

In addition to the curriculum revisions above, the Minister also announced the revision of the secondary Technological Education curriculum, beginning with implementation of the revised Grade 9 and 10 Technological Education courses in September 2024.

The Ministry also shared that they continue to encourage teachers to use resources such as videos and webinars from third-party partners such as CIVIX, the Ontario Science Centre, OPC, Sustain Ontario, Science Teachers' Association of Ontario as well as Windigo Councils' websites.

Concerns

The main concerns with this announcement of curriculum updates are the same concerns we have had with all curriculum updates made by the Ministry of Education under this particular provincial government. These concerns are succinctly summarized in the OTF document “A roadmap for renewal: Revisiting the curriculum review process in Ontario (2020).”

Specifically, this announcement raises these recommendations mentioned in the OTF document:

- Schedule regular and ongoing opportunities to engage in authentic consultation at key crossroads in the curriculum review process.
- Accord more weight to submissions and feedback provided by frontline teachers and their respective teacher unions, federations and associations.
- Establish realistic timelines for input and feedback that acknowledge and are sensitive to the time constraints and workloads of frontline teachers and educators.
- Earmark sufficient funding for and provide equitable and timely access to job-embedded, sustained, authentic professional learning opportunities that occur during the instructional day.

2. Bargaining Communications Strategy – Winter 2023

All departments of Provincial Office continue to collaborate with each other on our internal and external communications as bargaining continues into 2023. We continue to monitor our presence in the public domain while acquiring feedback and information from local leaders

and members to assist with our strategic planning around communications.

Any communications strategy around bargaining must remain flexible and adaptable to the situation at hand. In this round of bargaining, the approach has been to be less aggressive toward the Ford government to allow for bargaining to proceed forward with minimal interference from public narratives from the Minister of Education or other political actors. At the same time, we continue to maintain a strong public presence in the public narrative and continue to establish our organization as a strong voice for public education.

External Messaging to the Public

The Provincial Office has access to many data points to help inform our messaging approaches. These include public opinion research, third-party experts, dialogue with community groups and coalition partners, and feedback from existing campaigns.

The plan is to continue to focus on the need for real investments in public education and for the government to not shortchange the system. We are using this approach to avoid being dragged into a public discourse that only focuses on wages.

Messaging the need for investments in education and to not shortchange the system will gain more attention as we approach the next Ontario budget and the release of the GSNs in March or April. We will face some competition for messaging space with the health care sector, which almost always dominates the public narrative in the province. Greater investments in public services continues to be a messaging winner at a time when Doug Ford is being blamed for the current health care crisis and his personal popularity continues to decline.

The *Here For Students* campaign continues to grow its supporter base and remains a key part of our external messaging strategy. Supporters received a newsletter email prior to the holidays on how to talk to their family and friends about public education, which included some numbers and data points that show the need for greater investments and how the government is shortchanging students. Paid digital ads continue to enjoy high rates of conversion and growing our supporter base. The campaign continues to engage supporters in different ways through the completion of surveys and sending letters to MPPs. In addition, the member story videos continue to receive strong uptake and are helping to grow the campaign's supporter base.

Internal Messaging to Members

OSSTF/FEESO continues to reach out to members in many ways. These methods include, but are not limited to, bargaining bulletins, Update News website and bi-weekly emails, and social media posts. We have also hosted four all-member town halls that collectively saw just over 5,000 members attend online or through the phone.

While there is little to report regarding what is happening at the bargaining table, we are continuing to share information about the bargaining process, including a memo that went to members in December 2022.

Like our public facing messaging, we are encouraging members to talk about the need for investments in education by the Ford government and to tell their individual stories about what they do. This ties in with our broader external messaging about the importance of having the staffing, funding, and support in place that students need to have access to a high-quality public education system.

All departments at the Provincial Office continue to coordinate their work to ensure our

internal and external messaging connects with our bargaining strategy. As the bargaining process evolves, staff are preparing for several possibilities.

3. **Bill 124 Decision**

On November 29, 2022, the Ontario Superior Court decision came down finding that Bill 124 was unconstitutional. Bill 124, introduced in 2019, was wage suppression legislation that limited compensation increases for workers in the broader public sector workers to 1% annually for a three-year period. FAQ about the Bill 124 decision can be found in D/BU #83/2022-2023 which was issued in December.

On Thursday, December 29, the Ford Government filed a notice of appeal, arguing the judge erred in ruling that Bill 124 infringes on the applicants' rights to freedom of association and collective bargaining.

4. **OCT Fee Increase**

During a "special meeting" of the Ontario College of Teachers' Council on December 8, 2022, the Ontario College of Teachers (OCT) passed the following motion which was submitted to them through the Audit and Finance Subcommittee: "That Council approve the 2023 College Budget, with an annual membership fee of \$200." As a result, the 2023 fee to be a member of the OCT will increase from \$170 to \$200 and members can pay between December 19, 2022 and April 19, 2023. The full budget report is available here: <https://www.oct.ca/about-the-college/council/-/media/C61187409CCD487BA5D73206DCB74B1A.ashx>

In their release on the budget, the OCT reminds members of the following:

- the fee has stayed the same since 2020;
- there has been an increase in regulatory responsibilities;
- the pandemic was challenging; and,
- OCT fees are the second lowest amongst all of Ontario's regulated professions.

Following the announcement, a special meeting of the OTF Executive was held on December 14th where a motion was passed to approve a Communications Plan around the OCT Fee Increase. Since then, OTF created and released [a joint statement](#), after seeking feedback from Affiliates. The statement has been posted on the OTF website, and was sent out through the OTF mailing list. It was also posted on OTF's Facebook page and Twitter.

As all teachers in Ontario are required, by law, to be members of the OCT in order to work, actions by individual members are very high risk. While joint action through OTF is the best recourse, public actions would, as well, have risks in this climate. Any campaigns to raise concerns about the OCT fee increase, its mandate overreach, and lack of control in spending for unnecessary initiatives is not likely garner a lot of empathy or attention in the public eye. In 2017, OSSTF/FEESO led a successful campaign in stopping the fee increase. The circumstances were drastically different, then, as the OCT arguably was still to be considered as a "self regulated" body. Since then, regulations changes have led to the number of seats on the board of governors being significantly down for teachers to put their name forward as candidates for election. In fact, teachers are now no longer in the majority. This reduces the ability to influence change now as the risk for the board members are not what they were compared to 2017.

Assigned Educational Services staff will continue to liaise, and plan actions/responses with affiliates (through OTF) on this (and all matters) from OCT. Staff will provide further updates on next steps as they become available.

5. **EdCan Pan-Canadian Summit on K-12 Workplace Wellbeing**

The *EdCan Network Pan-Canadian Summit on K-12 Workplace Wellbeing* was held November 7-9, 2022, in Edmonton, Alberta. Consisting of one 5-hour intensive session, 3 keynote speakers and numerous workshop session options, the conference was attended by over 350 educators, administrators, superintendents, directors and stakeholders from across Canada.

Intensive Session

Building Workplace Wellbeing: A Practical Guide for School Districts walked through the steps that the *EdCan Well at Work Leads and Advisors* follow when consulting with individual schools and entire boards/districts. Dr. Charlie Naylor - formerly of BCTF research - and Kim Weatherby – school health promotion consultant – highlighted the importance of systemic approaches over individual actions. Separating, wherever possible, workload stressors and wellness out of the language within contracts has been key in allowing all parties to work together to create individual, collaborative and systemic changes that benefit all in education workplaces. Using the National Standard for Psychological Health and Safety in the Workplace as a guide, the *Well at Work* teams have learned that wellness teams, committees, champions, and infographics on a strategic plan are not enough. This component of employer responsibility cannot simply be an add-on to one person's job; ultimately, employee wellness needs to be an ongoing, properly funded and staffed aspect of education systems.

Keynote Speakers

Mary Ann Banton, Director of Collaboration and Strategy at *Workplace Strategies for Mental Health* (which produces resources free in the public domain), spoke on "Reinforcing the Ability to Bounce Forward." In referencing how her organization created the resources available at www.workplacestrategiesformentalhealth.com, Ms. Banton focused on three pillars that are needed for optimal learning: holistic (networks, health, nature), culture safety and the empowerment of students in all parts of self-awareness (esteem, efficacy and advocacy). While she believes in 4As to deal with stressors – avoid, alter, adapt, accept – Ms. Banton reiterated that we are only successful at these when we have relationships that are supportive. A new webinar for secondary students will hopefully be launched in August in both English and French.

Dr. Vidya Shah, Assistant Professor at York University Faculty of Education, explores anti-racist and decolonizing approaches to leadership in schools and communities. Her talk, "Wellbeing for Whom? There is No Wellbeing Without Equity", emphasized the importance of knowing what we need to dismantle so that we can create anew. With respect to wellness, this means going beyond "lululemon yoga" to acknowledge that appropriation is not the same as appreciation and that wellness looks, sounds, feels and acts differently for all of us. Capitalism, colonialism, and ableism have led to a hyper individualism that does not benefit societies. Ms. Shah asks the question, "in what ways does my approach to wellness perpetuate that which causes us, collectively, to be unwell?" As we are living in four simultaneous pandemics – white supremacy, economic disparity, environmental collapse and COVID19 – Ms. Shah stated that there is much critical, collective, (un)learning that will be needed to move beyond the current societal states.

Kevin Lamoureux, writer, speaker and faculty member at the University of Winnipeg, presented the concept of "Seizing the Magical Opportunity of School as a Place of Healing." As an Indigenous child who was put in care and then adopted, Mr. Lamoureux, firmly believes that Truth and Reconciliation Commission Action #62.2 (which calls on all levels of government to support the education sector finding ways to increase Indigenous

knowledge and practices) can be used to take a system (education) that was once used as a weapon and turn it into the most powerful tool of change. With hope, he stated, “we will undoubtedly find that the ways in which Indigenous knowledge changes education are beneficial to the wellness of all in education.” For example, the majority of Canadian schools currently focus on ¼ of the Circle of Courage: they have mastery down to an artform. When workers and learners do not feel the other three parts of the circle – belonging, independence, generosity – they will seek it elsewhere. Mr. Lamoureux emphasized the danger that this holds for students in particular; the inability of the education system to fulfill these intrinsic human needs and to be a safe haven from trauma is, quite literally, killing students. Further, we must acknowledge that, while we see symptoms of PTSD in students, it is really C(complex/continuous)TSD, as many traumas are ongoing and even experienced within the system itself. Our ability to be successful in this rethinking of the system will not be measured in standardized test scores, or even in graduation rates, but rather in witnessing ‘mino-pimatisiwin’ in all; in seeing all become the best possible versions of themselves.

Workshops

“Working Upstream in Education: The Role of Teacher Preparation in Health School Communities” focused on the importance of addressing well-being and health-promoting schools at Faculties of Education so that incoming teachers see this as part of their professional practice.

“Tracking Educators Mental Health through the Pandemic and Beyond” shared numerous statistics gathered by *Mental Health Research Canada* from March 2020 – March 2022. Available at www.mhrc.ca/national-polling-covid.ca, some highlights are: 38% of educators felt “burnt out”, that educators feel less able than the general population to manage their workload, that they are exposed to traumatic events more than the general population and that anxiety peaks for educators – with over 50% feeling high to extremely high levels – in the last two weeks of August.

Next Steps

There are many pieces of information from the conference that will be shared with the writers working on the re-write of the Educational Services Mental Health workshop.

As the EdCan Network provides an opportunity for research, collaboration and learning with education stakeholders across Canada, creating opportunities for connections that could prove useful to OSSTF/FEESO, assigned Educational Services Staff has recommended that OSSTF/FEESO join the EdCan Network as a member, which the Provincial Executive has approved.

6. CLC – National Political Action Committee – Monday, November 28, Ottawa

The following items were discussed:

Legislative Update

- Federal Anti-Scab legislation coming
- Pierre Poliviere’s reactions to extreme elements will be an important element in next election

Campaign Updates

Forward Together

- <https://canadianplan.ca/>
- Climate Action, Affordability and Social Safety Net
- Campaign still ongoing

Care campaign

- Bring emphasis to crisis in care environment including hospitals, nursing homes
- Need a national strategy to increase investments in public care services
- www.showwecare.ca
- “They take care of all of us”

Sustainable Jobs

- Can't trade good jobs for precarity
- Need to create good jobs in transition economy
- Cannot have a transition as a race to the bottom

Action Network

- <https://actionnetwork.org/groups/canadian-labour-congress>
- The CLC's Action Network is an open platform that empowers individuals and groups to organize for progressive causes
- Spring 2023 will start to define 2023-24 roadmap
- Onboarding labour bodies, CLC will help throughout the process
- Migration to this process can take either weeks or months

Lobby Day

- Tuesday February 7, Training on the evening of Monday February 6
- Lobby priorities – Care work (staffing, funding, care commission), Just Transition, Anti-Scab legislation
- 90 minute training, 30 minute regional training
- Aiming for 170 MP meetings and Senators
- Parliamentary Reception from 5-7 PM

Legislative Priorities

- Bill C-228 – Workers' will be put at the front of the line in Bankruptcy law
- Fall Economic Statement
- Anti-Scab legislation would affect 22,000 employers and 1 million employees in federally-regulated industries (air/rail/marine, telecommunications, banking)
- Integrity Commissioner – Lobbyists' Code

CLAC (Christian Labour Association of Canada)

- CLC looking to recruit workers that are presently involved with CLAC
- Will start in early 2023

CLC Convention

- May 8 – 12 in Montreal
- Need video content of front-line workers
- April 6 is credential deadline

7. Coalitions and Donations

The following donations were approved as recommended by the Coalitions and Donations Work Group:

- Operation Christmas Cheer - \$5,000
- Rabble.ca - \$15,000
- Workers Arts and Heritage Centre - \$5,000
- Our Times Magazine - \$5,000
- Broadbent Institute - \$10,000

- Ontario Health Coalition - \$25,000

8. **Recent International Coalition and Solidarity Actions**

OSSTF/FEESO continues to connect with international coalition partners and reach out to new groups to expand our connections. Most recently, OSSTF/FEESO has undertaken the following actions:

Letter of Solidarity to Striking University of California Workers

Through a request from the United States section of the Trinational Coalition for the Defense of Public Education, OSSTF/FEESO sent a letter of solidarity and support to 48,000 workers at the University of California who began a state-wide strike on November 14, 2022. These workers are part of three bargaining units represented by the United Auto Workers. They include Academic Researchers, Graduate Student Researchers, Trainees, Fellows, Graduate Student Instructors, Readers, and Tutors.

Members can find out more and send messages of support at <https://www.fairucnow.org/about/>

Letter of Greetings to Section 22 of the Coordinadora Nacional de Trabajadores de la Educación

OSSTF/FEESO sent a letter of greetings to Section 22 of the Coordinadora Nacional de Trabajadores de la Educación (CNTE) in Oaxaca, Mexico as the union began their congress to elect a new Executive Board on November 21. Section 22 of the CNTE were the hosts of the most recent biennial conference of the Trinational Coalition for the Defense of Public Education. OSSTF/FEESO was a co-organizer of the conference and sent a delegation in October 2022. Section 22 is a very active member of the Mexican section of the Trinational Coalition.

Public Services International Conference

OSSTF/FEESO sent a small delegation to the Public Services International (PSI) Conference in Santiago, Chile in late November. PSI is a global union federation created in 1907 with member organizations from across the globe. Their mandate is to fight for workers rights and access to quality public services to all. To date, there are 700 affiliated unions with PSI from 154 countries representing over 30 million members.

The OSSTF/FEESO delegation participated in education sector discussions, followed by cross-sector forums. This was an opportunity for the Federation to explore the work and mandate of PSI, and to make additional global connections to other education unions.

Letter of Support to Unitary Union of Education Workers of Peru (SUTEP)

OSSTF/FEESO sent a letter to President José Pedro Castillo Terrones calling on him and his recently elected government to follow through on several promises to implement legislation, already passed by the Congress, to strengthen the public education system, and to improve working conditions for teachers and education workers. The members of the Unitary Union of Education Workers of Peru (SUTEP) have engaged in peaceful public demonstrations. SUTEP has long advocated for free, quality public education, bilingual and intercultural education for Indigenous Peoples, and fulfillment of election promises by President Castillo, a former teacher and self-identified socialist.

OSSTF/FEESO received a request to send a letter to President Castillo from SUTEP through CoDevelopment Canada. The Federation has participated in events with representatives from SUTEP through events organized by CoDevelopment Canada and the Initiative for Democratic Education of the Americas (IDEA) Network, as well as through the Trinational Coalition for the Defense of Public Education.

Common Frontiers

OSSTF/FEESO part of Common Frontiers, a national working group of unions, social justice and faith-based organizations focused on the Americas. Common Frontiers provides solidarity and analysis of important issues through a combination of research, analysis, and action in cooperation with other environmental, human rights, development, economic and social justice organizations across the Americas.

Common Frontiers grew out of the experience gained by Canadian organizations confronting the Free Trade agenda and recognition that cooperation must extend across sectors nationally and across borders. The guiding principles of Common Frontiers include international solidarity, democratic freedoms, respect for human rights, the promotion of labour rights, and strong public services. These principles align with OSSTF/FEESO policies.

OSSTF/FEESO provides an annual contribution to Common Frontiers of \$10,000 to support their work. The organization shares research, offers opportunities for OSSTF/FEESO to participate in solidarity projects in the Americas, and often acts as a conduit to communicate with other labour unions in the Western Hemisphere.

Sixteen organizations are part of Common Frontiers including:

- BC Government and Service Employees Union (BCGEU)
- BC Teachers' Federation (BCTF)
- Canadian Union of Postal Workers (CUPW)
- Canadian Union of Public Employees (CUPE)
- Centre for Research on Latin America and the Caribbean (CERLAC)
- Comité pour les droits humains en Amérique latine (CDHAL)
- Confederation of Canadian Unions (CCU)
- KAIROS: Canadian Ecumenical Justice Initiatives
- MiningWatch Canada
- Ontario Secondary School Teachers' Federation (OSSTF/FEESO)
- Canadian Foreign Policy Institute
- Public Service Alliance of Canada (PSAC)
- Sierra Club of Canada
- Unifor
- United Church of Canada – Latin American and Caribbean Division
- United Steelworkers

Common Frontiers sent their request for annual support in late November and are requesting the same level of support as last year. They provided a summary of their work in 2022

9. Municipal and Trustee Campaign 2022

OSSTF/FEESO Provincial Office continued to support the campaign efforts of local Districts in the 2022 Municipal and Trustee election. The Election Organizers were time released for up to four days to assist the same local Districts that they had been assigned to during the Provincial election. This was immensely helpful as they had already established relationships with local leaders.

About half of OSSTF/FEESO Districts endorsed trustee candidates. Of those, a total of 73 out of 113 (65%) endorsed trustee candidates were successful. The number of endorsed trustee candidates that were victorious, by District, are as follows:

D1 – No endorsed candidates
D2 – No endorsed candidates
D3 – No endorsed candidates
D4 – 6 of 6 endorsed candidates were successful
D5A – No endorsed candidates
D5B – No endorsed candidates
D6A – No endorsed candidates
D6B – No endorsed candidates
D7 – No endorsed candidates
D8 – No endorsed candidates
D9 – No endorsed candidates
D10 – No endorsed candidates
D11 – 11 of 12 endorsed candidates were successful
D12 – 11 of 14 endorsed candidates were successful
D13 – 5 of 8 endorsed candidates were successful
D14 – 3 of 6 endorsed candidates were successful
D15 – No endorsed candidates
D16 – No endorsed candidates
D17 – 3 of 11 endorsed candidates were successful
D18 – 4 of 4 endorsed candidates were successful
D19 – 1 of 5 endorsed candidates were successful
D20 – 2 of 4 endorsed candidates were successful
D21 – 4 of 7 endorsed candidates were successful
D22 – No endorsed candidates
D23 – No endorsed candidates
D24 – 8 of 11 endorsed candidates were successful
D25 – 6 of 9 endorsed candidates were successful
D26 – 4 of 8 endorsed candidates were successful
D27 – 2 of 4 endorsed candidates were successful
D28 – No endorsed candidates
D29 – 3 of 4 endorsed candidates were successful

In addition, OSSTF/FEESO was successful in helping to neutralize and defeat far right-wing candidates throughout the province. This was one of the most significant accomplishments in the campaign.

As OSSTF/FEESO looks to future involvement, the continuation of the election organizers is an important element. It may include increasing the number of time release days for them. Other considerations include encouraging locals to request, where possible, more release days for their members for political activity.

Overall, OSSTF/FEESO's municipal and trustee campaign was able to build on the successes in the provincial campaign to ensure more education-friendly public school trustees were elected.

10. Preparation Time During Quadesters

Ontario English Catholic Teachers' Association v Simcoe Muskoka Catholic District School Board, 2022 CanLII 105333 (ON LA), <<https://canlii.ca/t/jsx8t>> (Fishbein) Prep Time during Quadestering

On Nov 11, 2022, Arbitrator Fishbein released his decision in an OECTA grievance against the Simcoe Muskoka Catholic Board regarding preparation time during quadesters.

Facts: When teaching quadesters, some teachers had weekly schedules with no prep time at all, followed by a week where the 'lost' prep time would be scheduled, meaning that over the course of the two weeks, teachers received the equivalent of their full two week entitlement. This scheduling was in place from approximately Fall 2021 to February 2022. OECTA was not informed or consulted on the plan, despite multiple meetings regarding reopening, only learning of it upon its implementation in Sept 2021.

Issue:

OECTA's grievance alleged that daily prep time was a contractual obligation. The Board claimed that the changes to the scheduling of preparation time allowed the Board to ensure that courses were taught by teachers with the appropriate qualifications.

Decision:

Fishbein allowed the grievance. He heard evidence about why daily prep time is so important for teaching, and how failing to provide it "detrimentally affects ... if not ... seriously hampers ... student assessment and teaching." Fishbein states this is ultimately "pedagogical determinations which I am probably not qualified to make, but it is not really the task before me which is whether the collective agreement has been violated not what is the better pedagogy." Further, in his conclusions of liability at paras 26 to 31 of the decision, he finds the Board did not weigh any factors before removing the contractually obligated prep time under the modified quadester system.

Fishbein rejected the Board's defense, stating there is no factual foundation and "no basis why that should matter or why I should care." Article 14.01 F re prep time is plainly violated, and no such violations were mandated or required by guideline, regulation or statute.

Much of the decision focuses on the appropriate remedy. Fishbein states that this is a "problematic" question since there is no precisely comparable precedent in the Ontario jurisprudence. As such, Fishbein considers a wide variety of case law, including an education decision from British Columbia, which holds that there is a difference between "being deprived of a benefit and having actually suffered a loss," the former of which would attract no remedy. Fishbein rejects this case, finding that it unpersuasive and holds there can be a loss and "a loss does not necessarily have to be monetary."

Fishbein also relies on two *Hamilton-Wentworth Board of Education* cases which describe the nature of prep time and concerned situations where prep time is allocated to other purposes. In both cases the grievances were upheld on the basis that a violation of "so specifically negotiated or promised" a clause cannot be found to not constitute a loss or being of no value. Consequently, Fishbein finds that it is appropriate to order damages and that a declaration alone would be insufficient since the Employer "deliberately and unilaterally" adopted a schedule that "clearly and unequivocally" contravened clear provisions of the CA.

In terms of quantifying the amount, Fishbein rejects both the Union and Employer approaches, saying the exercise is "somewhat speculative" and "a matter of guess work." Because teachers did not lose "the prep time altogether", and "ultimately received all they were entitled albeit on a two-week cycle". Accordingly, Fishbein awards one quarter of the dollar value of the prep time in the week where none was scheduled. He also awards damages to OECTA for loss of opportunity over the failure to meet and discuss the schedule, as per the requirement under the CA. The precise calculation is remitted to the parties.

Analysis:

The finding that so-called 'non-monetary losses' or 'loss of benefits' can attract damages is significant. Further, the findings of this case mean that a failure to honour prep time will now more likely attract a remedy. However, note that as there was but brief reasoning on the quantum of damages, this could be an area for variation in the future.

Finally, where collective agreements require consultation, but none occurs prior to policies being implemented, any grievance should allege a breach of that provision, which could give rise to damages. This case is a strong vindication of the arbitral principle, found within the case, that *where there is a breach of a right, there ought to be a remedy*.

11. Occasional Teachers on Letters of Permission or 'Temporary Teachers' are Excluded from the Bargaining Unit

The following is a brief summary of a decision awarded on October 18, 2021, from **Association des enseignantes et des enseignants franco-ontariens (AEFO)** regarding Union Dues and Occasional Teachers on Letters of Permission or 'Temporary teachers' as well as the judicial review of this decision awarded on November 22, 2022.

The School Board faced a shortage of French language speaking Ontario College of Teachers (OCT) accredited teachers, so it turned to hiring supply teachers on letters of permission. In 2020-2021, a larger number than normal was hired. AEFO had always considered these individuals outside their bargaining unit but changed their position in the last round of bargaining advising the Board that they would be 'ending their practice of non-recognition of Occasional Teachers on letters of permission' and that it now expected the Board to deduct dues from these individuals in the same way as 'regular teachers'. The Board did not comply.

As such, the grievance was filed stating that the School Boards Collective Bargaining Act (SBCBA) applied to these Occasional Teachers on Letters of Permission / 'Temporary teachers'. Alternatively, AEFO argued there was already voluntary recognition in the collective agreement which confirms their status as the representatives of the Temporary Teachers. Both arguments are rejected.

Arbitrator Clarke looked closely at the language and determined that, for the statutory regime to apply, temporary teachers must satisfy both elements of the language of s. 5 (1) – that they are 'teachers' and that they are on the 'Board's roster of Occasional Teachers'.

The arbitrator ultimately determined that the recourse of these temporary teachers, as existed before Bill 160, would be to organize through the Ontario Labour Relations Act (OLRA).

More recently, on Nov 22, 2022, the Ontario Superior Court of Justice judicially reviewed this case and determined there was no lack of procedural fairness. They found no logical faults, and consistent with the history between the parties, they found the reasoning consistent with the text, context, and purpose of the law. The Divisional Court explicitly echoed Clarke's reasoning that the teachers indeed continue to have the right to organize as per s. 3 (f) of the OLRA.

However, the School Board sought that the Divisional Court pronounce as to whether a supply/temporary teacher **could be** a teacher as per the SBCBA. The Divisional Court refused to "clarify" this point, stating that the Arbitrator did not answer that question, he didn't say it was impossible, and that it is not the role of the Divisional Court to answer questions as such, only to judicially review what is already decided. AEFO will not be taking further action in bringing this matter to the Ontario Court of Appeal.

The main takeaway is to ensure that OSSTF/FEESO Occasional Teachers – both OCT teachers and temporary teachers - are all on rosters held by their School Board. It is advisable that all Occasional Teacher Bargaining Units, if they do not already do so, request both a copy of the School Board's roster of Occasional Teachers and the Principal's list of Occasional teachers, on a semesterly basis, as per the right set out in Section 9 (3) of the School Boards Collective Bargaining Act. This will confirm that OSSTF/FEESO Occasional Teachers are all on a roster and properly covered by the SBCBA should the question of whether they should be considered part of the bargaining unit arise.

Section 9 (3) of the School Boards Collective Bargaining Act
Occasional teachers

9 (3) Upon request, a school board shall give a bargaining agent a copy of the roster and a principal of a school operated by the school board shall give a bargaining agent a copy of the list of occasional teachers maintained by the school.

12. Freedom of Information Request – Government Advertisement Spending for Ontario's Plan to Catch Up – December 2022 Update

In August, OSSTF/FEESO submitted a Freedom of Information (FOI) request to the Ministry of Education to determine the cost of government ads promoting their *Plan to Catch Up* messaging. To date, the ads have appeared on television, radio, digital platforms, social media, and print.

We requested the amount spent from July 25 to August 30. On September 30, we received a response from the ministry. The data provided were only estimates as invoices have not been paid to the government's vendors. A memo was provided to the Provincial Executive in October 2022 highlighting that the estimated cost of the ads was \$1,122,817 from July 25 to August 30.

OSSTF/FEESO submitted a follow-up FOI request for the ad spend from September to the end of the run. We received a response December 12. According to the government, the estimated cost of the *Plan to Catch Up* ad campaign from September 1 to November 14 was \$1,923,965.

The total estimated ad spends by the Ford government on the *Plan to Catch Up* campaign is \$3,046,782.

13. Financial Accountability Office - Ministry of Education: Spending Plan Review 2022

On November 14, 2022, the Financial Accountability Office of Ontario (FAO) released its Ministry of Education: Spending Plan Review 2022. This report provides: A) a spending outlook for education, and in comparison, to the province's budgeted plan; B) a review of capital spending; and C) compares planned spending for 2022-23 against actual spending in 2021-22. The review, media release and briefing deck are available at <https://www.fao-on.org/en/Blog/Publications/2022-education-estimates>.

A. Ministry of Education Spending Outlook

The FAO projects that Ministry of Education spending (EDU), based on current design and announced commitments, will grow at an average annual rate of 4.5% between 2021-22 and 2027-28, reaching \$40.9 billion. In contrast, the government projects growth of only 3.6% annually in the 2022 budget, reaching \$38.9 billion in 2027-28. The primary driver in this spending increase is \$10-a-day childcare, which will increase from \$2.2 billion in 2021-22 to a projected \$6.5 billion in 2027-28, a 19.9% average annual growth rate. It is important to note that 97% of the funding through 2025-26 is provided by the federal

government, with Ontario only contributing a total of \$268 million through 2025-26.

School Board Operations

The FAO projects that spending on school board operations, which comprises 80% of EDU spending, will grow by 2.7% annually through 2027-28. Compensation represents 88% of all school board spending and is driven by enrolment levels, which generates additional staffing and wage rate increases. The FAO projects that enrolment will increase by an average annual rate of 0.8% through 2027-28, reflecting a recovery in enrolment that decreased by 1.5% during the pandemic. As a result, the FAO estimates that the number of school board employees will increase from 289,000 in 2021-22 to 300,000 by 2027-28, an average annual growth rate of 0.7%.

The FAO is predicting an average annual growth rate of 2.2% in school board employees' wages, which reflects historical wage growth in the sector. This was based on the data available as of October 12, 2022, and notably does not include the tentative collective agreement with CUPE OSBCU. The FAO also provided an alternative wage growth scenario where school board workers received a 3.2% per year increase in wages over three years, followed by a return to a historic wage growth. In this scenario, compensation spending would increase by \$113 million in 2022-23 and cost \$2.7 billion over the six-year outlook.

The FAO also contemplates the effect of a successful Charter challenge to Bill 124. If the lawsuit is successful, the estimated cost to EDU could be \$1.5 billion in 2022-23 and reach \$4.4 billion by 2027-28.

The FAO predicts other non-compensation school board operating spending, such as classroom supplies, to increase by 4.4% and 3.5% in 2022-23 and 2023-24, respectively, as a result of high inflation before returning to the historic growth rate of 1.5%.

Child Care

In March of 2022, Ontario announced an agreement with the federal government to deliver \$10-a-day childcare by September 2025. This will balloon the cost of childcare from \$2.2 billion in 2021-22 to an estimated \$6.5 billion in 2027-28, an average annual increase of 19.9%. The agreement calls for a \$10.5 billion investment in childcare through 2026 with 97% of the funding provided by the federal government. The FAO estimates that \$5.6 billion of additional funding is needed from 2026-27 through 2027-28 to support \$10-a-day childcare.

The FAO identifies four issues that could affect childcare during this outlook:

1. The ability of the province to fulfill its commitment to create 71,000 new childcare spaces, which it determines is possible.
2. Whether or not private childcare providers will sign on to the \$10-a-day childcare agreement, given that they will not receive additional revenue under the program, but must agree to new regulatory restrictions.
3. That the funding is sufficient in the long term to achieve the target of 375,111 subsidized spaces by 2026, but that demand will likely exceed the number of spaces.
4. The assumption that funding after 2025-26 will remain in place with federal support at the same levels.

B. School Board Capital Amortization Expense and Investments

Unchanged from the 2021 budget, the government plans to invest \$21.2 billion in

education sector infrastructure over 10 years, from 2022-23 through 2031-32. This investment represents a \$1.5 billion (8%) increase from the previous ten-year period from 2012-13 to 2021-22. However, after adjusting for inflation, the current 10-year investment plan represents a \$3.0 billion (14%) decrease in infrastructure spending in 2021 dollars as compared to the previous 10-year period.

School board assets include about 5,000 school buildings, as well as machinery and equipment. The province's plan to spend \$21.2 billion includes a combination of repairing and keeping assets in good repair and building or expanding buildings. The report does not consider whether this is enough to address Ontario's growing school repair backlog.

C. 2022-23 Expenditure Estimates and Comparison to 2021-22

The 2022-23 Elementary and Secondary Education Program Vote Item 1002 represents the bulk of financial support to school boards at \$29.2 billion. This is an \$897 million (3.2%) increase from 2021-22. For comparison, the annual inflation, as reflected in the Consumer Price Index (CPI) for the previous school year, was 7.0% on a year-over-year basis.

Significant changes in the 2022-23 spending plan under this vote item include the following:

A 3.8% increase in the Grants for Student Needs (GSNs), which reflects an increase in enrolment, a funding provision for salaries pending the outcome of collective bargaining negotiations, and the transfer of some COVID-19-related spending from the Priorities and Partnership Fund (PPF) to the GSN, including through the creation of the time-limited COVID-19 Learning Recovery Fund within the GSN.

A \$395 million decrease in planned funding for school boards under the Priorities and Partnership Fund (PPF) with a portion of the programs moved into the GSNs.

A \$340 million net increase in planned spending on school board infrastructure through the Support for Elementary and Secondary Education sub-program.

Not included in this vote item is the funding for the Catch Up Payments program, which is expected to cost \$365 million and be funded by a transfer from the Contingency Fund.

The FAO also notes that school boards are expected to spend \$0.8 billion more of their own funds, as own-source revenues increase to pre-pandemic levels and school board total spending comes back in line with pre-pandemic levels.

The FAO's report on EDU spending illustrates the government's underfunding of education of \$2.0 billion by 2027-28 and a total of \$5.9 billion over the six years. This growing funding gap shows that the government plans to continue to underfund and underspend on education.

However, the government will be able to claim record spending in the sector in future years, as underfunding of education will be obscured by the federally supported childcare spending and the high inflation in the short term will grow education spending quickly. As the FAO projects education spending to grow by \$9.4 billion (30.0%) through 2027-28, GSN funding will only grow by \$4.5 billion (17.6%).

14. Ontario's Plan to Build: A Progress Update (Fall 2022 Economic Outlook & Fiscal Review)

On November 14, 2022, the Ontario government released its 2022 Fall Economic Statement. The government has billed this budget update as a first-ever report on its progress toward fulfilling the promises of its 2022 Budget. It provides an economic and fiscal update, summarizes new and previously committed budget measures, reports on the progress of those measures, provides an economic performance outlook, and details its borrowing and debt management programs.

According to the Public Accounts of Ontario, the province recorded a \$2.1 billion surplus in 2021-22, despite projecting a deficit in its 2021 Fall Economic Statement. This surplus was generated largely due to much higher-than-expected taxation revenue due to economic growth and the effect of inflation on consumer and business spending. The government reiterated its commitment to redouble its efforts to balance the budget. In the government's medium-term plan, through 2024-25, it is planning to restrict the growth of program spending by only 0.8% per year on average.

The government's economic projections, though revised from the original 2022 Budget, are much more conservative than those of the Financial Accountability Office of Ontario (FAO). For 2022-23, Ontario predicts \$186.8 billion in revenue and has budgeted \$198.8 billion in total expense. Total program spending of \$185.2 billion has been increased by \$6.9 billion (3.9%) over the 2021 Budget. A budget deficit of \$12.9 billion is now projected, \$7 billion less (35%) than was predicted in the 2022 Ontario Budget just three months ago.

In contrast, in its *Economic and Budget Outlook, Fall 2022* report, the FAO projects revenues that are \$5.1 billion higher and total expenses that are \$7 billion lower than the government's projections. The FAO also projects a small budget surplus of \$0.1 billion in contrast to the \$12.9 billion deficit the government is projecting. The government is only predicting a 1.3% increase in revenue in this budget. Sheila Block of the Centre for Canadian Policy Alternative, in *Queen's Park is richer than it admits*, says that this just doesn't make sense, given how inflation has been driving up government revenues. The government is trying to create a narrative of being in financial peril, but the numbers don't support that.

Health sector spending is up \$5.6 billion (8.0%), education sector up \$3.6 billion (12.5%), and postsecondary education up \$0.3 billion (2.9%) from 2021-22 actual spending. This planned spending increase is so great because the government underspent in all program areas in 2021-22, contributing to the \$2.1 billion surplus that was generated. The \$15 billion in increased spending reported by the government is tempered by the \$3.6 billion (2%) in underspending on the 2022 Budget.

As well, as reported by the FAO, the government has extraordinarily large contingency funds budgeted for 2022-23 totaling \$44 billion over the next six years, when typically, only \$1 billion is budgeted.

Over the medium term, through 2024-25, the government projects program spending to increase by 2.9% annually. It expects limited economic growth of 0.5% in 2023 and 1.6% in 2024, before returning to more historical levels of 2.1% in 2025. Under this scenario, Ontario is projected to achieve a balanced budget by 2024-25 under these conditions. Net Debt-to-GDP, a measure of economic health, is projected to continue to decline from a high of 43.1% to 38.3%, which is consistent with pre-pandemic levels. This reflects both the increase in economic productivity and Ontario's decreasing debt.

This new budget has little increase in spending and nothing for Ontario's workers. The new measures are summarized below:

- Ontario's Plan to Catch Up provides direct payments of \$200 to \$250 to parents of school-aged children at a cost of \$365 million;

- Allowing Canadian Controlled Private Corporations (CCPCs), Canadian sole proprietors, and certain partnerships to write off \$1.5 million of certain eligible capital property at a cost of \$425 million;
- Providing small business with a reduced corporate tax rate by increasing the upper limit of taxable capital at which the Small Business Deduction is fully ground down;
- Providing up to \$213 million in support of major automotive manufacturers;
- Extending the Ontario COVID-19 Worker Income Protection Benefit until March of 2023 with \$184 million available to reimburse employers for leave paid to employees;
- An additional \$18 million to extend the Ontario Small Business Relief Grant deadlines so small businesses can apply for funding to mitigate closures during February of 2022;
- Allowing Ontario Disability Support Program (ODSP) recipients to earn \$1,000 before ODSP payments are reduced;
- Doubling the Guaranteed Annual Income System payment for low-income seniors for 12-months, to \$166 for single seniors and to \$332 for couples at a cost of \$40 million;
- Extending the gas tax and fuel tax cuts for an additional 12 months, to December 31, 2023 at a projected cost of \$990 million;
- An investment of \$27 million to address key housing and homelessness pressures in the City of Toronto;
- Upping the funding to \$107 million for new critical technology initiatives and the new Life Sciences Innovation Program to help entrepreneurs develop innovative technologies in the life sciences sector;
- Investing an additional \$30 million in the Skills Development Fund to support training projects for the skilled trades and to upskill workers;
- Investing an additional \$4.8 million over two years beginning in 2023-24 to expand the Dual Credit Program; and
- \$38 million in other changes.

15. **OADE and CODE Response to Criticisms of “Re-visioning Teacher Education in Ontario” Document**

The Ontario Association of Deans of Education (OADE) and the Council of Ontario Directors of Education (CODE) shared with Ontario Teachers' Federation (OTF) a document drafted by their Recruitment and Retention Working Group entitled, “Re-visioning Teacher Education in Ontario”. OTF wrote a letter back to both organizations expressing its shock and disappointment that OTF had been left out of discussions held over the summer on the topic of changing core elements of teacher training.

In response to this, OADE and CODE invited OTF and the affiliates to a remote discussion on their proposed changes. This discussion occurred on September 30 with OSSTF/ FEESO staff participating. During this discussion, all the affiliates were both frank and specific about their opposition to parts of the proposal, particularly the idea of collapsing subject-specific training into four groupings.

In response to this discussion, OTF recently received a letter from OADE and CODE acknowledging that not including the affiliates in such discussions was a mistake and that they appreciated the feedback they received from the online discussion. While they want to keep the core principles of the document, they are backing off the concept of collapsing subject-specific training.

They have decided to reconstitute and rename their Recruitment and Retention Working Group and alter its structure to “enable broad and inclusive discussion about teacher

education.” They plan on inviting OTF and the affiliates to participate in this new working group.

Staff have voiced that OSSTF/FEESO expects to be part of this new working group.

16. Community and Organizing Swag

The Strategic Action Plan and our provincial efforts to venture into community engagement has been growing in notoriety. The creation of outreach materials and swag for events this past summer allowed for greater dialogue when the provincial office went to speak to members of the community.

Provincial Office has received requests from local leaders for *Better Schools, Stronger Communities* materials. However, we only produce enough materials for events that are supported by Provincial Office.

The newly minted *Better Schools, Stronger Communities* materials were produced for summer community outreach events. For example, we partnered with District 13 in Durham to take part in Carnival City, a Caribbean arts and culture festival around the time of Toronto Caribana.

In that partnership, we ordered materials with the District accessing Account 2047 – Community Outreach. Staff can make the *Better Schools, Stronger Communities* graphics available to Districts and Bargaining Units and vendor contact information upon request. We have used the same practice for other events and messaging campaigns.

Districts and Bargaining Units can apply for provincial funding to support participation in community outreach events and the creation of swag items for distribution. Funding under Account 2047 – Community Outreach allows for the purchase of OSSTF/FEESO labelled items for distribution to members participating in local community events, including but not limited to T-shirts, buttons, banners, and refreshments for members. Some Districts and Bargaining Units may be eligible for funding to purchase these items subject to the additional guidelines under Account 2047. Provincial Office does provide graphics templates and vendor contact information to local leaders should they wish to purchase these items using their own local funds or funds through Account 2047.

In addition, Districts and Bargaining Units can access funding from Account 2045 – Engaging the Not Yet Engaged to create and distribute swag items a social events for “not yet engaged” members as per the guidelines.

Presently, *Better Schools, Stronger Communities* labelled materials are covered under Account 4025 – Political Action Materials, Training, and Lobbying, which is the Communications/Political Action Department’s main account to cover operational expenses (i.e., media monitoring subscriptions, graphic design expenses, Vector polling).

17. Ontario College of Teachers – Inter-Staff Meeting with OTF and Affiliates

The meeting occurred on November 24, 2022, with staff present from OSSTF/FEESO – Lisa Black-Meddings. Representatives from OTF, OECTA, ETFO and AEFO were also in attendance.

Statistics and Operations

Caseload statistics were presented from both 2021 and 2022. The number of complaints is back to pre-pandemic levels but referrals to discipline are half the level from previous years. The OCT is offering CR in 32% of cases, which is a significant increase, and provides a swift resolution for members. Most reports continue to be ones sent from employers and the number of complaints being resolved at the intake stage is holding steady from 2021-2022. If complaints are resolved at the intake stage, they continue to not be classified as a complaint.

Complaints being handled at fitness to practice have more than doubled from 2021 to 2022. Oral cautions and admonishments will continue to be done virtually. The OCT discussed implementing a protocol for the location, attire and conduct for virtual admonishments. Most members are very professional; but in this past year, there have been cases where someone was smoking during the admonishments; or inappropriately dressed. Jeff Barber (OTF) followed up with an email request for Federation review and input into what they are contemplating.

Director's Update

Jamie Robertson, new Director of Investigations and Hearings, spoke to the following items:

- Transition in governance is almost finished; rosters of each committee to be published to the website, Discipline, Fitness to Practice and Investigations Committees recently completed training. Training is being offered to all committee and roster members and is mandatory for committee members. All training to be completed by February.
- They are establishing multiple entry points for equity training and resources. The focus for intake and investigations is considering the complaints from an anti-oppressive stance.
- Phone numbers changing at OCT so extensions will be changing in the next few weeks.

Independent Medical Examinations

This is a relatively new power for the Investigations Committee and the intent is not to undertake an IME in every case; the considerations to do so are set out in the Act. The panel requires reasonable and probable grounds to believe the member is incapacitated to request an IME.

The member's treating practitioners are not permitted give an independent evaluation however the panel may receive information from the treating practitioner that can guide next steps. The College bears the costs of the IME.

Matters can be resolved at IC with an Undertaking and it doesn't proceed to a fitness hearing. This can significantly shorten the process for the member and the OCT representative feels it is being used sparingly and appropriately at this time.

Last notification/first response dates

December 15, 2022, is the last notification date before the winter break; the first response date is January 9th 2023.

Issues from Affiliates

ETFO asked what supports are offered by the College to members who are survivors/victims of abuse – as part of the investigations/hearings processes. Example: if an administrator is found to be culpable of abusing a member, what supports are there for the member?

- Accommodations can be put in place to protect and support members who have been victimized while testifying
- Redaction policy for all decisions to protect the victims
- Some cases are resolved by agreement to avoid retraumatizing the victim

The next meeting will take place on April 24, 2023, 9:30 a.m.

18. DBU Memos Issued Since Last Liaison Report

- 47 Policy for Approval of Legal Assistance (PALA)
- 48 December 6th Commemorations
- 49 Ministry Correspondence - O. Reg. 364/97 (Electronic Meetings and Meeting Attendance) - Physical Attendance Requirements
- 50 Benevolent Council Procedure Change
- 51 CUPE-OSBCU Job Action - Information for Members of OSSTF_FEESO
- 52 Ministry Correspondence - Labour Disruptions - Contingency Planning
- 53 Province Wide Labour Solidarity - Information for Members
- 54 OFL Solidarity Rally & OSSTF/FEESO Town Halls
- 55 Status of Labour and Political Dispute surrounding Bill 28
- 56 Ministry Correspondence - Return to Regular School Operations
- 57 OSSTF/FEESO Member Town Halls – Wednesday, November 9, 2022
- 58 Research Grant for Emergent Issues and Priorities
- 59 Continued Labour Solidarity with Education Workers
- 60 Expiring Policies 2023
- 61 Town Halls - November 9, 2022
- 62 Possible Strike by Faculty at the University of Western Ontario
- 63 CUPE-OSBCU Job Action - Information for Members of OSSTF_FEESO
- 64 Job Posting
- 65 Union Training Academy - Winter Sessions
- 66 AABRRC Present Kamilah Clayton - Wellness and Self-Care Practitioner
- 67 Project Overseas 2023 Canadian Teachers' Federation
- 68 New Member Resources
- 69 District and Bargaining Unit AGM Support Requests
- 70 OSSTF/FEESO Event Planning Checklist
- 71 Revisions to Grade 6 Social Studies Curriculum
- 72 Prime Minister's Awards
- 73 Call for Writers – Best Practices Resource Development
- 74 Submission of Resolutions for AMPA 2023
- 75 OTPP Reduces Workload Provisions