

## Provincial Executive Liaison Report

To: District 10, Council  
From: Martha Hradowy, Executive Officer

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### 1. **Renewed Mathematics Strategy (RMS) – Mathematics Educator Survey**

The Ministry of Education has released the final version of the Mathematics Educator Survey. OSSTF/FEESO Educational Services Department staff requested changes to the questions to ensure inclusion of educational support workers involved in mathematics instruction. These suggestions were incorporated into the final version.

The Renewed Math Strategy Survey takes approximately 10 to 15 minutes to complete.

- Participation is voluntary
- Individual respondents will remain anonymous
- Information will be aggregated and summarized for sharing
- The survey will remain open for the month of December

The Ministry of Education is hoping the distribution will be facilitated by OSSTF/FEESO, ETFO, OECTA, OPC, and by the school board associations to get as close to a census response rate as possible with the results triangulated with information from board and school improvement plans to assist in planning for the 2018-19 school year.

Educational Services Department staff have no other concerns regarding the content of the survey or its distribution, and a link to the Survey will be distributed via DBU memorandum to encourage members involved in directed mathematics instruction to participate.

### 2. **Ontario College of Teachers Proposed Fee Increase Defeated**

At the December 7, 2017 OCT Governing Council Meeting, the Finance Committee's proposed fee increase of 20% was defeated. The Finance Committee then tabled the following motion, which was carried.

The Finance Committee recommends Council approve the proposed 2018 operating budget with an unchanged fee of \$150 by offsetting operating budget pressures with a restricted cash draw.

### 3. **Child and Family Services Act**

There has been some confusion over the *Child, Youth and Family Services Act*. The act received Royal Assent on June 1, 2017. At that time, members were informed that the act had not yet been proclaimed, however, following questions from the field, initial enquiries suggested that the act was in fact being enforced. While some agencies may now be enacting the changes, staff from the Ministry of Child and Youth Services (MCYS) have confirmed that the act has not yet been proclaimed. They have informed us that the act will be proclaimed in two parts.

On January 1, 2018, the age of protection will be raised from 16 to 18. The duty to report will still apply only to children younger than 16. However, a person may then make a report in respect of a child who is 16 or 17 years old.

MCYS has indicated that the rest of the act will be proclaimed on April 1, 2018.

#### 4. **Global Competencies**

The Ministry of Education has worked as part of the Council of Ministers of Education, Canada (CMEC) to define a set of six pan-Canadian global competencies:

- critical thinking and problem-solving
- innovation, creativity and entrepreneurship
- learning to learn/self-awareness and self-direction
- collaboration
- communication
- global citizenship and sustainability
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According to the CMEC these competencies are an “overarching sets of attitudes, skills, and knowledge that can be interdependent, interdisciplinary, and leveraged in a variety of situations both locally and globally” and that these can be developed over time. In July 2017 the CMEC agreed “to begin work on the development of a pan-Canadian strategy for assessing global competencies” that would “complement assessments in literacy, numeracy, reading, and related subjects that are already coordinated in Canada by CMEC”.

Staff assigned reviewed some of the literature on global competencies and their assessment and found that while there is agreement within the literature about the basic categories that constitute global competencies, the specific definitions of these terms can vary widely. An ad-hoc committee of the National Research Council in the United States was created in 2009 to “review and synthesize the current research on the nature of deeper learning and 21<sup>st</sup> century skills.” The committee came to a number of conclusions that are relevant to the Ontario government’s announcement to change the provincial report card by September 2018 by replacing learning and work habits with global competencies.

First the committee stated that they view the terms associated with 21<sup>st</sup> century skills as “dimensions of human competence that have been valuable for many centuries, rather than skills that are suddenly new, unique and valuable today.” What has changed is our expectations around what constitutes success (“levels of mastery across multiple areas of skill and knowledge”) and the “pace at which we communicate and share information”.

They also found that “the available research evidence is limited and primarily correlational in nature. To date, only a few studies have demonstrated a causal relationship between one or more 21<sup>st</sup> century competencies and adult outcomes. The research has examined a wide range of different competencies that are not always clearly defined or distinguished from related competencies”. Despite this, the committee did find that cognitive competencies (e.g. creativity, critical thinking and problem solving), conscientiousness and higher levels of educational attainment are most highly correlated with future success (e.g. education, career and health outcomes).

The committee equated the term “deeper learning” with the concept of “transfer” (i.e. the ability to take what you know from one situation and apply it to a new situation). They concluded that:

- i. “Research to date provides little guidance about how to help learners transfer



- competencies learned in one discipline or topic area outside the discipline or topic area.”
- ii. “Emerging evidence indicates that cognitive, intrapersonal and interpersonal competencies can be taught and learned in ways that promote transfer.”

They noted that previous research in the area of transfer has found that there are limits to how far transfer can occur. That is, “transfer is possible within subject area or domain of knowledge, when effective instructional methods are used.” The research also suggests that extensive practice is required for this transfer or deeper learning to occur.

While the committee is working within the American education system, their comments on assessment of these skills are relevant to the current issues being raised in Ontario. They state, “Because educational policy emphasizes the results of summative assessments within accountability systems, teachers and administrators will focus instruction on what is included in state assessments”.

Ontario does not have the same level of high-stakes testing as our American counterparts but we have seen this logic applied here as well. The committee identified that while tools have been developed to assess cognitive competencies, further research is needed to develop reliable and valid assessment tools for the intrapersonal and interpersonal competencies.

They believe that this research should focus on formative assessment tools first and that “if these efforts are successful then summative assessments of interpersonal and interpersonal competencies could be developed”.

The committee also identified the need for teacher training around “teaching and learning for transfer”. They reported that “Both novice and experienced teachers will need time to develop new understandings of the subjects they teach as well as the understandings of how to assess 21<sup>st</sup> century competencies in these subjects.”

While the literature review in this area was limited to the NRC report, that report synthesized much of the data that was available and the report was cited in the Ministry of Education document, “21<sup>st</sup> Century Competencies Foundation Document for Discussion”.

## 5. **Ministry of Education Report Card Subcommittee (TSC)**

The Ministry of Education has provided a number of new documents to members of the Report Card Subcommittee. They include two PowerPoints (a Jurisdictional Policy Scan, a Report Card Deck), copies of all provincial report card templates, and a document called, “New Pedagogies for Deeper Learning”, a Getting Started Guide May 2017 by the NPDG Global Partnership (Quinn, Fullan & McEachon).

### **Jurisdictional Scan**

In the fall of 2017, the Ministry of Education engaged in a jurisdictional policy scan of the assessment, evaluation and reporting of global competencies. Seventeen jurisdictions were surveyed (eight local Ontario boards, nine Canadian provinces, three territories, and five international countries). Findings focused on 13 jurisdictions. Of the nine that reported, only Singapore is currently evaluating competencies separate from the subject area. No jurisdiction currently has teachers reporting on competencies separate from the subject area (of nine that reported).



### **Report Card Deck**

While there are many concerns that emerge from reviewing this resource (albeit before the Ministry staff have a chance to present it), one in particular speaks to the timeline and implementation problems of this plan. On the slide “**Achieving Deliverables Through a Research and Evidence Informed Process**” there are four steps identified:

1. *Removal of LSWH from the report card. Addition of a report on a student's development of global competencies.*
2. *Educator Resource on fostering & assessing global competencies and completing the new report.*
3. *A Plan to support educator capacity across Ontario for fostering & assessing deeper learning and global competencies.*
4. *A parent resource on global competencies and the new report card.*

An implementation plan that sees the reporting of skills occurring before educator capacity to foster and assess those skills should not be supported.

As a result of the research that suggests that global competencies should be assessed within a specific discipline and that these competencies may not be transferable across disciplines, the lack of evidence that evaluation of global competencies is being done successfully, and the plan to roll out a report card evaluating these competencies before they have been integrated into the curriculum, it is recommended that OSSTF refuse to endorse any plan to make these changes to the report card. Participation will continue on the Report Card subcommittee and the TSC to allow OSSTF opportunities to express our concerns.

## **6. Bill 148 Fair Workplaces, Better Jobs Act, 2017 – Impact on OSSTF/FEESO Members**

Bill 148, An Act to amend the *Employment Standards Act, 2000*, the *Labour Relations Act, 1995*, and the *Occupational Health and Safety Act* and to make related amendments to other Acts, received Royal Assent on November 27, 2017. The Bill contains a number of changes that will directly affect OSSTF/FEESO members. Those changes most likely to have an impact on our members are the changes to the *Employment Standards Act*.

### **Minimum Wage**

Bill 148 increases the minimum wage to \$14 per hour on January 1, 2018, and \$15 per hour on January 1, 2019. Any OSSTF/FEESO members earning less than that amount on each of those dates should move immediately to the appropriate amount on the date that it becomes effective, regardless of the rate that appears in the applicable collective agreement.

### **Domestic and Sexual Violence Leave**

Effective January 1, 2018, there is a new provision for Domestic and Sexual Violence Leave that is available for employees who have been employed for at least 13 weeks. This leave is available where the employee or their child has experienced domestic or sexual violence or the threat of such violence. Two separate amounts of leave are available: 10 days and 15 weeks, although leave under each amount is deemed to be taken in whole units, regardless of whether the employee takes the whole day or whole week off. Under the Bill, the first 5 days of leave are paid days. The Bill states that the leave must be taken for one of the following reasons:

- i) To seek medical attention
- ii) To obtain services from a victim services organization



- iii) To obtain professional counselling
- iv) To relocate
- v) To seek legal or law enforcement provisions

This leave will be available to Bargaining Unit members where the overall leave entitlements in the collective agreement do not provide a greater right or benefit than these provisions, meaning that, in general, this leave will be available.

### **Public Holidays**

Effective January 1, 2018, the method that employers use to calculate public holiday pay will change. Generally, under the new formula, public holiday pay will be the regular wages earned in the pay period prior to the holiday divided by the number of days worked during that pay period. This will have to be implemented immediately by employers, since it will apply to those being paid for the January 1, 2018 statutory holiday.

### **Vacation Entitlement**

Bill 148 introduces an increase in both the number of vacation days and vacation pay that employees are entitled to after 5 years of service with an employer. The new entitlement increases the number of vacation days to 15 and the amount of vacation pay to 6% for employees who have completed 5 years of employment. In Bargaining Units where the vacation day/pay entitlement does not exceed this, members will be entitled to the increased amounts effective January 1, 2018. The increased vacation pay entitlement will generally not apply to salaried employees. However, it is OSSTF/FEESO's position that any pay rates that are characterized as "inclusive of vacation pay", such as OT daily rates, will need to take the new entitlement into account.

### **Pregnancy and Parental Leave**

Effective January 1, 2018, pregnancy leave for employees who suffer a still birth or miscarriage is increased to 12 weeks following the loss. Also with respect to pregnancy leave, a "legally qualified medical practitioner" who can provide a medical certificate now includes a qualified physician, midwife, nurse with an extended certificate of registration, or a prescribed class of medical practitioners.

Effective December 3, 2017, the parental leave provisions have been significantly increased. Parental leave is increased from 35 to 61 weeks for employees who took a pregnancy leave, and from 37 to 63 weeks for employees who did not.

The improved leaves in both categories are available only to those employees whose entitlement to the leave arose on or after the date that the new provisions came into effect.

Corresponding changes have been made to the Employment Insurance Act to allow employees to spread their EI benefits over the longer leave period should they choose to do so.

It is the position of OSSTF/FEESO that members are entitled to the increased leaves under this section.

### **Scheduling/On Call Rules**

Several changes have been made with respect to the scheduling and cancellation of work, as well as employees who are "on call". The changes are effective January 1, 2019, or at the end of any collective agreement that remains in effect at that time and that contains provisions respecting scheduling. This means that they will not take effect until September 1, 2019 for OSSTF/FEESO members who are employees of school



boards, and upon the expiry of other OSSTF/FEESO agreements that are still in effect on January 1, 2019.

First, employers will be required to pay an employee for 3 hours at their regular rate in certain circumstances where a shift is cancelled either within 48 hours prior to its start, or during the shift itself. The entitlement would exist where:

- i.) The employee regularly works more than 3 hours a day, is required to present themselves at work, but works less than 3 hours;
- ii.) The employee is on call to work but is not required to work or works less than 3 hours;
- iii.) The employer cancels a scheduled work or on call shift within 48 hours prior to its commencement.

These particular provisions have the potential to have a significant impact on our casual members, and occasional teachers in particular. However, some exploration of exactly how it applies to casual members will be necessary, since the interpretation of the requirement that the employee “regularly works more than 3 hours a day” remains unclear.

The requirement to provide 3 hours’ pay will not apply where the cancellation is due to fire, power failure, storms, or similar situations beyond the employer’s control. In addition, the on call provisions do not apply where an employee is on call to ensure the continued delivery of essential services. Finally, in cases where work is weather-dependent, the 48-hour cancellation rule does not apply.

Next, employees may refuse work or an on-call shift where the request is made less than 96 hours prior to the beginning of the shift, as long as the work is not to deal with an emergency, or to remedy or reduce a threat to public safety, or for other prescribed reasons. These changes are likely to have some impact on plant support staff members, and possibly on some other job classes that are on call from time to time.

To be clear, the term “on call” does not refer to situations in which teachers/occasional teachers may be required to cover another teacher’s class or assignment, but rather situations where an employee is required to be prepared to report to work immediately upon being informed by the employer. Finally, after 3 months’ service, employees can request a schedule or location change without being subject to reprisal. Since OSSTF/FEESO collective agreements generally contain provisions dealing with scheduling and transfers, it is unlikely that these changes would create a greater right or benefit.

### **Critical Illness Leave**

Bill 148 replaces what was formerly “Critically Ill Child Care Leave” with “Critical Illness Leave”, and expands it to a larger list of family members effective December 3, 2017. The leave is available to employees who have been employed for greater than 6 consecutive months, and consists of 37 weeks of leave in the case of a minor child, and 17 weeks in the case of an adult.

The employee must present a medical certificate stating that the individual requires care or support, and setting out the period of time that the care is needed. The leave is then limited to the period of time set out in the certificate. This leave will be available to Bargaining Unit members where the overall leave entitlements in the collective agreement do not provide a greater right or benefit than these provisions. In general, these leaves will be available to OSSTF/FEESO members.



**Family Medical Leave**

Effective January 1, 2018, family medical leave is being increased from 8 weeks to 28 weeks, and the list of family members that the leave can be taken for has been expanded. The leave is available where a qualified medical professional issues a certificate stating that the family member has a serious medical condition with a significant risk of death within 26 weeks. Again, this leave will be available to bargaining unit members where the overall leave entitlements in the collective agreement do not provide a greater right or benefit in respect of family medical leave than these provisions, so in general, these leaves will be available to OSSTF/FEESO members.

**Equal Pay for Equal Work**

Bill 148 introduces a prohibition on paying employees less than other employees for the same work due to a difference in employment status. This provision takes effect April 1, 2018, but any collective agreements in effect at that time that permit these differences in pay would continue to apply until the earlier of the expiry of the agreement or January 1, 2020. The prohibition applies where:

- i) Substantially the same work is performed in the same establishment;
- ii) The work requires substantially the same skill, effort and responsibility; and
- iii) The work is performed under similar conditions.

Employers may not reduce the pay of any employee in order to comply with the provision. The prohibition does **not** apply where the difference in pay is due to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or any other factor than sex or employment status.

Salary grids are systems based on seniority and qualification, which would make them permissible under the Bill. It is likely that employers will be able to establish that daily occasional teaching does not meet the criteria to require equal pay for equal work, as it does not involve preparation, assessment and evaluation to the same degree as that performed by permanent and long-term occasional teachers. However, other categories of casual workers may be more likely to benefit from this change, as may other OSSTF/FEESO members who are part-time or temporary.

**Personal Emergency Leave**

Effective January 1, 2018, the Personal Emergency Leave provisions will apply to all employers rather than only those with 50 or more employees. Employees are entitled to 10 days of personal emergency leave. The first 2 of those 10 days are paid days. The leave can be taken for:

- i) A personal illness, injury, or medical emergency;
- ii) The death, illness or medical emergency of a member of the employee's immediate family;
- iii) An urgent matter that concerns the employee or a member of their immediate family.

Employers are not permitted to request medical documentation with respect to leave taken under this provision.

Since OSSTF/FEESO collective agreements, in general, contain a greater right or benefit than that provided by personal emergency leave, this change is unlikely to apply to OSSTF/FEESO members. In particular, all of our collective agreements contain sick leave provisions that are more generous than the Personal Emergency Leave provisions and therefore our collective agreements will continue to determine our members' access to sick leave, including the ability of an employer to request medical documentation.



### **Record Keeping**

Employers must keep an expanded list of records regarding employees, and must keep those records for a longer period of time. Effective January 1, 2018, the prescribed information must be kept for 5 years. The new information to be kept generally pertains to dates and hours worked or on call, overtime worked, and vacation pay earned. This additional information may be useful to Bargaining Units when resolving issues related to some of the changes already discussed.

### **Enforcement**

A number of changes were made to strengthen the enforcement mechanisms under the ESA with regard to reprisal, complaints and orders.

## **7. Recent D/BU's**

- 075 – Labour College of Canada
- 074 – Staffing Changes
- 073 – Bill 148 Leave Provisions – Casual Employees
- 072 - OTF Communiqué - Pension Enhancements for OTPP Members as of January 1, 2018
- 070 – Provincial Survey – Renewed Math Strategy
- 069 – Ontario Liberal Party – 2018 Annual General Meeting
- 068 – A Summary of the Impact of Bill 148 on Members
- 067 – Support for Workers Comp Campaign
- 066 – Public Engagement in Education Assessment
- 065 – Lump Sum EI
- 064 – CSLF Award of Merit 2017
- 063 – French as a Second Language Labour Market Survey
- 062 – White Ribbon Join Project – Drawing the Line on Sexual Violence
- 061 – Bill 148 Potential Effects on Members of Changes to the Employment Standard Act
- 060 – District 35 Name Change
- 059 – Sick Leave
- 058 – ResearchEd – Call for Presenters
- 057 – Expiring Policies 2018
- 056 – Prix John McNeil
- 055 – Annual Designated Charity – Kids Help Phone
- 054 – Appointment of Executive Assistant
- 053 – OSSTF Handbooks – Errata November 2017
- 052 – Ed Services Workshops – Important Changes
- 051 - Ontario College of Teachers Fee Increase
- 050 - Worksite Visits
- 049 - WSIB Operational Policy on Chronic Mental Stress (CMS) 15-03-14
- 048 - Compass - A New WSIB Health and Safety Tool
- 047 - Annual Action Plan 2018-2019 Submissions
- 046 - OUCC Research Project Privatization and Precarity in Post Secondary Education in Ontario
- 045 - OPSEU Strike and College Co-op Students

