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February 8, 1999



To Steve Kirby, President
From Claire Ross, General Secretary
Re Bill 160 - Requested Information

Steve, please find enclosed information with respect to your request for information on possible amendments to Bill 160. I understand you want to use such information in your discussion with candidates who are running for the provincial legislature in the soon-to-be announced provincial election.

I trust this is the kind of information sought, Steve. Ray Fredette may be of further assistance to you as he has done much of the work on this matter.

As always, continued success in all your undertakings...

CR: cmr

TO : CLAIRE ROSS
MARSHALL JARVIS

FROM : RAY FREDETTE

RE : AMENDMENTS TO BILL 160

DATE: FEBRUARY 3, 1999

In anticipation of the upcoming provincial election it is important to review the Association's October 1997 publicly stated position on Bill 160 and, where necessary, to realign any Association political positions before seeking amendment commitments from opposition parties.

The summary conclusions of our brief have been reprinted below. I have included commentary and recommendations for your consideration as well as a draft memo to Presidents PAC Officers.

Summary Conclusions - OCTOBER 1997 and commentary

1. That the following aspects of Bill 160 be maintained:

- a) the redefinition of teacher under the Teaching Profession Act to include occasional teachers in that Act and in teacher bargaining units
Done. No action to be taken.
- b) the repeal of the SBTCNA and the placement of teacher bargaining rights under the OLRA via Part X.1 of the Education Act and the resultant amendments to the Teaching Profession Act during and after the transition period
Done. No action to be taken.
- c) the continuation of teacher bargaining units corresponding to existing structures
Done. No action to be taken.
- d) the continuation of principals and vice-principals as members of the bargaining units
Principals and vice-principals were removed as members of the OTF, the Association, and of the bargaining unit.
Principals and vice-principals should be reinstated as members of the OTF, the Association and of the bargaining unit and should be included in the definition of teacher.
- e) the maintenance of the right to strike both during and after the transition period
Done but under attack. The right to strike should be reiterated.

f) the retention of the power by school boards to close schools during a strike or lock-out.

Done. No action to be taken.

g) the repeal of the Boards of Reference provided item 3 m) below is satisfied
Done but without item 3m) below being satisfied. Although most collective agreements have just cause provisions, there should be a provincial standard in the Act.

h) the repeal of statutory contracts provided items 3 n),o) and p) below are satisfied.

Done but without items 3 n), o) and p) below being satisfied. Most collective agreements have provisions regarding probationary time and salary payments but there are no provincial standards. Most collective agreements do not have inter-municipality transfer provisions and there are no provincial standards. No action be taken.

2. That the transition provisions of Bill 160

a) not terminate strikes in progress on December 31, 1997

b) not terminate interest arbitrations which are started under the SBTCA and in which a final decision has not been issued or served before January 1,1998

c) not allow for school boards to unilaterally determine the common definition of seniority and not make inoperative the provisions of collective agreements which are inconsistent with this determination

d) be limited to only those provisions necessary for the replacement collective agreements and limited to only in those school boards which were actually amalgamated.

Transition issues should remain until they are moot. No action be taken.

3. That the permanent provisions of Bill 160,

a) provide for the assignment of bargaining rights to provincial affiliates
Done. No action be taken.

b) maintain full scope bargaining under the OLRA
Management overrides to collective agreements in the Act should be deleted.

c) not make reference to class size
Not done. Amend the Act by amending "average" aggregate formula closer to reality of assignment and real caps. The formula should also recognize multiple levels, split grades, lower grades and intensive programs.

d) not make reference to teaching time and non-teaching time, teaching load or planning or preparation time

Not done. Amend the Act by deletion of this section or by amending formula closer to reality of assignment.

e) not allow for the redefinition of teacher, teaching positions or teaching duties

Done but still under attack. Reiterate position.

f) not allow the use of non-teachers in positions currently assigned to teachers

Done but still under attack. Reiterate position

g) not allow for the assignment of current teaching duties to non-teachers

Done but still under attack. Reiterate position

h) not allow for regulations which fetter the right to strike any more than under the SBTCNA

Done. No action be taken.

i) maintain the payment of salary during work-to-rule

j) maintain the current definition of occasional teacher

Not done. The new definition should not extend beyond one year and should include the bridging of two partial school years.

k) maintain payment of salary for jury duty, quarantine and subpoena

Not done. No action be taken.

l) maintain the remittance of federation fees by boards to OTF

Not done. We can live with new procedure.

m) provide for the maintenance of Boards of Reference for teachers whose collective agreements do not have just cause provisions

See 1g) above.

n) provide for a provincial standard probationary time in the act

o) provide for payment of salary standards in the act

p) provide for current protection from inter-municipality transfer in the act

Not done. No action be taken. See 1h) above.

q) assign to the OLRB statistical information services similar to those provided by the ERC. Not allow for the extension of current regulatory powers of the Minister, the Lieutenant Governor in Council, the EIC, school boards or any other body over any of the above items.

Done. No action be taken.

4. That Bill 160

a) maintain local education taxation as is now provided by the present Education Act

Not done. Reiterate position to return to provisions of previous Act.

b) maintain local control of education spending as is now provided by the Education Act

Not done. State desire to return to local control provided in previous Act..

c) ensure that the combination of local and provincial education funding provides each student in the province with equal access to high quality education.

Done but "equal" does not mean "adequate" or "efficient" or "commonsensical".

Amend the funding formula to provide more local control and more flexibility for local conditions.

NEW ASSOCIATION POSITION - FEBRUARY 1999

The Association's new position regarding **amendments sought to Bill 160** during the upcoming election should be as follows:

1. Amend the Act by amending "average" aggregate formula to a revenue generating formula and allowing school boards and bargaining agents a different expenditure allocation formula closer to reality of assignment of teachers and students with real caps.

The formula should also recognize multiple levels, split grades, lower grades and intensive programs.

2. Amend the Act by deletion of teaching and non-teaching time sections or by amending these sections to a revenue generating formula and allowing school boards and bargaining agents a different expenditure allocation formula closer to reality of assignment of teachers and students.

3. a) return in whole or in part local education taxation as was provided by the previous Education Act.

b) return local control of education spending as was provided by the previous Education Act

c) ensure that the combination of local and provincial education funding provides each student in the province with adequate access to high quality education.

4. Principals and vice-principals should be reinstated as members of the OTF, the Association and of the bargaining unit.

5. The definition of occasional teacher should not extend beyond one year and should include the bridging of two partial school years.
6. Delete all management override sections to provide for full scope bargaining.
7. Include a just cause section in the Act.

Further to amendments sought to Bill 160, the Association should **reaffirm the following positions:**

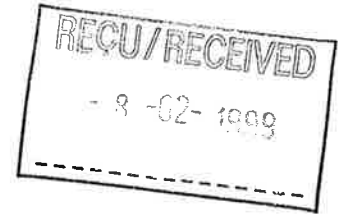
1. Maintain the right to strike.
2. Maintain the definition of teacher, teaching positions or teaching duties.
3. Disallow the use of non-teachers in positions currently assigned to teachers and the assignment of current teaching duties to non-teachers.

DRAFT ONLY

TO : Unit Presidents
Unit PAC Officers

FROM: Ray Fredette, Executive Assistant
Government Relations

RE : Association Position on Amendments Sought to Bill 160



The Association's position regarding amendments sought to **Bill 160** during the upcoming election is as follows:

1. Amend the Act by amending "average" aggregate formula to a revenue generating formula and allowing school boards and bargaining agents a different expenditure allocation formula closer to reality of assignment of teachers and students with real caps. The formula should also recognize multiple levels, split grades, lower grades and intensive programs
2. Amend the Act by deletion of teaching and non-teaching time sections or by amending these sections to a revenue generating formula and allowing school boards and bargaining agents a different expenditure allocation formula closer to reality of assignment of teachers and students.
3. a) Return in whole or in part local education taxation as was provided by the previous Education Act.
b) Return local control of education spending as was provided by the previous Education Act
c) Ensure that the combination of local and provincial education funding provides each student in the province with adequate access to high quality education.
4. Principals and vice-principals should be reinstated as members of the OTF, the Association and of the bargaining unit.
5. The definition of occasional teacher should not extend beyond one year and should include the bridging of two partial school years.
6. Delete all management override sections to provide for full scope bargaining.
7. Include a just cause section in the Act.

Further to amendments sought to Bill 160, the Association also **reaffirms the following positions:**

1. Maintain the right to strike.

2. Maintain the definition of teacher, teaching positions or teaching duties.

3. Disallow the use of non-teachers in positions currently assigned to teachers and the assignment of current teaching duties to non-teachers.

The above information should be used locally in the formulation of surveys, in the development of questions to candidates and in print material.