



**ELEMENTARY TEACHERS' FEDERATION OF ONTARIO
ALGOMA OCCASIONAL TEACHER LOCAL
PROVINCIAL TAKEOVER
BULLETIN #7**

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The Provincial Discussion Table Agreement (PDTA)

Part One – Implementing the PDTA

On February 10th, the Minister of Education made a new offer to ETFO and the Ontario Public School Boards' Association (OPSBA) in an effort to reach a provincial agreement. Unlike the offer that had been tabled by OPSBA in December, the new offer did not contain strips to existing collective agreement rights. On February 12th, following a meeting with ETFO local teacher and occasional teacher presidents, the ETFO Executive unanimously agreed to accept the terms of the PDTA.

However, the PDTA is merely a framework for local negotiations, and its provisions will not come into effect until they are incorporated into local collective agreements. The PDTA came about through a voluntary process, and does not override existing bargaining rights under the *Labour Relations Act*.

One of the implications of this new process is that additional bargaining proposals must now be tabled, and negotiated, at the local level. For example, the PDTA contains specific provisions with respect to supervision time, preparation time, and staff meetings which must be incorporated into local agreements. Additional template language for these and other issues has been drafted at the provincial office in consultation with legal counsel. ETFO made it clear during the PDT discussions that no contract strips would be accepted in the final agreements. The template language will ensure that existing rights are accurately reflected in local collective agreements.

Local Bargaining

Negotiations on local issues as well as on the central items contained in the PDTA are now entering a particularly intensive phase. The existence of the PDTA does not mean that local bargaining issues have been withdrawn.

Timelines and Deadlines

The PDTA stipulates that local collective agreements:

- a. must be ratified by both parties by March 31, 2009, or by another date mutually agreed to by ETFO and OPSBA
- b. must have an expiry date of August 31, 2012

- c. must be ratified with no job action or lock-out
- d. must be in compliance with the PDTA

Points b, c, and d are straightforward.

The deadline of March 31st is very ambitious, given the amount of bargaining left to do and the fact that the time from now until then includes March break. Point a, above, permits an extension by mutual consent. Provincial collective bargaining staff began the process of scheduling additional negotiating dates with their board counterparts as soon as the PDTA was accepted. However, it does take two to tango. If local school boards are serious about concluding collective agreements within the time frame, they will make their negotiators available. If negotiations cannot be successfully concluded in time to ratify new agreements by March 31st, there may need to be an extension. If OPSBA is serious about reaching agreements, it will facilitate this process.

Impasse

As stated above, the PDTA does not override the bargaining rights members enjoy under the *Labour Relations Act*. It does, however, affect the time lines for exercising some of those rights. Should the parties reach an impasse in bargaining, either side can still apply to the Ministry of Labour for the appointment of a conciliator – a third party to assist the two sides to reach an agreement - and go through the conciliation process. However, neither side is able, under the terms of the PDTA, to request a “no board” report from the Ministry before March 31st. As you may recall, once a no board report has been issued by the Minister of Labour, the parties are in a legal strike or lockout position 16 days later.

Job action of any kind, including a work-to-rule, cannot be initiated unless there has also been a successful strike vote. A strike vote can be taken at any time, and its timing is not affected by the time lines in the PDTA.

As always, ETFO bargains for settlements, not strikes. Previously scheduled strike votes have now been put on hold. Should negotiations stall, however, they may need to be rescheduled.

The PDTA stipulates one additional step to the usual process of bargaining. If the parties reach an impasse, they are required to inform three Ministry of Education employees who are named in the PDTA. Those employees will then convene a meeting with the local parties.

Part Two – Contents of the PDTA

What follows is a brief overview of those parts of the PDTA which affect compensation, working conditions, and other rights and entitlements at the local level.

1. Term of agreements

The term of local collective agreements is from September 1, 2008 to August 31, 2012.

2. Compensation

Teachers:

September 1, 2008 – 2% (retroactive)

September 1, 2009 – 2%

September 1, 2010 – 3%

September 1, 2011 – 3%

This works out to 10.4% compounded over the term of the agreement.

The PDTA contains a provision whereby the 2% for this school year, regardless of whether a local agreement is reached by March 31st, can begin being paid out to teachers before that date.

Occasional Teachers:

Percentage increases same as above. In addition, in 2009-10 there is an additional 3.5% added to the benchmark funding for occasional teachers. This additional money can be used for improvements to salary and/or working conditions, as negotiated locally.

3. Insured benefits

For the life of the collective agreement, insured benefit coverage levels will remain, at a minimum, at those in place for 2007-2008. There is additional money available to enhance benefit plans, but any enhancements must be negotiated at the local level.

There are special provisions in place for those locals where the board pays a defined dollar contribution. It will be necessary to negotiate the actual dollar amount at the local level.

4. Occasional Teachers' Working Conditions

During negotiations the parties must consider:

- a. Call-out mechanisms and practices
- b. Capping the list
- c. Mechanisms for adding or removing names from the list
- d. Eligibility for long-term assignments
- e. Recruiting permanent teachers from the occasional teacher list

Please note that the PDTA does not require agreement on these issues, merely a discussion of them.

5. Preparation Time

Preparation time per cycle of five instructional days is increased as follows:

September 1, 2009 – 210 minutes

September 1, 2010 – 220 minutes

September 1, 2011 – 230 minutes

August 31, 2012 – 240 minutes

The boards may use the additional staff generated by these provisions to enable full-time school-based teaching assignments in the arts in more than one elementary school.

The additional weekly preparation time generated within a month can be added together in order to provide meaningful blocks of preparation time. The boards cannot hire occasional teachers to provide coverage for this aggregated time (i.e., they must use regular specialist teachers).

The PDTA states that missed preparation time will only be re-scheduled where a teacher is required by the principal to cover for an absent colleague. This time must be made up as soon as possible, but no later than three months after it is missed, and within the same school year.

However, the PDTA also contains a provision that existing superior conditions in collective agreements prevail. This means, among other things, that the provision in your present agreement that preparation time is to be used for professional purposes as *determined by the teacher* protects you against the principal being able to direct your preparation time. Despite OPSBA's best efforts to the contrary, teachers retain the right to control the use of their preparation time.

6. Release Time for Assessment, Evaluation and Report Cards

In 2009-10, one PA day will be designated for these purposes. In 2010-11, two PA days will be designated.

7. Professional Learning Enhancement

In order to compensate teachers for the loss of professional development and training opportunities during the release time days outlined above, additional funding has been made available. The disposition of these funds will need to be negotiated at the local level.

8. Grades 4-8 Class Size Reduction

Boards will reduce their Grade 4-8 average class size as follows:

2009-10	by 0.1 over their 2008-2009 Grade 4-8 average class size
2010.11	by 0.2 over their 2008-2009 Grade 4-8 average class size
2011.12	by 0.3 over their 2008-2009 Grade 4-8 average class size
Aug. 31, 2012	by 0.5 over their 2008-2009 Grade 4-8 average class size

A joint Board-Union committee will allocate this additional staffing.

9. Grades 7 & 8 Student Success Teachers and Literacy & Numeracy Coaches

The PDTA stipulates that starting in 2012-13, money will be allocated to fund these positions at the ratio of 0.32 teacher per 1,000 Grade 4-8 pupils.

10. Supervision

- a) As of ratification, supervision is capped at 80 minutes per five instructional days. There is a clause which protects already existing superior provisions or practices (for example, in locals where either the collective agreement set a lower number of minutes, or the previous practice was a lower number of minutes).
- b) The PDTA stipulates that “scheduled supervision duties include, but are not limited to, yard duty, hall duty, bus duty and lunchroom duty.”
- c) Joint board level and school level supervision committees will be abolished, as is the Provincial Stability Commission.

11. Staff Meetings

The PDTA contains a provision whereby:

- a) regular staff meetings are scheduled by the principal in consultation with staff
- b) regular staff meetings may be held on average a maximum of once per month and will last no more than 75 minutes
- c) dates will be set within the first month of the school year
- d) such meetings can include administrative or organizational matters, professional development, training and other matters aligned with school goals
- e) teachers may submit agenda items
- f) teachers are expected to attend

Does this mean that staff meetings remain voluntary? Yes. Being “expected” to attend is not the same as being “required” to attend (which is the wording that OPSBA wanted in December). Any staff member with a valid reason not to attend a staff meeting is within her or his rights to miss the meeting.

The PDTA also contains a provision whereby existing collective agreement provisions that are superior prevail. For example, if your collective agreement states that staff meetings can be for no longer than one hour, then one hour it is.

12. Principals and Vice-Principals

For some time now, boards have been using monies that should have gone into funding teaching positions in order to pay for principals and vice-principals. This has meant, in an era of declining enrolment, that teachers are being laid off at the expense of school administrators. There is a provision in the PDTA which, while it will have no immediate impact, does at least acknowledge the potentially serious implications of boards’ decisions to use funds in this way. The provision anticipates the potential recall of teachers in 2011-12 who may have been affected by these practices.

13. Peer Coaching and Mentoring

Except as may be otherwise stipulated by law, peer coaching and mentoring is voluntary, and no information obtained from a coach or mentor can be used to assess

or evaluate any other teacher.

14. Occupational Health and Safety Act

The parties are to recognize the importance of promoting a safe and healthy work environment and of fulfilling their health and safety obligations under the law.

Part Three - Next Steps

What does all of this mean in the near future for ETFO members?

It means:

- there will be an intense round of negotiating sessions happening all over the province; as you can see from the above, a great deal remains to be negotiated locally
- for now, previously scheduled strike votes are on hold
- you will continue to be updated through regular bargaining bulletins
- it is also a good idea to check the ETFO web site periodically
- if you are not already a subscriber to the ETFO e-Newsletter, check the top right corner of the web site's home page for information on subscribing.

For the past couple of weeks, the activities of ETFO, OPSBA and the Minister of Education have been the subject of intense media scrutiny. Though that particular phase is now past, the road ahead is still long, and by no means smooth. ETFO entered into the PDTA in the belief that it was the right move to make at this time, and will work diligently to obtain good four-year collective agreements for all teacher and occasional teacher members.

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