

TRUSTEE CONFERENCE REPORT

Name: Kathleen Woodcock **Date Submitted:** May 3, 2017

Name of Conference: Education Labour Relations & Human Resources Symposium

Sponsoring Organization: OPSBA

Theme (If any): Inspiring Positive Workplaces

Conference Dates: April 6 – 7, 2017

Location: Sheraton Centre, Toronto, ON

Workshops/Seminars/Presentations/Keynote Speeches Attended:
(Include a brief Summary)

Dispute Resolution and Conflict Management

Celese Fletcher, CHRE, The Fletcher Consultancy

Dispute Resolution

- The speakers provided definitions, pros and cons and preparation tips for various dispute resolution mechanisms – arbitration, workplace investigation, evaluative mediation, facilitative mediation and case studies for the participants to examine.
- Best Practices
 - Conduct mediation as soon as possible when issues are prescient
 - Have preliminary meetings with each party – fact find, test interest and willingness to participate and explore different ways of addressing and resolving issues
 - Have one or two mediation sessions depending upon the complexity of the issue; second session builds on success of first, allowing ‘recovery time’.
 - Invite union representative to make clarifying statements
 - Engage HR to witness and act as advisor to follow-up on process, and/or redirect parties if necessary.

Conflict Management

- The manner in which you listen and respond has a significant impact on your ability to manage conflict. Remember to be kind to yourself first.
- Best Practices
 - Focus on helping people be successful in their work
 - Remain attentive until resolution achieved

Building Healthy Workplaces

- Promote healthy dialogue and debate; encourage leaders to facilitate robust discussions

- Clarify roles and responsibilities; identify shared responsibilities, accountabilities to various stakeholder groups and decision making

Welcome and Overview

Laurie French, OPSBA President and Trustee, Limestone DSB

Penny Mustin, Director, Labour Relations, OPSBA

Speaker – Mitzie Hunter, Ontario Minister of Education

Panel Discussion – Positive Labour Relations Across Canada

Moderator - Peter Simpson, Director General, Federal Mediation & Conciliation Services

Panel - Brian Blakeley, Labour Relations Operations, Ontario Ministry of Education

Ronald MacLeod, Partner, Consultant, HR Atlantic

Renzo Del Negro, CEO, B.C. Public School Employers' Association

Joanne Simoneau-Polenz, Director, Labour Relations Department, QESBA

- The current Ontario provincial bargaining model with local and central bargaining was presented
- Approximately 140,000 FTE teachers; approximately 69,000 FTE education workers
- BC teacher bargaining structure/context provided – 1987 right to bargain; 1988-1994 local bargaining; 1994 75 local agreements (now 60); 1994 Korbin Commission; BCPSEA accredited bargaining agent; BCTF accredited bargaining agent; compensation mandate/wage limits
- Provincial bargaining approach – requires master agreement; requires a transition plan; resolution mechanism that ensures a final master agreement is achieved
- Local bargaining approach – structure relatively easy to implement; requires provincial coordination
- BC support staff history, context, structure provided – 1959 to present local bargaining; 1994 – BCPSEA accredited as bargaining agent; union certificate still held locally; BCPSEA delegates authority to bargain; BCPSEA ratifies for employer; compensation mandate/wage limits
- Quebec – negotiations process in education governed by Bill 37 and Quebec Labour Code (Section 111.1); provincial and local negotiations; provincial negotiations grouped in two categories – inter-sectorial level (central table) subjects of negotiation include salary parameters, pension plans, parental rights, regional disparities; sectorial level (school boards involved) subjects of negotiation include unions prerogatives, conditions of employment, workload and its organization, grievances and arbitration; has a complicated system involving government negotiator, school board negotiator, union negotiator
- Teachers -
 - Newfoundland and Labrador– provincial bargaining unit with central bargaining; controlled out of Department of Finance; contract expires August 2017
 - Nova Scotia – provincial bargaining unit; two tier bargaining; mostly big ticket money items at provincial table; new contract imposed by legislation expires August 2019

- Prince Edward Island – provincial bargaining with central bargaining; treasury board controls money; school boards input on operational matters; no right to strike; interest arbitration model; contract expires June 2018
- New Brunswick – provincial bargaining; central table controlled by Board of Management; contract expired February 2016
- Support Staff –
 - Newfoundland and Labrador – local bargaining but money controlled centrally
 - Nova Scotia – local bargaining – money controlled centrally; contracts all expired in 2016
 - Prince Edward Island – provincial bargaining units; money controlled by Treasury Board; contracts expiring in 2018
 - New Brunswick – provincial bargaining units; centrally controlled by Board of Management

Panel Discussion - Practical Implementation of PPM159 (Collaborative Professionalism)

Moderators - Kerri Ferguson, Director Negotiations & Contract Maintenance, OSSTF

Penny Mustin, Director Labour Relations, OPSBA

Speakers – Judith Nyman, Director Program Policy, OPSBA

Cathy Renfrew, Executive Assistant, OSSTF

Cathy Montreuil, Assistant Deputy Minister, Student Achievement Division, Ontario Ministry of Education

- Relationships are the most important foundational element to support successful student outcomes in school boards and schools today
- All have a common responsibility to maximize the learning conditions that promote and improve student wellbeing and achievement
- Better relationships lead to better communication which leads to better alignment which leads to better student success
- Union, school board, ministry, support staff, teachers, community partners, school administration, parents/guardians –individual groups that need to start to overlap and work together and can do this through PPM159
- **Positive relationships + engagement = student success**
- The engagement needs to be authentic
- Inter-professional professionalism – maximize the opportunities for success for each and every student in our care
- Components of collaborative professionalism - how we treat each other; establishing and building trust; ensuring clear and timely communication; respecting everyone’s role and responsibilities; sharing ownership to achieve goals; building a collective commitment to a common vision; aligning purpose and consolidating collective effort
- DiSC styles – D = task oriented; i = people oriented; S = balance of task and people; C = task oriented
- Implementation – collaborative professionalism is a competence that needs to be learned and practiced; everyone can become more conscious and competent about the behaviours that support collaboration

- Continue or create internal and external mechanisms/structures that facilitate the opportunity of collaboration – across levels of responsibility
- Managing complex change → vision + skills + incentives + resources + action plan = change (need ALL of these components to manage change)
- Collaboration means that the results are richer
- Process started through negotiations – everyone had feelings of being overwhelmed
- Meant to emphasize and facilitate what they hope is in place at boards already
- Not always directly linked to student achievement but always indirectly linked to wellness of students
- Opportunities for leadership at all levels; training, regardless of role
- ‘uberization’ of society is common; can’t innovate without empathy
- It’s ok to be where you are today, but it is not okay to be where you are today, tomorrow!
- Structure to use to implement this PPM? – use existing committees; need to have senior leadership of unions involved (OSSTF); start by defining what collaborative professionalism means to each group; other groups have formed a committee and talking about well-being; some groups have to go after the renewed math strategy – whatever is decided, the decision has to be made in a collaborative way (government)
- What training needs to be provided at the school boards to implement this PPM? – use a reference group to develop common messaging; build on effective practices already in place; exploring mechanism event, communicate, etc. as means of getting the word out; ‘joint memos’ concepts; need to dedicate time and resources to make sure people can develop the expertise in collaborative professionalism
- What’s the difference between professional judgment and collaborative professionalism? Professionals have a body of knowledge, context, experience, practices, etc. which is professional judgment; people bring their professional judgment to the collaborative professionalism table with them; distinct but related; day to day practice is professional judgment; collaborative professionalism is everyone coming together.
- How can we measure success of this PPM and what do you see as the timeframe to see success? It takes time to change values, beliefs, etc.; likely be a more qualitative measurement rather than quantitative; working together collaboratively will see results in student achievement
- Concern raised about the workload at all levels; how do we ensure that the collaborative process respects the workload of everyone involved? Collaborative process cannot be an ‘add on’; it has to be integrated into your practice; need to make sure you put resources in place to allow it to happen; look for existing structures that can be replaced with collaborative professionalism practice; make your face to face meetings important
- Consultation vs. Collaboration – there is a place for inform, consult and collaborate; be clear about what is included in each of these terms; need to define the terms as it relates to your business

Renu Mandhane, Chief Commissioner of the Ontario Human Rights Commission

- Publicly funded education is essential part of democracy
- As employers, have legal obligation to provide a workplace that respects human rights

- Driver for social change based on the precepts of equality; policies are not just guidelines, they help to clarify the law
- Human Rights Code has to be abided by both employer and employee
- Approximately 2,200 cases per year
- Clarified what kind of medical information can and can't be requested when accommodating working conditions
- Legal duty to accommodate – to allow people to benefit and take part in the workplace; accommodation is a shared responsibility – employer, employee, union (if applicable)
- Future of the Commission – wanted to hear from people of Ontario what their expectations are of the Human Rights Commission and what they want to see
- Areas of focus – reconciliation, criminal justice system, poverty (school breakfast and lunch programs are vital), education
- Need to spread the word about human rights in education

Panel Discussion – Case Law Highlights

Moderator – Mark Loya, Manager of Employee Relations/Labour & Legal, Durham DSB

Speakers – Njeri Damali Campbell, Associate, Hicks Morley LLP

Michelle Henry, Partner, Borden Ladner Gervais LLP

Giovanna Di Saurro, Associate, Filion Wakely Thorup Angeletti LLP

Nicola Simmons, Partner, Keel Cottrelle LLP

- The panel discussed various cases regarding the duty to accommodate which is a complex legal obligation
- Cases presented involved absent for period of over 2 years, sporadic back degenerative condition, absenteeism (sporadic absences), accommodation request based on family status, harassment