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 -
  o Newfoundland and Labrador– provincial bargaining unit with central bargaining; controlled out of Department of Finance; contract expires August 2017
  o 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, communiqué, 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 changes 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