

TRUSTEE CONFERENCE REPORT

Name: Kathi Smith Date Submitted: August 8, 2019

Name of Conference: Education Labour Relations & Human Resources Symposium

Sponsoring Organization: Ontario Public School Boards Association (OPSBA)

Theme (If any): Sharing Strategies for Success

Conference Dates: April 4 – 5, 2019

Location: Sheraton Centre Hotel, Toronto

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

1) LAURIE SCOTT, MINISTER OF LABOUR

- Providing detailed information to Boards today
- Looking at feedback to have an impact on funding
- Boards will be brought into the 21st century
- Everyone who works should have stable labour relations
- 6,000 collective agreements expire this year
- Staff are always available
- Government has faith in us - we offer broad range of skills and knowledge as trustees
- Information about collective bargaining on the Ontario website
- ELearning has been reduced to 3 days for employee learning
- Cutting red tape to have bigger impact on companies
- Working people will have more confidence in labour
- Smart labour market policies
- Concern about workplace violence

2) JAIME WATT

- Appreciates trustees and the work that they do
- Our work is crucial to kids, the province and the future
- Best assessment of where things are
- This is not an accidental government, Doug was not voted in to get rid of the Liberals
- Doug was elected because people were tired of Premier Wynne
- They needed relief from the cost of living
- They liked Doug Ford
- They no longer were thinking post secondary is essential for students
- While there are more bums in seats, people feel that students are not prepared
- Post secondary is bloated without value
- The sense is that school boards must change their expectations
- Reduce the costs and change the amount of innovation in schools
- Introduce more transparency

- Taxpayer is the key not the student
- Frame it as a business case
- Help the government to deliver on their word
- Find areas that overlap between government and school boards
- Fix finances - find common points for discussion
- More polarizing government need to find points where we can cooperate
- Find commonality
- Government is not a business - we must find things we can agree upon
- PCs believe that large size classes are more successful (WHY??)
- Ford seems focussed on the lower income voter

3) INVISIBLE DISABILITIES

- Includes not visible disabilities now compared to the olden days
- Mental disorder, mental disability, PTSD, Anxiety, Depression, Diabetes
- May be at birth or may develop later
- Stress is not a disability, must impact a person's ability to work
- Could be temporary, sporadic or permanent
- Stress must be a symptom of an existing disability
- Duty to accommodate may help to get away from the challenges
- Easier if it is visible
- Not evident, it becomes more of a challenge
- Duty to accommodate is the same even if it is not easily seen
- How you deal - different breaks, not the normal solution
- Duty to inquire, take further steps, employer cannot diagnose
- Is there a requirement to accommodate?
- Confidentiality is extremely important
- Employer must have a confidential conversation
- May need legal support moving forward
- Willful blindness is not a valid excuse when dealing with employees
- Level of inquiry and threshold must be reasonable and common sense
- Independent medical examination is important
- Signs that trigger duty to inquire
 - Change in behaviour, attitudes
 - Crying or distress signs
 - Reference to depression signs
 - Reference to health issues
- Injured worker needs to meet 3 criteria
 - Diagnosis
 - Proof of substantial work related stressors
 - Causation standards
- 94% claims are denied

4) SCHOOL BOARD COLLECTIVE BARGAINING

- Notice to bargain leads to statutory freeze
- Two processes - one is central and one is local
- Statutory freeze - what you can and cannot do
- Freeze is to allow a stable platform to begin collective bargaining
- Start meaningful dialogue
- Economic sanctions begin with a lockout
- Freeze controls are when things can happen
- central/local split
- OPSBA deals for school boards as central bargaining
- Freeze starts on April 29th
- 5 days written notice must be served
- Central issues are with OPSBA
- Local issues dealt with at your board
- Alter local rights and privileges

What can be altered?

- Any changes permissible
- Staffing levels
- Good ideas
- Duty to bargain in good faith
- Must meet all obligations
- Bargain in good faith
- Not providing info that is up to date or is a violation
- Starting off with a flexible approach
- Scope of bargaining
- Must be close monitoring of what you are striking about
- Language in mandatory manner is the first step
- Clear consequences to follow the steps

Friday, April 5, 2019

WHERE ARE WE IN CENTRAL BARGAINING

- Bargaining can start at the end of April
- Consultation with stakeholders will run at the same time as consultation/bargaining may begin
- Restorative work will have to be strong on the ground
- Need to get back to normal quick after bargaining
- Working together with all four school board bargainers
- Starting in 2014 from different points - starting at a common point this time
- Feel they are working together
- Not starting at zero
- Last time with central bargaining there was unanimity
- Don't have the pioneering sense this time
- Strong gelling at a local level

- More cohesion with other same boards (e.g. catholic, etc.)
- Each ed worker table became a council because of partners from councils
- Focus on noise is teachers and students but we should not forget the remaining staff groups
- Working together for what may be coming

Progressive Discipline

- 1) Misconduct
- 2) Systemic compliance
- 3) Systemic performance issue
- 4) Performance development needed

LEGAL RESTRICTIONS ON ROLE OF TRUSTEES AS ADVOCATES

- Run a elected official but actually part of Board of Directors
- Boards are creatures of statute
- Find authority to act
 - Board as a corporation
 - Board of Trustees is a legalized entity
 - CEO - Director
 - Supervisory Officers
 - Elected trustees
 - Roles outlined in act
 - No rights just responsibilities
- Insurance Policy for Trustees??