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
   - E-learning 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
  o Change in behaviour, attitudes
  o Crying or distress signs
  o Reference to depression signs
  o Reference to health issues
• Injured worker needs to meet 3 criteria
  o Diagnosis
  o Proof of substantial work related stressors
  o 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??