

TRUSTEE CONFERENCE REPORT

Name: Kathleen Woodcock Date Submitted: April 24, 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)

Minister of Labour, Laurie Scott, MPP, Haliburton-Kawartha Lake–Brock

- Minister Scott shared the government's strategy for labour relations in the province. She indicated a new series of consultations on collective bargaining is pending.
- By working together, Minister Scott reiterated the government's vision of Ontario 'Open for Business'
- In response to questions regarding school boards and financial challenges they face, the Minister indicated everything will become clear when the provincial budget is presented.

Jamie Watt, Executive Chairman, Navigator Ltd.

- Mr. Watt provided insights into strategies OPSBA and member Boards could undertake to work together with the provincial government to continue to provide exemplary public education for students in Ontario without political rhetoric getting in the way.
- Mr. Watt suggested school boards emphasize the efficacy of the education that they deliver

Implementing /Managing a Collective Agreement

Andre Labrie, Superintendent of Human Resources, Limestone DSB and Laina Andrews, Superintendent of Education, Human Resources Support Services, Hastings Prince Edward DSB

- Both speakers emphasized the importance of having a plan when doing bargaining e.g., local effort, milestone dates, etc.
- There are basically three stages – bargaining, implementation and maintenance
- The local level bargaining is important for maintaining the relationship between the two parties
- Ensure you understand the bigger issues even if they don't directly involve your board
- OPSBA has a mandate per philosophical perspective; important that trustees have an understanding of the mandate that is related to the board level
- Implementation of central language can be difficult in translation; this is when ongoing relationships help to avoid missteps
- Remember that kids must come first!

School Board Collective Bargaining Act (SBCBA)

J.P. Alexandrowicz, Partner, Hicks Morley LLP and Janet Edwards, Associate Director, Labour Relations, OPSBA

- Emphasized that keeping students at the fore front of the negotiations is a key goal

- The SBCBA is two tiered, i.e., local school board and local bargaining agent AND central negotiations, i.e., trustee association(s) and employee bargaining agency
- The Crown is not considered a party but is required to participate
- The SBCBA does not require the central negotiations to conclude prior to the commencement of local negotiations
- Per the Labour Relations Act strikes at local level must be about local issues on the list; central strikes must be about central issues; written notice has to be provided at least five days prior to any strike or lock-out; government is sometimes prepared to intervene to get people back to work, i.e., legislate people back to work
- Some recent changes include allow collective agreements to be extended on agreement; enhance the notice requirement prior to strikes and lockouts; making it mandatory for all education worker unions to participate in central bargaining

Legal Restrictions on the Role of Trustee as Advocate

Gillian Tuck Kutarna, Partner, Miller Thompson LLP

- The presenter provided information regarding the legal definition of the role of trustee, and the implications of that definition; advocating on behalf of a parent, community group or employee; legal parameters in the Education Act and related statutes and case law.
- Duties of the Board of Trustees – the *Education Act* prescribes the strategic plan as a governance tool; resolutions approved by the Board of Trustees are the only thing legally binding on the Director rather than any meetings or chats that you might have; the Board speaks through its resolutions
- A Trustee's Duties - if elected, you have a duty to perform the duties; consultation with the community is a duty of a trustee; Trustees have a fiduciary duty to the corporate board of education i.e., the interests of the board must be paramount; decision made are those of a reasonably prudent person in similar circumstances; trustees are not liable for errors in judgment
- There is a duty of care - knowledge, loyalty, confidentiality, avoid conflict of interest, act within scope of statutory authority
- Limits of a Trustee include advancing the interest of an individual; directing staff; access or disclose personal information; share information that is confidential; become involved in day to day operations; make commitments to parents
- Trustee rights include participate in governance, notice of meeting, attend meetings, sufficient inform to make informed decision, discuss, Request background information and reports and VOTE

Ambiguity of Trustee Role in Bargaining

Cathy Abraham, OPSBA President and Trustee Kawartha Pine Ridge DSB

Michael Barrett, OPSBA 1st Vice President and Chair, Durham DSB

Penny Mustin, Director, Labour Relations, OPSBA (moderator)

- The current and past president of OPSBA shared their reflections on the ambiguous role of trustees during the bargaining process. Topics covered include the role of OPSBA, confidentiality, ratification and conflict of interest. Lively, interesting information obtained.
- During the last bargaining round, communications to member groups, media, union contacts and employer communication were difficult and not always effective.

This symposium shed light on the process of bargaining, the parties involved and their respective responsibilities and a variety of possible strategies for relationship building between parties.