

# Support Staff Negotiating Brief Summary

## Legend:

**Bold** = New language to be proposed

Strikethrough = Proposed elimination of existing language

### **C1.0 Structure and Content of Collective Agreement (All Job Classifications)**

This existing section addresses the physical organization of the Collective Agreement, as well as identifying the parties to the Collective Agreement.

### **C2.0 Length of Term/Notice to Bargain/Renewal (All Job Classifications)**

OSSTF/FEESO is proposing a three-year Collective Agreement from September 1, 2019 until August 31, 2022.

### **C3.0 Definitions**

This existing section defines terms used throughout the Collective Agreement.

### **C4.0 Central Labour Relations Committee**

This existing section establishes a central committee that has been successful in arriving at mutually agreed upon solutions to questions and issues that arise from the central part of the Collective Agreement.

### **C5.0 Central Grievance Process**

This section establishes the bodies and processes for dealing with grievances that arise from the central part of the Collective Agreement. The proposed changes capture what is currently occurring.

### **C6.0 Extended Mandatory Enrolment in OMERS (for employees not currently enrolled)**

This proposed article will ensure enrolment in OMERS from the first day of employment, regardless of employment status.

### **C7.0 Specialized Job Classes**

This existing article allows school boards to adjust salaries to better match local salaries for employees doing the same job with other employers. This is particularly useful when school boards are having problems recruiting and/or retaining staff.

## **C8.0 Work Year**

This proposal is to move existing language that aligns the work year of Educational Assistants and Early Childhood Educators with the school year calendar from the central section of the Collective Agreement into the local section.

## **C9.0 Vested Retirement Gratuity Voluntary Early Payout**

OSSTF/FEESO is proposing that this article be deleted from the Collective Agreement, as it has expired.

## **C10.0 Benefits (Letter of Agreement #2)**

The existing article and Letter of Agreement #2 provide a province-wide benefits plan for employees. The proposed changes address the issue of equity of access for all employees and related funding. To maintain the plan, OSSTF/FEESO is proposing annual increases in keeping with inflationary costs. OSSTF/FEESO is attempting to work with the other parties to put in place administrative changes that will streamline operations and promote efficiencies.

## **C11.0 Statutory Leaves of Absence/SEB**

### **C11.1 Family Medical Leave or ~~Critically Ill Child Care~~ Critical Illness Leave**

The *Employment Standards Act* allows employees who meet the eligibility criteria to take Family Medical Leave and Critical Illness Leave. The only change proposed is in the name of one of the leaves to reflect the name change in the ESA.

### **C11.2 Parental Leave Supplementary Employment Benefits (SEB)**

Currently, only birth mothers have access to a Supplemental Employment Benefit that tops up Employment Insurance for eight weeks. Parental leave SEB would provide a similar benefit to parents who adopt children or to the non-birth parent, who is at home caring for the child. This is an issue of equity and fairness in a province where there are many different family situations.

## **C12.0 Sick Leave**

This existing article captures the current sick leave plan, which protects employees, hit by a disabling illness or injury, to bridge the waiting period to long-term disability. It includes sick leave, as well as short-term disability, which is paid at less than the full salary, with the ability to top up to the full salary by using any remaining sick leave credits from the previous year. The two proposed changes are intended to clarify issues resulting from a lack of clarification in the existing language.

## **C13.0 Ministry Initiatives**

The deleted paragraph is no longer needed as this work has been completed.

OSSTF/FEESO currently participates on the Provincial Committee on Ministry Initiatives and the proposed language captures that ongoing participation.

## **C14.0 Compensation**

With the goal of spending more time at the table on education issues such as course offerings, class size and support for our most vulnerable students, and less time on compensation, OSSTF/FEESO is proposing the introduction of Cost of Living Adjustments (COLA) into our Collective Agreements. In fact, inflationary adjustments such as this keep the real wage increase to zero. Our research shows that over long periods, wages and salary tend to track inflation, although adjustments fluctuate up and down erratically in particular years and create an unnecessary level of conflict. COLA would smooth this out and make negotiations more reasonable and predictable. It is also worth noting that recent polling shows that 70% of Ontario citizens support cost of living increases for teachers and education workers, while only 18% oppose the idea.

## **C15.0 Voluntary Unpaid Leave of Absence Days**

This proposed article provides an avenue for employees who would like to take unpaid time off work. Unpaid time off work provides a stream of revenue to the employer because replacement workers are paid less, and in some cases, the employees are not replaced. The savings generated due to unpaid time off work will be redirected to programs and services for students and/or items to support student learning.

## **C16.0 Notification of Potential Risk of Physical Injury - Workplace Violence**

With the increase in significant violent incidents in schools, it is critically important that everyone has a common understanding of the information that needs to be shared. Our proposal aligns with the employers legal responsibility to provide information to employees using the Ministry of Labour's forms.

## **C17.0 WSIB Top-Up**

The Workplace Safety and Insurance Board (WSIB) is one of the largest insurance organizations in North America, covering over five million people in more than 300,000 workplaces across Ontario. When an injury or illness happens on the job, WSIB moves quickly to provide wage loss benefits, medical coverage and support to help people get back to work. Funded by businesses, WSIB also provides no-fault collective liability insurance and access to industry-specific health and safety information.

Currently, some employees, who are entitled to WSIB benefits due to an injury in the workplace, are also entitled to a top-up payment from the employer that brings them to their pre-injury salary. The proposed change addresses equity because OSSTF/FEESO is seeking to extend access to the top-up payment to all employees.

## **C18.0 Provincial Federation Release Days**

There is an increased requirement for OSSTF/FEESO to consult and inform local leaders during the central bargaining process. This proposal assists in this process by standardizing access to local union leaders to attend provincial OSSTF/FEESO functions. The proposal ensures that any local agreement language regarding reimbursement to the employer for these release days applies, and as such, there is no additional cost to the school board.

## **C19.0 Job Security**

This proposed article addresses the government's cuts to education that will undoubtedly result in cuts to support staff positions. Currently, with the increased special education and mental health needs of Ontario's students, it is already extremely difficult to meet those needs. This proposal establishes a baseline number of support staff positions within a school board so that school boards can, at the very least, continue to offer the same levels of support to students and schools.

## **C20.0 Staffing Committee (SC)**

This proposal establishes a joint Staffing Committee (SC) comprised of school board and bargaining unit representatives. This model of a joint Staffing Committee has been successful for many school boards and Teacher Bargaining Units, and OSSTF/FEESO would like to see that success reflected for support staff.

## **C21.00 DECE Staffing**

This proposal ensures every JK/K student has access to the Early Learning Program (ELP) team made up of a Designated Early Childhood Educator (DECE) and a teacher.

## **C22.00 Long Term Disability (LTD) Premium Payer**

Currently, Long Term Disability (LTD) plans exist for support staff employees who, due to a devastating injury or illness, are unable to work. In some cases, the employer pays the full premiums for the plan; however, in others the premiums are partially or fully paid by the employees. Given the increasing costs of LTD premiums, the predominantly lower salaries of these support staff employees and the fact that OSSTF/FEESO is not seeking a salary increase, this proposal seeks consistency by having the employer pay the LTD premiums.

## **C23.0 Addressing Local Needs**

Polls show that over 2/3 of Ontarians believe in the importance of protecting specialized programs, such as special education and gifted programs, and the staff essential to support students in these programs.

This proposed article is seeking to improve the quality of education by providing school boards and support staff funding to address issues of key concern in their local area. The funds can be used for three purposes, to be agreed upon by the school board and the local Bargaining Unit:

1. They can be used to keep the school board competitive with the local job market to be able to attract skilled and trained employees, in areas such as the trades and special education, by adjusting salary.
2. They can be used to increase the hours worked of current employees to be able to provide greater service to students.
3. They can hire more people to cover the growing need for support staff in the school board to address safety concerns and needs in special education.

## **C24.00 Local Priorities Amount**

This proposal ensures the continuation of the funding provided in 2017, used to create additional support staff positions to meet increased special education and safety needs. OSSTF/FEESO's

goal continues to be to promote safe, healthy and caring schools, as was the stated goal of the parties when this funding was implemented.

### **C25.00 Enhanced Special Education Programming**

With limited community services for ASD students and students with other diagnoses or identified needs and the increase in support needs for students with violent behaviours and mental health needs, this proposal establishes a completely new program intended to provide true needs based supports for students in schools. Under this program, school boards will be able to offer a full range of supports for students, from limited assistance right up to intensive intervention and therapy, where it is required. This will become permanent and integral component of the publicly funded school system in Ontario.

### **C26.00 Professional College Requirements**

This proposed article recognizes the importance of Professional Development (PD) for all support staff members who are required to belong to Professional Colleges. These members include Psychologists, Speech & Language Pathologists, Occupational & Physical Therapists, Social Workers, as well as Early Childhood Educators. Their Professional Colleges require them to update their skills through annual PD requirements and this proposal provides one workday to address the required PD.

### **C27.00 Apprenticeship**

This proposal is to continue with the existing funding and framework to support trades apprenticeships in school boards.

### **C28.00 Central Parameters and Funding Implementation**

OSSTF/FEESO initially proposed that local parties, within each individual board's budget, bargain the items in this article. In recognition of the Labour Board's decision that they should be bargained centrally, OSSTF/FEESO proposes language that recognizes that the funding and parameters will be determined by the central table, but the implementation and utilization of the items should be negotiated locally in order to meet the diverse needs and priorities of local communities.

### **Appendix A – Retirement Gratuities**

This existing language addressed the removal of sick leave gratuities in 2012, and no changes are being proposed.

### **Appendix B – Abilities Form**

This is the existing medical form, and no changes are being proposed.

### **Letters of Agreement**

Letters of Agreement #1, #3, #4, #5, #8, #9, #10 and #13 have expired, or are no longer relevant or the work or commitment contained within them has been completed. As such, OSSTF/FEESO is proposing that they be removed from the Collective Agreement.

OSSTF/FEESO is proposing that Letter of Agreement #6, entitled Provincial Health and Safety Working Group, continue, as the existing language establishes a provincial health and safety body whose role is still very relevant given the increased health and safety issues within schools and worksites.

OSSTF/FEESO is proposing that Letter of Agreement #7, entitled Scheduled Unpaid Leave Plan, continue, as the existing language provides an opportunity to access two unpaid leave days. These two unpaid days can only be taken on the two dates identified by the school board.

OSSTF/FEESO is proposing that Letter of Agreement #11, entitled Additional Professional Activity (PA) Day, continue, as the existing language ensures that that additional PA Days will be considered a normal working day for support staff members, as in the past, many support staff were not permitted to work on PA Days.

OSSTF/FEESO is proposing that Letter of Agreement #12, entitled Children's Mental Health, Special Needs and Other Initiatives, continue, as the commitment to enhance existing mental health and at risk supports to school boards in partnership with existing Professional Student Services Support staff and other school personnel is still very relevant.