

# Special Bulletin

September 30, 2016

## To all OSSTF/FEESO members

A special meeting of local OSSTF/FEESO Presidents, Provincial Councilors, Chief Negotiators and the Provincial Collective Bargaining Committee was held in Toronto on September 29, 2016. The Provincial Executive and provincial office staff updated local leaders on the current status of discussions regarding the remedy for the successful Bill 115 Charter Challenge.

On April 20, 2016, Justice Thomas Lederer ruled that Bill 115 was unconstitutional and that it violated the union's right to freedom of association and right to meaningful collective bargaining. At the outset, all parties agreed that should the Charter Challenge succeed, they would meet and attempt to arrive at an appropriate remedy. Failing an agreement on a remedy, they would return to Justice Lederer for a decision.

On May 9, 2016, the Liberal Government contacted OSSTF/FEESO to initiate preliminary discussions regarding a remedy. During the summer, the government advised the Federation that they were assembling a team to begin formal discussions. On September 14, an initial meeting took place between the government team and OSSTF/FEESO representatives, which included members of the Provincial Executive, senior staff members and provincial negotiators. This was followed by another meeting on September 20<sup>th</sup>.

At both of these meetings, the government representatives broached the subject of a possible extension to the current collective agreements for both teachers / occasional teachers and support staff.

At this point, the Provincial Executive made it clear to the government representatives that any consideration of a proposal to extend the collective agreements would require approval and input from OSSTF/FEESO local leaders.

Subsequent to last night's special meeting, the following motions were passed at today's Provincial Council meeting:

**BE IT RESOLVED THAT** Provincial Council request the Provincial Executive engage in discussions about a possible extension to the current collective agreements negotiated under the SCHOOL BOARDS COLLECTIVE BARGAINING ACT (SBCBA).

**BE IT RESOLVED THAT** Provincial Council approve the following process for negotiation and ratification of an extension of the current collective agreements negotiated under the SBCBA:

1. An ad-hoc Advisory Work Group (AWG) composed of 16 local leaders, 8 representing T/OT and 8 representing Support Staff shall be created as soon as possible. The AWG shall advise the Provincial Executive on matters related to the extension. The term of the appointment would expire upon completion of any discussions re: the extension.
2. The Negotiations and Contract Maintenance Department shall create a draft extension brief with a very limited scope of issues that should be pursued.
3. Once the extension brief is developed, a special meeting of Presidents, Chief Negotiators and CBC shall be convened to finalize a mandate for the discussion team. The meeting shall start with presentation of the draft extension brief, with opportunity for questions and input from all. The meeting shall then be put into recess, allowing time for consideration of the input received. The meeting shall then be reconvened and the final extension brief shall be presented for approval. Approval of the extension brief shall require both a majority of the Bargaining Units eligible to vote and that those Bargaining Units represent a majority of the membership affected. The votes shall be cast by the President or Chief Negotiator (or designate from the same Bargaining Unit) as determined by the Bargaining Unit.
4. The AWG would be available for consultation during talks and provide advice and input as required. The Negotiations and Contract Maintenance Department would also be available for assistance and input as required.
5. If talks progress to the point of a tentative extension agreement as determined by the Provincial Executive, a meeting of Presidents and Chief Negotiators shall be convened to vote on whether the tentative extension agreement should be endorsed and/or submitted to the membership for ratification. The Presidents and Chief Negotiators (or designate(s) from the same bargaining unit as determined by the bargaining unit) will vote on whether or not to recommend ratification by members. If ratification is not recommended, Presidents and Chief Negotiators (or designate(s) from the same bargaining unit as determined by the bargaining unit) will then vote whether or not to submit the tentative extension agreement for a ratification vote of the membership.
6. If so determined at the meeting of Presidents and Chief Negotiators as determined above, a province-wide vote of all affected Active Members of OSSTF/FEESO in the affected Bargaining Units shall be conducted or coordinated by the Provincial Office of OSSTF/FEESO. All Active Members of OSSTF/FEESO in the bargaining units to be covered by the extension agreement shall have the right to vote regardless of employment status in the following year.
7. Ratification of the tentative extension agreement shall require both a majority of the Bargaining Units eligible to vote and voting and a majority of those members eligible to vote and voting.

**BE IT RESOLVED THAT** Provincial Council approve the following process for ratification of a remedy settlement:

1. *If talks progress to the point of a satisfactory remedy to the Charter Challenge as determined by the Provincial Executive, a meeting of Presidents and Chief Negotiators shall be convened to vote on whether the proposed remedy should be endorsed and/or submitted to the membership for ratification.*
2. *If so determined at the meeting of Presidents and Chief Negotiators as determined above, a province-wide vote of all affected Active Members of OSSTF/FEESO in the affected Bargaining Units shall be conducted or co-ordinated by Provincial Office.*
3. *Should a membership vote also be required to ratify a tentative agreement re: extension of the collective agreement, both votes would occur at the same time and both would require a double majority.*

*We are in the process of scheduling information town hall teleconferences for all members employed by school boards. Members will be updated as events unfold.*

**Please frequently check the myOSSTF section of the OSSTF/FEESO website for updated information.**