

## School Board Update

# Ontario Proposes Key Reforms to the Framework for Collective Bargaining in the Education Sector

**Date:** February 24, 2017

Significant proposed reforms to the existing framework for collective bargaining in the education sector may change the way school boards and unions negotiate agreements. Find out what may be in store.

## Ontario Introduces Bill 92, *School Boards Collective Bargaining Amendment Act, 2017*

On February 21, 2017, the Ontario government introduced [Bill 92, \*School Boards Collective Bargaining Amendment Act, 2017\*](#) which amends the *School Boards Collective Bargaining Act, 2014* (Act). If passed, Bill 92 would, among other things:

- make central bargaining a mandatory component of any collective bargaining for a collective agreement between a school board and the bargaining agent that represents the applicable employees in a bargaining unit.
- permit an employer bargaining agency to assist a school board with local bargaining upon request by the board, and permit the Crown to assist either party (or both) in local bargaining, upon request. Providing such assistance would not mean that either the employer bargaining agency or the Crown must approve the local terms of a collective agreement nor would they become a party to local bargaining.
- require that a mandatory five days' notice be provided for any escalation to the nature or scope of strikes and lock outs in certain circumstances, in addition to the five days of notice already included in the Act for notice of the commencement of sanctions.
- change the requirement that Crown *consent* be obtained by an employer bargaining agency with respect to the exercise of certain rights and privileges under the *Labour Relations Act, 1995*, to a requirement that the agency and the Crown *mutually agree* to the exercise of those rights and privileges. These include authorizing or requiring school boards to lock out employees and agreeing to alter terms and conditions of employment during central bargaining.
- permit the employer bargaining agency or the Crown to require a school board to inform them when a memorandum of local terms has been agreed upon, prior to ratification of the memorandum, or to inform them on the progress of local bargaining.
- allow terms of collective agreements to be extended for periods of two, three, four or five

years, where the central parties are satisfied they are authorized to enter into such agreements and the Crown approves the extension.

- for the purposes of central bargaining, require that every school board be represented by an employer bargaining agency and every applicable employee be represented by an employee bargaining agency.
- require that bargaining unit employees who are not teachers be represented by the same trade union and affiliated local trade unions must be represented by the same employee bargaining agency.
- establish that in a case of conflict or inconsistency between central and local terms, the issue may be brought before the Ontario Labour Relations Board to decide the matter.
- clarify the delegation-making authority of the Minister and the corresponding process.
- continue the Education Relations Commission to provide advice to the government when it is of the opinion that the continuation of a strike or lock out will place the completion of courses by pupils in jeopardy.
- require trustee associations to disclose certain aspects of their funding arrangements and the salary and benefits of employees who are paid a salary of \$100,000 or more.
- clarify that a council of trustees' association that has been designated an employer bargaining agency owes a duty of fair representation to its constituent trustees' associations.

We will continue to monitor this legislation and provide you with timely updates as they are available. Should you have any questions or require further information, please contact [John-Paul Alexandrowicz](#) at 417.864.7292, [Dolores M. Barbini](#) at 416.864.7303 or your [regular Hicks Morley lawyer](#).

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