



July 8<sup>th</sup>, 2015

## **OLRB decision on central vs local bargaining issues**

Last week we received our decision from the Ontario Labour Relations Board (OLRB) regarding what issues will be bargained centrally. As you know, we sought a decision from the OLRB under Section 28 of the legislation governing our negotiations – Bill 122. We held three hearing dates in June and vice chair Maurice Green issued a decision roughly a week following the last hearing date.

### **The process**

Under Section 28 (8) of the law, a set of factors are established for the purpose of helping the OLRB decide whether a matter is within the scope of central bargaining. These four factors are:

1. The extent to which the matter could result in a significant impact on the implementation of provincial education policy;
2. The extent to which the matter could result in a significant impact on expenditures for more than one or more school boards;
3. Whether the matter raises common issues between the parties to the collective agreements that can more appropriately be addressed in central bargaining than in local bargaining;
4. Such other factors as the board considers relevant in the circumstances.

CUPE argued the following nine issues should be negotiated centrally:

- Limits on attendance management/support programs;
- Violence in the workplace, policies, procedures, preventative measures and training;
- Non-instructional supervision of students;
- Employees performing medical interventions;
- Standardization of job descriptions and classifications;
- Absence replacement in connection with workload;
- Contracting in/out and sharing of trades services;
- Creation of a preventative maintenance program;
- Creation of a pay equity maintenance joint committee.

The CTA/Crown argued the following issues should be negotiated centrally:

- Premiums (including shifts, overtime, weekends, overnights);
- Allowances (excluding new allowances in response to a singular need that does not apply to an entire class or classes of employee);
- Paid vacations and holidays (including statutory holidays);
- Short-term paid leaves not deducted from sick leave.

### **OLRB Decision:**

- Limits on attendance management: This issue remains local.
- Violence in the workplace – policies, procedures, preventative measures and training: The OLRB ruled this to be a local issue, however the decision stated that funding for training can be negotiated centrally.
- Non-Instructional supervision of students: This issue remains local.
- Employees performing medical interventions: The OLRB ruled this to be a local issue, but also ruled that funding for training can be negotiated centrally.
- Standardization of job descriptions and classifications: This issue remains local.
- Absence replacement in connection with workload: The OLRB ruled this to be a local issue, but if this leads to increase staffing levels, there is agreement to deal with these levels at the central table.
- Contracting in/out and sharing of trades services: This issue remains local.
- Creation of a preventative maintenance program: This issue remains local.
- Creation of a pay equity maintenance joint committee: This issue remains local.
- Premiums (including shifts, overtime, weekends, overnights): The OLRB ruled this will be negotiated centrally.
- Allowances (excluding new allowances in response to a singular need that does not apply to an entire class or classes of employee): The OLRB ruled this will be negotiated centrally.
- Paid vacation and holidays (including statutory holidays): The OLRB ruled this will be negotiated centrally.
- Short-term paid leaves not deducted from sick leave: The OLRB ruled this will be negotiated centrally.

## **Next steps**

- The OSBCC will now finalize our central bargaining proposals and put together coordinated bargaining packages for local bargaining units. This will include language for the issues determined to be local issues, and a summary of the issues that need to be at the central table. This document will be sent out to local presidents shortly.
- We met with the management team today and will be issuing a joint communique on the issues at the central table.
- Teletown hall meetings that will be scheduled over the summer:
  - Tuesday, July 21<sup>st</sup>, 7 p.m.
  - Tuesday, August 4<sup>th</sup>, 7 p.m.
  - Tuesday, August 18<sup>th</sup>, 7 p.m.
- Please send the results of your local communications “tests” to your area rep, with a copy to [osbcc@cupe.on.ca](mailto:osbcc@cupe.on.ca)
- Save the date: we will hold a leadership meeting in Toronto on August 29<sup>th</sup>.

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