

Editorial ? Clearly a failed reform

A year ago, it was being hailed as a breakthrough, yet today it looks like a classically failed reform.

Passed last April, the School Boards Collective Bargaining Act was described at the time in the Toronto Star as bringing 'a clear plan to a system that broke down so badly in 2012' when the provincial government imposed contracts on most of the province's teachers.

In the wake of almost 10 years of an ad hoc and often confusing way of bargaining with teachers, the Act provided a clear plan for negotiations that spelled out roles and left less up to chance.

However, it was evidently based upon an assumption that the parties in the collective bargaining would easily achieve consensus. 'This is groundbreaking legislation' and without a good process you have chaos,' Michael Barrett, president of the Ontario Public School Boards' Association, the official bargaining agent for all English-language public boards in the province, said at the time. After the Province took over education funding 16 years ago, school boards lost control over how much they had to spend and local talks often stalled. In 2005, the McGuinty government started holding unofficial 'discussion tables' on big monetary items such as wages and benefits, to which the education minister of the day would invite the heads of the provincial unions and school board associations.

These back-room talks, while often successful, had no legal clout. And the parties were free to walk out, as the Elementary Teachers' Federation of Ontario (ETFO) did three years ago.

The Act enshrined a two-tiered system of bargaining in which big-ticket items are to be hammered out provincially between the teachers' unions, school board associations and the provincial government.

Under the Act, all three parties must agree to any tentative agreement and the negotiations must follow the rules of proper labour law. Unions can still go on strike and school boards can still lock them out, although each must give five days' notice. Non-monetary issues like workload and school transfer policies are negotiated at the local level.

Education Minister Liz Sandals said at the time that the government made changes to the original legislation after consulting school boards and unions 'and it's quite clear now that the government has a requirement to bargain in good faith.'

Perhaps signalling what was to come, Paul Elliott, president of the Ontario Secondary School Teachers' Federation (OSSTF), warned that teachers will be looking for 'fair and reasonable' bargaining after all the education restraints in recent years, claiming the government had saved \$900 million in the previous two years through cuts to sick days and the salary grid and imposing unpaid days off.

But ETFO president Sam Hammond hailed the 'clear roles and responsibilities for the three parties at the central bargaining table' and the fact the government lacked the power to dictate which items were up for negotiation.

So what has happened as a result of the reform? We're faced with a breakdown in the provincial-level talks and a high school teachers' strike that started this week in Durham Region and is expected to spread quickly to at least another half-dozen jurisdictions, including Peel Region.

Interestingly, teachers' strikes never happened in the era of the one-room school, and seldom occurred following the formation of area school districts and county boards of education.

Teaching in those eras may not have been of the highest quality, particularly in rural Ontario, but no student faced the prospect of loss of a year or failure to qualify for admission to a university because of a teachers' strike.

As we see it, the time has come to have education declared an essential public service, with impasses of the sort currently being experienced being overcome by mandatory arbitration.