MEMORANDUM TO: Directors of Education

FROM: Gabriel F. Sékaly
Assistant Deputy Minister
Business & Finance Division

DATE: August 31, 2012

SUBJECT: Putting Students First Act, 2012

On August 27, Education Minister Laurel Broten introduced legislation that, if passed, would ensure school contracts fit the government’s fiscal and policy priorities. It also contains measures to secure two years free from labour disruptions.

The Putting Students First Act, 2012, if passed, would require that school boards and local bargaining units of teachers and support staff accept local agreements consistent with the priorities reflected in the Memorandum of Understanding between the government and the Ontario English Catholic Teachers’ Association (OECTA). Specifically, the Act, if passed, would require that the parties negotiate or accept local agreements that are consistent with the following provisions and parameters:

- Zero per cent salary increases in 2012-13 and 2013-14.
- All teachers take a 1.5 per cent pay cut in the form of three unpaid professional development days so that younger teachers continue to move through the grid according to their experience and additional qualifications.
- Agreement to restructure the grid with a view to long-term, sustainable savings.
- Elimination of the current retirement gratuity for payment of unused sick days that is responsible for a $1.7 billion liability for school boards.
- A restructured short-term sick leave plan that would include up to 10 sick days. This sick leave plan would benefit younger teachers by providing income protection for serious illness and improved maternity leave provisions.

The legislation, if passed, would take effect on September 1, but provide until December

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31, 2012 for school boards, teachers and support staff to engage in local collective bargaining on any number of important local issues. This flexibility has been built-in to allow for the government’s education partners to reach agreements that respect local circumstances while also including the parameters set out in the legislation. Where any agreements do not meet the standards of the legislation, the Minister of Education will have the power to withhold approval and the parties will risk having agreements imposed.

Current teacher and support staff agreements expire on August 31, 2012. If these are not replaced by September 1, the terms of existing contracts will automatically roll over. If this were to happen, the cost for teachers moving up the grid and for continuing the existing retirement gratuity and sick leave provisions would be $473 million. The legislation, if passed includes a provision allowing a claw back of any increases to wages and benefits that occurred between September 1 and the signing of new final collective agreements.

**What this means to you**

If you are an English Catholic School Board, this legislation, if passed, would impose the terms and conditions of the OECTA MOU for all your local collective agreements with all your teacher bargaining units.

If you are a French Language Board, both Public and Catholic, this legislation, if passed, would impose the terms and conditions of the AEFO MOU for all your local collective agreements with all your teacher bargaining units.

If you are an English Public School Board, the legislation, if passed would require that the terms of all local collective agreements negotiated after August 31, 2012 be substantively identical in all relevant aspects to the OECTA MOU.

If you are one of the 10 Boards that include support staff represented by APSSP, this legislation, if passed would impose the terms and conditions of the APSSP MOU for all your APSSP chapters.

In terms of other support staff, the legislation, if passed would require that the terms of all local collective agreements negotiated after August 31, 2012 be substantively identical in all relevant aspects to the OECTA MOU.

As responsible employers, I am writing to encourage school boards to clearly communicate to staff the impact of the *Putting Students First Act, 2012* if passed, for employees. Specifically, the automatic increases in the grid, additional 20 days, and current sick leave plan would take effect on September 1, 2012 in the absence of a signed local agreement. If passed, the legislation authorizes employers to claw back any such increases.

The recent changes to the draft legislation, prior to introduction, has led to some misunderstanding as to what these refinements mean. Communication from one
Trustee Association to their members was inaccurate in its portrayal of the impact of these refinements. To clear up misunderstandings, please find attached my memorandum to the Minister of Education that clearly lays out the changes in the proposed legislation and their rationale and impact.

Sincerely,

*Original Signed By*

Gabriel F. Sékaly  
Assistant Deputy Minister

Cc: Senior Business Officials  
Attachment: Putting Student First Act, 2012 and Compendium Memorandum to the Minister of Education