

# CUPE EDUCATION WORKERS MAKING SCHOOLS WORK



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OSBCC Update – 2017

September 2017

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## Remedy to Charter Challenge

In June, CUPE members across the province voted to support the remedy, or settlement, reached in respect of the government's interference in our right to free collective bargaining in 2012. Of voting members, 93.4% supported the settlement.

Unfortunately, we were unsuccessful in convincing an arbitrator to allow a third party to administer the payments. As a result, the Crown is now working with the school boards to administer payments to eligible members. The timelines for the process (August to December 2017) are shown below:

- **August 31:** Boards delivered data to the Crown related to all employees covered by a CUPE collective agreement between September 1, 2012 and August 31, 2014. The data shared was only enough to determine whether members worked during the period above – no other details were provided.
- **September 15:** Crown forwarded data to CUPE for verification.
- **September 15 to 26:** CUPE forwarded data related to each local to individual local Presidents.
- **September 15 to October 1:** CUPE to make best efforts to notify those entitled to payment under Minutes of Settlement. (We will be contacting local Presidents with ideas on how to facilitate this process in a separate letter.)
- **October 1 to November 10:** Requests for correction must be filed regarding a member's entitlement.

- **November 14:** Unresolved disputes and/or requests for correction to be sent to the arbitrator.

**Please note: These dates reflect the Crown's and CUPE's agreement to extend the timelines by two weeks to provide additional time to reach members and file disputes.**

The OSBCC anticipates payments to members will be made by the end of January 2018.

CUPE and CUPE Ontario have set up a website for members to verify if they are on the list for a remedy payment. Visit [bill115.cupe.on.ca](http://bill115.cupe.on.ca) for more information ([bill115.cupe.on.ca/fr/](http://bill115.cupe.on.ca/fr/) for French).

Questions about the settlement should be forwarded by email to: [bill115remedy@cupe.ca](mailto:bill115remedy@cupe.ca)

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## Restructuring

At the last OSBCC conference, the following motion was passed:

“I move the restructuring proposal shall be referred back to the committee to revise based on feedback received from area meetings and at this conference. A special meeting will be convened to establish by-laws and a budget.”

Since that time, the Liberals tabled legislation that makes Central Bargaining mandatory in our sector. As a result, having a bargaining structure that is recognized under the CUPE National Constitution is even more important.

The OSBCC, through the restructuring sub-committee, is recommending we form a Council of Unions. As with other councils within CUPE, we will have access to cost-share funds; can make direct application for defense funds; and will have direct responsibility for provincial campaigns, bargaining and contract implementation as it pertains to centrally negotiated language.

The leadership of CUPE National and CUPE Ontario are supportive of our move in this direction.

### What does this mean for local autonomy?

- Locals maintain their autonomy under the CUPE National Constitution.
- It doesn't change the current rights/relationship, but simply formalizes the current OSBCC role.
- Locals still have a choice to affiliate with the Council or not.
- Under the School Boards Collective Bargaining Act, locals can still file grievances locally on central language.
- Locals would maintain their number of delegates to conventions, as per the CUPE National and CUPE Ontario constitutions.

As per the motion, local leaders have been sent proposed by-laws and a budget for the Council. A leadership meeting has been scheduled for mid-November, where by-laws and a budget will be voted on.

**Moving forward effectively means change.**

**Let's trust in our ability to manage that change together.**

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## Central Disputes Committee

*(Chris Wilson, Sylvain Piché, Tammy Graham, Terri Preston, Jim Morrison)*

We have had about 60 central disputes filed. The majority have been resolved; fourteen will go to arbitration. We are seeking help from CUPE National to assist with these arbitrations.

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## Provincial Health and Safety Working Group

*(Don Postar, Michele Lalonge-Davey, Vicky Evans, and Chris Sutton)*

The Provincial Health and Safety Working Group meets every two weeks. They are working on an interactive tool to assist members and other staff in school boards to understand the various protocols and pieces of legislation related to violence in the workplace. It will also clearly outline how incidents of violence are to be reported up through the system.

In addition, a sub-committee is looking at how information related to students with a history of violent behavior can be accessed by the staff working with them. Included in this discussion is access to Ontario Student Records (OSRs).

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## Long-Term Disability Working Group

*(Catherine Taggart, Nora Shaughnessy, Vern Andrus and Michel Revelin)*

The group's report is expected next year.

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## Benefits Trust

The appointed trustees are working with our consultants to ensure we have a plan design that is sustainable going forward.

The CUPE Education Workers Benefits Trust will soon have a website that will be updated regularly. On the site, members will be able to get current information as we move toward the trust. **Check out the web page at:** [www.cupe-ewbt.ca](http://www.cupe-ewbt.ca).

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## Making the Central Agreement Work!

Congratulations to President Jenn Faulkner and the members of CUPE 5100 (Greater Essex District School Board). Jenn shares this story about a significant win for her members:

### **C14.00 SPECIALIZED JOB CLASSES**

Where there is a particular specialized job class in which the pay rate is below the local market value assessment of that job class, the parties may use existing means under the collective agreement to adjust compensation for that job class.

Jenn writes:

With the help of Jim Morrison, we took the issue of Specialized Job Classes from the Central Agreement (C14.00, above) to the employer on behalf of five computer program analysts. These members felt their classification was not being paid at market value compared with surrounding employers, both school board and private. There was a retention concern and a two-year vacancy that was not attracting the needed qualified applicants. The employer and the union researched other similar jobs and provided proof of the low wage rate. It was not a quick process and took about six months of research.

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Human Resources at the board acknowledged that they needed to make Greater Essex District School Board more attractive to the public, as they were not seeing the degree of qualifications they desired on the resumes received.

CUPE 5100 has accepted the employer's offer to increase the computer program analyst pay to \$70,000 per year (\$38.46 per hour), effective September 1, 2017. The increase included the 1.5% increase from September 1. The increase is approximately \$12,000 per year.

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