

ESPecially Yours

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May 2016

Message from Your President

Spring is finally here!! Or is it? March and April have been very confusing months for all of us as far as the weather is concerned - warm one day and then 30 cm of snow the next!! I hope we have nothing but good weather to look forward to for the next few months.

In our last contract OSSTF and the government agreed to provide some funding for OSSTF to look into a Provincial Benefits plans for all members. They have been working hard on this and hope to have something for Provincial Councillors to vote on at the June meeting. Stay tuned.

I have been attending some very interesting conferences and meetings over the past couple of months. As part of the Education Services Committee, I have become aware of some wonderful PD workshops offered by OSSTF that are very interesting and real eye openers. We offered some of them at our last PD Day, but unfortunately due to lack of interest, they were cancelled. I would urge you to think about them for next year. Stress and Mental

Health is a big topic everywhere I go these days.

I was lucky to be able to attend the OCDSB Lead the Way - Stories event at the Shaw Centre on April 8th. There were some wonderful presentations by students and their mentors. Superintendents shared their stories as well. It was a very uplifting and well-planned day. Kudos to the team led by Peter Gamwell.

The OCDSB Budget is in process as I write this message. It looks like there will be cuts to support staff this year, possibly more than 100 positions. I have been attending the OCDSB Budget Committee meetings. The Staff recommended budget will be presented to the Committee on May 10. Any cuts that are coming are due to insufficient funding from the

Province. It has been many years since the funding formulas have been reviewed and it is time for change. I would urge you all to contact your local MPP by letter, phone or email to request that the government provide more funding to support education for our children and the future.

As always, Leif and I are available to discuss any concerns you may have. You can contact either of us by phone at 613-729-7211 or by email:

Leif.walther@d25.osstf.ca

Nancy.akehurst@d25.osstf.ca

If you wish to visit in person, please call first to make an appointment. Leif and I are often out of the office supporting members or on union business, so make sure we are available.

Nancy



Leif talks Charter Challenge

WORKER'S RIGHTS - 1 GOVERNMENT INTERFERENCE - 0 OSSTF and Affiliate Education Unions Win Charter Challenge Against Bill 115

April this year brought good news for OSSTF and other public education sector unions in Ontario in the form of an Ontario Superior Court ruling by Justice Thomas R. Lederer in favour of our legal challenge to the constitutionality of the Ontario Liberal government's disastrous 2012 Bill 115.

As we all remember, Bill 115 was the cynically named "Putting Students First" Act implemented by the Liberal government in 2012 as part of their agenda of austerity measures in the province which sought to use public education workers as both scapegoat and whipping post in that agenda.



And as most of us will not soon forget, Bill 115 removed the right to strike for public education unions and allowed for arbitrary imposition by the government of "one size fits all" contracts across the province that included cuts to sick leave, the elimination of previously negotiated retirement gratuities, a two year wage freeze, and effective wage cuts in the form of delays to normal salary grid movement and additional unpaid professional development days for teachers.

This was a bill whose legality was so clearly questionable to all that even

its authors felt the need to try to cover themselves with the insertion in it of specific language to the effect that the Ontario Labour Relations Board couldn't look at it, no arbitrator or arbitration board could look at it, no court could review it.

The process that occurred during the short life of Bill 115 was NOT collective bargaining, and the results were NOT collective agreements.

An "Agreement" is something that is "come to" between parties, not something that is imposed by one party over another.

A "Collective Agreement" is a document that is actually bargained in good faith between an employer and an organized labour body sanctioned to act in the collective interest of the members it represents.

What the ESP Bargaining Unit and most other education workers in Ontario worked under from 2012 until our 2014 contracts were finally settled (in 2016!) was definitely NOT a collective agreement.

As those of us who had to muddle through it know, what we ended up with instead of a coherent collective agreement was a highly confusing bundle of documents that included the previous 2008-2012 contract, a Memorandum of Understanding between provincial OSSTF and the government, a handful of other government memos regarding interpretation and

implementation, a few Education Act regulations codifying specific terms and conditions, and a very small number of Letters of Understanding between ESP and the OCDSB resulting from the absurdly limited degree of local bargaining that was allowed to occur under Bill 115. Oh, and also a mandate to put this all together with glue, spit and staples.

In the end, adding insult to injury, the Liberal government rescinded Bill 115 once the contracts had been imposed and its purpose had been served.

Setting aside the flippancy and cynicism of a government that would choose to operate in such a manner, the reversal of the Bill did allow OSSTF and other Ontario public education sector unions (ETFO, CUPE, OPSEU, and UNIFOR) to move forward with their challenge to



See More Leif - page 3

More Leif

From Leif Talks Charter Challenge - page 2

the legality of the bill, which they did early in 2013.

And, although it took three years for the court decision to be made, the brilliant arguments and clear and obvious evidence they brought forth were what led to a logical and just decision by Ontario's Supreme Court.

Among other observations in the 84 page ruling made by Judge Lederer were that:

- "Ontario was being both inflexible and intransigent. It created a situation which made meaningful collective bargaining impossible."
- "...in its desire to reach an end it had defined, Ontario ran over the rights of the employees"
- There was no "rational connection" between the government's actions and its objectives and that "the means used to accomplish Ontario's goals were arbitrary"
- The Government's process was "ill-conceived" and "fundamentally flawed"

In essence, the ruling states that by suspending the right to strike and imposing arbitrary contracts on public education unions and bargaining units throughout the province, the government was violating basic charter rights of education workers in Ontario, specifically Rights to Free Association and Rights to Expression.

While OSSTF members and other education workers in Ontario who lobbied, demonstrated and battled against Bill 115 should certainly feel vindicated by this very positive decision, the outcome regarding remedies is by no means certain at this point.

At the request of the parties involved, Justice Lederer has left it to them to come to an agreement on remedies, ironically a process of negotiation itself. If such

agreements are not reached, then another hearing will be held where Justice Lederer will impose remedies. At that point, the government may appeal the initial ruling (a very costly and time consuming undertaking), and either the government or the unions may appeal the remedy imposed in Ontario's Court of Appeal. After that, any party may appeal to the Supreme Court of Canada.

To be clear, however, the uncertainty of remedies at this point in no way diminishes the importance of this win.

Our victory against Bill 115 is added to a growing body of case law in Canada in favour of basic workers' rights. Many similar charter challenges have been filed across the country over the last seven years or so against laws that have attempted to restrict the ability of unions to function in support of their members.

While some of these cases are not over or are in appeal, court rulings at provincial and federal levels have consistently confirmed the unconstitutionality of government legislation (temporary or otherwise) which attempts to limit the rights of workers' to organize as unions, to engage in a meaningful collective bargaining process with employers, or to strike or take other work action where necessary as part of that process.

Kinda feels like spring again.



Postal workers are cheering the ruling that the former Conservative government violated its members' freedom of association by legislating them back to work on June 26, 2011.

"This is a win for workers everywhere," said Mike Palecek, National President of the Canadian Union of Postal Workers.

"In 2011, Canada Post and the Conservative government gamed the system by first locking postal workers out and then forcing us back to work. This interference was completely unfair and meant we could not freely bargain."

The ruling by Ontario Superior Court Justice Firestone declares that the Conservative legislation, which also imposed an offer on the postal workers, "violates the rights to freedom of association and freedom of expression" under the Canadian Charter of Rights and Freedoms sections 2d) and 2b), and that it is "unconstitutional and of no force and effect."

CUPW is currently in negotiations and Canada Post CEO Deepak Chopra, who shut Canada Post's doors nation-wide and locked out the postal workers in 2011, remains at the helm. The Crown Corporation management has applied for conciliation and refuses to entertain any of the postal workers' demands for improved services and an end to concessions.

"Canada Post is already trying to push things by starting the countdown to a lockout," said Palecek.

"This time, they won't be able to count on the government to make it easy for them."

AMPA 2016

ESP had eight delegates attending AMPA this year, including one from OSTA. It is an ESpecially Yours tradition to ask someone attending AMPA for the first time to write an article about their experience. This year the ~~burden~~ opportunity fell to JACQUELIN HODGSON, an OSTA member, to report on her experience.



L to R: Judy Soifer, Jacquelin Hodgson, Margaret Elson, Nancy Akehurst, Kelly Mills, Saul Mogelonsky, Amir Israel, Leif Walther. Missing from picture: Shelly McQuillen

You may have heard of AMPA before and wondered what it was all about - I sure did. This year, I got a chance to check it out myself in person! The Annual Meeting of the Provincial Assembly of OSSTF is the supreme legislative body of our association - a group of 720 delegates that come together to make changes to our Constitution, Bylaws and Policies. It sure is inspirational to see a room filled with such dedicated members debating proposed changes while still respecting each other and the democratic process. But it is not all budgets, red cards and speeches - there were some special events that I want to tell you about too!

On Saturday, the winners of the Student Achievement Awards were presented (they are chosen by OSSTF to highlight the creative work being produced by our high school students). This year's theme was "Laugh Out Loud" and amongst the videos, paintings and songs was a powerful piece of prose, The Laughing Girl submitted by Osgoode Township High School student, Emma L., and declared a Provincial Winner. The team that organized the event also acquired some outstanding keynote speakers to address us:

- **Dennis Edney**, a Criminal and Human Rights Lawyer who undertook a 12 year fight to have Omar Khadr released from prison in Guantanamo Bay, outlined for us in graphic detail the challenges he faced in a world which seemed to be outside the reach of law.
- **Julian Mauricio Lozano Agudelo** brought home to us the threats that

teachers in rural areas of Columbia face on a daily basis. In his term as President of the Teachers Union of Roldanillo (Columbia) he and his family had to hire bodyguards to protect themselves. He illustrated to us how in many parts of the world the labour movement is still in a dangerous struggle for human rights.

- **Mariam Abou-Dib**, the Assistant to the President of the Canadian Labour Congress, has firsthand knowledge of what it is like to come to a new country. She spoke to us about the Syrian refugee crisis and how the organized labour movement can contribute to the success of our new Canadians.

Some great ideas were shared and new directions were forged for our union. However my biggest takeaway as a new member was how wonderful it is to be part of such a strong group of professionals joining together in solidarity. The ESP unit may be a small segment of District 25, but when we stand with all of OSSTF, we sure are mighty!



Day of Mourning

FIGHT
for the Living.

MOURN
for the Dead.


APRIL
28

DAY OF MOURNING
for Workers Killed
or Injured on the job



April 28 marks the Day of Mourning, when the nation remembers those who have lost their lives, become disabled or fallen ill due to accidents in the workplace. This year's event was

held, as it is every year, in Ottawa at the memorial in Vincent Massey Park near the Heron Road Bridge. This bridge was the site of an accident where nine workers lost their lives when the bridge collapsed during construction in 1966.



It was a moving ceremony. One of the speakers was the father of Olivier Bruneau, who was killed on March 23 when a chunk of ice fell on him at a construction site on Preston St.

Canadian flags lined the route from the pavilion to the memorial, representing every worker who has died in workplace accidents in Canada during the past year. This year's message was to ask the government to ban asbestos.

I was honoured to lay a rose at the memorial on behalf of OSSTF D25 ESP.

Nancy



Parents of Olivier Bruneau

"Every worker in the industry has the right to assume that he will go back home at the end of the day and look after his loved ones. This is a right," he said. "That right was compromised when the workplace was not safe. Olivier did not come back home on [March] 23rd, and the life of his family was forever devastated."

Christian Bruneau



The Editor of *ESpecially Yours* is Margaret Elson. Comments, suggestions and contributions may be sent to her by GEM anytime. Next issue - June 2016



D25

Status of Women and Human Rights Committee

Workshop: Pain to **Pride: Homophobia and Transphobia**

A challenging exploration of gender, sexuality and identity that helps support members to create safe, learning and working environments for all students and members, including those who identify as LGBTQ. Participants will be provided with definitions, understanding and strategies necessary to address the impact of gender-based violence as it is manifested in homophobia and transphobia. + [complimentary meal!](#)

<Silent Auction>
**proceeds to Ottawa's
Young Women's Shelter**

May 17, 2016 4:30 PM
CUPE 4000, 32 Colonnade Ave

Please RSVP to inquiries@d25.osstf.ca
by May 10

DID You Know?

STILL WORKING?

NOW is the time to think about retirement.

OSSTF offers OMERS/Retirement planning workshops twice a year. If you have just started working or are in the middle of your career, don't wait until the last minute to start planning for your retirement! Look at opening a MYOMERS account by going to <http://www.omers.com/> and clicking on the myOMERS icon. You will be able to get reports based on multiple dates you select regarding your retirement options.

You can also look into your Canada Pension Plan (CPP) at <http://www.esdc.gc.ca/en/cpp/index.page> and Old Age Security at <http://www.esdc.gc.ca/en/cpp/oas/index.page>

For those who may wish for some assistance with financial planning, OSSTF owns the Educators Financial Group which offers free financial advice to members. Contact them online at:

<https://educatorsfinancialgroup.ca/contact-us/> or personally at:

Darryl Martella
RRC Financial Advisor
Eastern Ontario, Ottawa
Cell: 613.282.6334
Email: dmartella@educatorsfinancialgroup.ca

The latest ESP Performance Evaluation Forms were posted to our ESP Google group, OSSTF - ESP Conference, on April 12.

**ESP ANNUAL GENERAL MEETING
WEDNESDAY, MAY 18, 2016 @ 5:30
LIBRARY @ CONFEDERATION**

A summary of changes to Employment Insurance (EI) as a result of the recent federal budget was posted to our ESP Google group, OSSTF - ESP Conference, on April 18.

You are all likely aware now of a vote taken at AMPA in March regarding an increase to our dues. You will remember that for 2015-2016 OSSTF increased dues by .7% in order to replenish our Member Protection Account (MPA). The MPA fund is used to not only pay for strikes, but to pay for grievances and arbitrations. This increase will be over as of June 30, 2015. However at AMPA Member Protection Services and the OSSTF Finance Committee proposed a .3% increase to continue until the account reaches \$140 million - which they felt would be needed if OSSTF went on a full provincial strike. Given the way bargaining occurs now, with both central and local bargaining, a full provincial strike is a possibility. When the vote came to the floor, there was a lot of discussion, both for and against the additional dues. When the vote was taken it was in favour of the increase. **For the record our ESP delegates all voted against the increase**, based on the low raises and the increase in the cost of benefits for our members.

May 2 to 6, 2016 is Education Week in Ontario and the Ministry's theme this year is "Achieving Excellence: Promoting Well-Being". All schools will be participating in this annual celebration of public education.

In recognition of the valuable contribution of all of our support staff to public education through service to our students and to our school communities, Wednesday, May 4, 2016 is designated as Support Staff Appreciation Day.

YAY US!

At our PD Day in February you may have noticed a vendor's table with a difference. Emma Tapp is a cadet and she is raising funds for a very special purpose. Here is her story.

"I have been invited to join my Army Cadet Corps and go to Vimy Ridge for the 100th anniversary of this great battle. This is an honour for me as my family often talks about family members who were in this battle and others who continued to serve in Canada's military. On April 9, 2017, I will walk through the town and through the trails our soldiers made. I also hope to be one of the two cadets from our corps to be chosen to lay a wreath at the memorial site. I am honoured to visit and participate in ceremonies in London, England and visit many cemeteries where our fallen are honoured. I will visit the Anne Frank Museum, Jewish Historical Museum, Imperial War Museum and Wellington Quarry where I will learn about the challenges Jewish people faced trying to live. I have been fundraising by holding bake sales, making hot/cold bags to sell, selling popcorn and my Mom contacted many businesses who donated items for us to raffle. I have also been babysitting and doing yard work for family and neighbours. This experience means so much to me, I can't wait to be part of it."



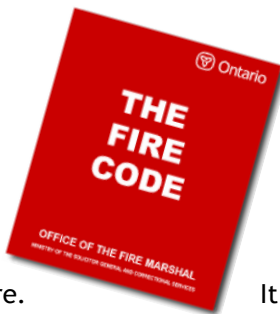
Health and Safety - Everyone's Business

The Fire Code and You

The Ottawa Carleton District School Board's Fire Drill Plan is PR.575.HR. It is a multi-page document found on the Board's website here:

http://www.ocdsb.ca/ab-ocdsb/p-n-p/Policies%20and%20Procedures/PR%20575%20HR%20Fire%20Drill_Plan.pdf

It is based on the provisions of the Ontario Fire Code, which aim to prevent any thing, or more importantly anyone from being lost due to fire.



It is a companion to the Ontario Building Code, a piece of provincial legislation - in other words it's the LAW.

"Our buildings are made of brick and mortar. How could they burn?" There have been 367 school fires in Canada. Thirty-eight were completely gutted.

One of the most important parts of the Fire Code is the one that saves lives, the Fire Safety Plan. It not only contains diagrams, and workings of the building, it has specific responsibilities for supervisors. It is everyone's responsibility to pull the fire alarm and dial 911. It is the supervisor's responsibility that you know where the alarm pulls are, to train all occupants on how and where to exit, and to make sure that special provisions are in place for those needing assistance. The supervisor is responsible for each building's safety plan and must review it every twelve months.

Under the Education Act we need to have three fire drills, one for each term during the regular school year, and one each month of a summer program.

Everyone also has a responsibility to report to their supervisor any potential fire hazards. These can include flammable or combustible materials, frayed wires or blocked exits and egresses. All exits or egresses must be kept clear. These include stairwells. Even if someone says, "Oh no one ever uses it," the Fire Code states that if it was ever designated as an exit, it must remain an exit.

The definition of an egress, for the purposes of the Fire Code is, "a continuous path of travel that provides for the escape of persons from any part of a building or contained open space protected from fire exposure and having access to an open public thoroughfare." This includes exits and access to exits. Elevators are not a means of egress and are not to be used. Exit doors must freely open to the outside when pushed with a bar and must never require a key to exit. A blocked egress or exit is as simple as those witty signs, posters and student art on our doors, student clothing strewn on the floor of a hallway, or even students sitting in the hallway working or eating lunch.

For those of us who can't throw anything away, our collection of treasures may go against code. And, don't even think of hiding the stuff inside the ceiling or a crawl space which also violates the code.

Sometimes items on Health and Safety Inspection reports are very unpopular. Many references have been made to the small space heaters under individual desks. Yes we recognize the need to

keep our tootsies warm, but I've yet to come across one where the tag on the cord didn't say to unplug when not in use, and I've looked.

Custodians are not the only ones who frown when a staff member brings in that old comfy chair or futon from home. Lack of fire retardant is against the code.

The reason daisy-chained and plugged-in extension cords are written up so often is because of the code. At the spot where the male and female join is the possibility of a real spark, and we're not talking love.

Smoke and heat detectors are part of the system to keep us safe. Many older buildings within our board do not have sprinkler systems, but all have fire extinguishers that are checked and tested very year. Part of the code states that if any of these devices are not working for any reason, then someone needs to be put on fire watch and be responsible to patrol the building.

The parts of the Fire Code applicable to Education cover a myriad of items from combustibles to cooking, storage of furniture, hay and straw to design and construction, how many people can be in a room, how much space between rows of seats, exits and egresses and Fire Safety Plans. The Fire Code was designed to keep us all safe. Know your building's escape plan and where all egresses and exits are. Fire Safety is everyone's responsibility.

Bev Charles
ESP Health & Safety Officer

<http://www.ocdsb.ca/sta/employeeewellness/Pages/default.aspx>

This link takes you to the Employee Wellness page, which has a lot of useful information, including links to resources on different wellness topics. Check it out!

ON THE LIGHTER SIDE ...

J. K. RING
PipesMagazine.com



*"Looks like Bob was the first to go.
Would it be insensitive if I took
his pipe?"*

"Spring is nature's way of saying, 'Let's party!'"

— *Robin Williams*



Disclaimer - Although care has been taken in preparing the information contained in this publication, accuracy cannot be guaranteed. The opinions and views expressed do not necessarily reflect the opinions or views of OSSTF, or District 25.

OTIP (Ontario Teachers Insurance Plan) is pleased to announce new insurance solutions for our Ontario education members who reside in Quebec, including retiree health benefits, and home and auto insurance, effective March 1, 2016.



RTIP (Retired Teachers Insurance Plan)

RTIP health, dental and travel insurance is the most flexible program available to the retired education community. We are NOT a one-plan-fits-all model.

Why choose RTIP?

- ▶ No age restriction. No membership fees. Available to all Ontario education employees.
- ▶ Choice of three health care plans, each with a different prescription drug maximum.
- ▶ Deluxe travel insurance for up to 95 consecutive days per trip is included.
- ▶ Online claims are easy! Submit your claims online and your reimbursement will be deposited directly into your bank account.
- ▶ Complimentary access to these important services:
 - a. **CAREpath – the Cancer Assistance Program**
 - b. **The Seniors' Care Assistance Program™**
 - c. **Edvantage – savings, contests and special events**

To learn more about RTIP or to apply, Quebec residents can call OTIP's Life and Living Benefits representatives at **1-800-267-6847**. Please contact us Monday to Friday, 8 a.m. to 5 p.m.



Home and Auto Insurance

Protect yourself and the ones you love with exclusive group rates with our insurance carrier partner, Aviva Traders.

To inquire about home and auto insurance or to get a quote, Quebec residents can call OTIP's Broker Sales representatives at **1-866-561-5559**. Please contact us Monday to Friday, 8 a.m. to 6 p.m. or Saturday 9 a.m. to 1 p.m.



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