

**30 octobre 2013**

**SCHOOL BOARDS COLLECTIVE BARGAINING ACT, 2013 /  
LOI DE 2013 SUR LA NÉGOCIATION COLLECTIVE DANS LES CONSEILS SCOLAIRES**

Mrs. Sandals moved second reading of the following bill:

Bill 122, An Act respecting collective bargaining in Ontario's school system / Projet de loi 122, Loi concernant la négociation collective dans le système scolaire de l'Ontario.

**The Speaker (Hon. Dave Levac):** Mrs. Sandals.

**Hon. Liz Sandals:** Speaker, I stand in the House today to speak in support of the School Boards Collective Bargaining Act, and I will be sharing the time with my parliamentary assistant, the member from Scarborough–Rouge River.

We are rising in support of this bill that will, if passed, provide an improved legal framework for collective bargaining in the education sector. It would ensure that the roles and responsibilities of all parties are clear at the outset of the new collective bargaining process, and it would continue our efforts to repair relationships with our education partners, to put previous challenges behind us and, most importantly, to move forward.

Since I was first appointed Minister of Education, rebuilding relationships with our education partners has been my number one priority. We made great progress in the spring, as our partners in public, elementary and secondary schools returned to providing extracurricular activities. We made further progress by reaching memoranda of understanding with all of our education partners that helped build a positive start to the current school year and keep our collective focus on improving student achievement in our schools from now until the expiry of the current contracts in August 2014.

This bill is a critical next step in the progress we have already made. We need to ensure a clear and consistent labour framework that works for all parties involved, and I'm confident that the School Boards Collective Bargaining Act would put that clear framework in place. For too long, we have worked with a bargaining process that was outdated and did not reflect the current realities of the education system.

Legally, local school boards bargain with local unions. But back in 1998, under the previous government, local school boards were stripped of their taxation powers while maintaining their status as the employer in collective bargaining. Meanwhile, the province became the sole funder for the education system, yet did not have a formal legal role in collective bargaining. In other words, local boards recruit, employ and supervise teachers but rely on provincial funding to run their schools, yet the government has no statutory role to bargain over issues that are inextricably linked to funding. This was obviously unsustainable and needed to be addressed. As a result, our government then created the provincial discussion tables and, through these voluntary forums, made significant investments and improvements in the education sector.

In 2004 and 2008, working together with federations, unions and school boards, our government facilitated agreements that benefited employees and boards, while ensuring peace and stability for students and families. The PDTs, or provincial discussion tables, helped bring the unions and school boards together, with the government acting as a facilitator to reach

province-wide framework agreements on major issues of province-wide significance, such as compensation and benefits.

As a result of the PDTs, and our commitment to invest in publicly funded education in Ontario, things changed. For example, the 2004-08 PDT agreement resulted in: funding for 2,630 elementary specialist teachers; funding for 1,900 secondary student success teachers; and zero learning days were lost due to full-time teacher strikes.

Building on that, the 2008-12 PDT resulted in: funding for 2,300 elementary specialist teachers; funding for 220 grades 7-8 teachers to support literacy and numeracy initiatives; and funding for 650 grades 4-8 class-size reduction teachers; funding for 890 secondary teachers; 400 additional professional and paraprofessional staff; 215 additional office support workers; approximately 500 additional custodians; and eight school years without a full-time teacher strike.

These were solid investments to ensure our schools had the resources they needed to help students succeed. However, this forum for negotiating, the voluntary provincial discussion tables, were just that: voluntary. The province supplemented the local process with a central process, and that helped. But it was still an ad hoc process, one that worked better when investments in education were increasing.

Now we are in a time of fiscal restraint and facing a challenging mandate. In order to produce an improved process more ready to deal with the coming challenges, we want to move to greater consistency. The process should be made into a legal framework that more clearly recognizes boards as employers and provides a clearer role in bargaining for the government as the funder. And in our 2012 budget, we pledged to establish a new legislative framework for provincial bargaining in the education sector.

That is why we have proposed this groundbreaking legislation. If passed, it will move beyond the voluntary discussion tables and establish a clear legal framework, with clear roles and responsibilities for all parties involved in negotiations. And it will allow the government, as the funder of the public education system in Ontario, to have a prescribed role at the negotiating table where it can bargain directly.

The relationship between all parties involved in education sector negotiations has grown more complex, and we need a process that reflects that increased complexity.

In addition to providing the government with a clear role at the central table, there is a newly prescribed role for central employer bargaining agencies: to negotiate legally enforceable provincial agreements on behalf of all school boards. This recognizes the important role of trustee associations in this process. As for individual school boards, they would remain the legal employer and continue to negotiate local agreements that would address local matters.

Speaker, this proposed legislation is of vital importance because virtually all collective agreements in the education sector expire in August 2014. That is why we need the provisions of this bill in place well before next August. The next round of bargaining is around the corner, and a structure that recognizes the government's role at the table, along with the trustee associations representing school boards and the provincial unions, will be essential.

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Speaker, the proposed model for labour negotiations would establish two processes for negotiations: a central table for significant province-wide issues and a local table at each school board to address local issues. Negotiations would take place at each level, guaranteeing that all issues, whether large or small, would be discussed in a clear, consistent and focused manner.

The central bargaining table would see the negotiation of key issues with province-wide impact, such as compensation. Issues that affect the implementation of education policy or that could result in significant costs for one or more school boards can also be negotiated centrally. Management representation at central tables would be made up of both the government and the provincial trustee associations. Employees, of course, would continue to be represented by their provincial unions or federations.

In the case of local bargaining, the structure would remain the same, as it currently exists, describing local bargaining. Local issues would continue to be bargained by local school boards and local employee representatives, and would be allowed to happen concurrently with central bargaining. The provisions of centrally negotiated agreements, combined with locally negotiated provisions, will make up the final collective agreement.

This new structure, if passed, would enshrine for the first time a clear, legally defined role for government at central tables. It only makes sense that since the government has a strong interest and obligation in the outcome of negotiations, it should likewise have a formal role at the central table.

Another big difference from the previous process is the creation of legally recognized central voices for school boards. Historically, there was no legal status for the trustee associations to provide central representation for the school boards. This now needs to change to better reflect today's reality.

We are also proposing changes to the ratification process. This is one of the more innovative aspects of this legislation: three-party ratification for central bargaining. This means that a central settlement, which will be part of the collective agreement, will only be reached if all three parties—government, trustee associations and unions—agree to it. I repeat: No central settlement can be reached without the agreement of each of these three parties.

Speaker, this is truly a made-in-Ontario approach to collective bargaining, and different from the status in any other provincial bargaining scheme, where the school boards, as represented by their associations, have no role in the ratification of the central agreement. It's a homegrown solution that shows that we listened to stakeholders who wanted clarity, accountability and consistency during bargaining.

With the proposed model, we'll have a process that ensures all parties have a clear role and are accountable during the negotiation phase, while also ensuring that everyone plays an essential role in the final outcome. Also, this process would formally recognize the trustees' role as elected representatives by naming the trustee associations as central bargaining agencies. With the newly prescribed role for government at the central table, we, as the funder of education in Ontario, will be able to bargain directly about issues that are connected to funding.

Speaker, this simply makes sense. The funder, the employers and the employee representatives will all sit at the central table, and each of those three parties will have a critical role in how and when central agreements are reached. I'm optimistic that the addition of three-party ratification

will lead to a more effective and consistent bargaining process for everyone involved. It ensures that all parties are 100% clear about their role and, similarly, 100% accountable for the outcome.

I would also like to talk about how employers and employees will be represented at the central tables. The proposed legislation names the following parties as the statutory central bargaining agencies for collective bargaining for teachers: AEFO, the French teachers; ETFO, the public elementary teachers; OECTA, the English Catholic teachers; and OSSTF, the public secondary teachers. They continue to be identified as the permanent central teacher federations. For employers, the permanent central bargaining agencies include ACEPO, which represents the public French boards; AFOCSC, which represents the Catholic French boards; the Ontario Catholic School Trustees' Association, representing English Catholic boards; and the Ontario Public School Boards' Association, representing English public boards.

As mentioned before, this means the role of trustee associations is prescribed in the legislation. The trustee associations will be required to establish their own policy and procedures to fulfill their duties and functions as employer bargaining agents. I have full confidence in the trustee associations' ability to perform this role.

Support staff unions, such as CUPE, will also have access to central tables but on a voluntary basis. If a union representing more than 15 support staff bargaining units wishes to participate in central bargaining in any given round, the Minister of Education would have authority to designate a union or bargaining council of multiple unions to represent support staff in schools. We do anticipate that that is what would happen in most cases on the support staff side. What it means, for example, is that office staff, early childhood educators and maintenance workers, represented by unions such as CUPE, ETFO and OSSTF, would be eligible for a central bargaining table.

Once the union is designated as a central employee bargaining agency, it's the responsibility of the minister to create a central table by designating a council of trustee associations as a central employer bargaining agency. The significance of that technicality is the fact that if we think of CUPE, for example, it has bargaining units in all four school board sectors, so we need to have all four trustee associations represented at the management side of the table.

I would like to speak more about what this newly prescribed role would mean for the bargaining process. Currently, the government has only been party to voluntary central negotiations, despite having the legal responsibility for funding elementary and secondary education. This proposed legislation would change that. The government would have a direct, formal role in central negotiations and will work to coordinate all central tables. The province would work with the trustee associations to set the bargaining mandate for the management side at the central tables, and it would help determine which issues would be bargained centrally. Of course, with three-party ratification being a requirement, the crown also plays an essential role in ratifying the central agreements. But to be clear, the government would continue to have no role in local bargaining. The proposed model continues to respect the existing local collective bargaining process as the best process for addressing purely local matters.

With the introduction of a new structure, this legislation, if passed, would require all parties to agree on which issues will be negotiated centrally versus locally. This will be determined at the outset of the bargaining process before negotiations begin and could vary from contract to

contract, from round to round, even from table to table. This makes sense, as we need to know which issues will be negotiated at which bargaining table before negotiations can begin.

While the issues to be negotiated at each table are not dictated by the legislation, there are some general guidelines. In general, major monetary items and items with major policy implications would be discussed at the central table, and the Minister of Education would have authority to reserve certain matters for the central table. Such matters would include those that could have a significant impact on the implementation of provincial education policies or a significant impact on the expenditures of one or more school boards.

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The proposed legislation also provides a process to resolve an impasse over what issues will be bargained centrally. If, after a fixed period of time, all parties cannot agree on what issues will be bargained centrally or locally, any party may turn to the Ontario Labour Relations Board for a final decision. This means that no issue can be negotiated at both the central and local tables in a particular round of bargaining. It has to be one or the other table.

As I have stated, this innovative legislation would require three-party ratification at the central table, and ratification between employers and employees at the local level. Any resulting collective agreement would be comprised of the centrally negotiated terms and the locally negotiated terms, but local terms would obviously apply only to the specific school board for which they were negotiated.

The duration of education sector collective agreements are also prescribed in this proposed legislation. Collective agreements can only be set to terms of two, three or four years in length, while common expiry dates will be retained; that is, the August 31 expiry date that we currently are using. These pre-set terms are also part of our goal to establish a clear and consistent process for all parties involved.

Speaker, with the School Boards Collective Bargaining Act, we are proposing a framework to move beyond past challenges and to look into the future. We want to build on the work we accomplished at the voluntary central tables and establish new rules for all parties involved in the process. This clarity, consistency and efficiency will improve negotiations and help put previous challenges behind us. That has been a top priority for me since becoming Minister of Education: to rebuild the relationships with our stakeholders and to move forward. That is why we have worked very hard, over many months, to get feedback from key education stakeholders.

Speaker, this made-in-Ontario approach to collective bargaining was developed through extensive consultation with our education partners. Five informal rounds of consultation took place this past summer and early fall with trustee associations, teacher federations and support staff unions. This valuable input helped shape this proposed bill, and we included elements in this legislation that were asked for directly by education stakeholders, both trustee associations and unions.

We heard in those discussions that a return to purely local bargaining is not a viable option. Nearly everyone we consulted also raised a number of key points on the role of employers and the government at the central table. We heard that the trustee associations should be the statutory bargaining agency for employers, with the legal authority to bind local school boards

to a central agreement. We also heard that the crown should have a clearly prescribed role. We heard that employer bargaining agents needed to have the ability to bind their member boards to provincially negotiated agreements. And we heard that, since the government funds education in Ontario, it should participate directly in negotiations over the terms and conditions of employment.

All parties we consulted supported a bargaining structure that included central and local tables, and virtually all parties agreed that major monetary items should be negotiated at a central table. At the same time, it was agreed that mechanisms should be in place to ensure that local bargaining remains meaningful. We also heard that central and local issues should be agreed upon by all parties at the beginning of each round and not prescribed in legislation. And, finally, everyone we consulted supported access to provincial negotiations for support staff.

Speaker, this is not just our government's proposed legislation; this is a made-in-Ontario approach to improving collective bargaining in this process. We did listen to our stakeholders, we valued their input and we heard what they asked for. While it's impossible to satisfy everyone with every clause in one piece of legislation, we do believe that the proposed legislation balances the interests of all parties and proposes a model that responds to the unique characteristics of Ontario's education system. That is why we are confident that this legislation will help modernize collective bargaining in the education sector. It's a bill that reflects our need to find a better way to negotiate, and it's a bill that reflects and respects the needs of our stakeholders and of all Ontarians.

Speaker, I've outlined why we need this legislation, what it will do and how it will help improve relationships with our education partners. It's a bill that helps build on the great progress we have made in education. It's a bill that will bring clarity and consistency to provincial-level bargaining for publicly funded education, and it will do this by establishing a framework for negotiations that will replace previous discussions that were voluntary. It will do this by allowing all parties in negotiations to work together and work toward a common goal. That is why we are proposing this new model for negotiations.

As I've said, the voluntary process we engaged in previously at the provincial level created challenges. Now is the time to adopt a new model, a new process, where everyone has a formalized role at the central table. This is essential as we remain in fiscally challenging times.

The current method of collective bargaining may have worked better when school boards had taxation powers, and during periods when investments in education were increasing. But in these times of fiscal constraints, we need a model that encourages creative, collaborative discussions where everybody works together to find solutions to challenging issues.

As mentioned, Mr. Speaker, the next round of bargaining is approaching fast. Current contracts in the education sector expire in August 2014, meaning that the collective bargaining process will need to begin early next year. That is why it is so important to have the provisions of the School Boards Collective Bargaining Act in place before the next round of bargaining. It is critical that we have this new process in place quickly, to ensure that everyone at the bargaining table has an opportunity to put in place the structures that would be required to successfully implement the School Boards Collective Bargaining Act.

The School Boards Collective Bargaining Act will help establish such a process, and I look forward to the support of all the members of this House on this very important piece of legislation. By

passing this groundbreaking bill, we can deliver a made-in-Ontario approach that improves the way we negotiate in the education sector.

Speaker, in the spirit of partnership, I urge all MPPs to stand up and do what's best for our education system. Without question, we need a collective bargaining process that is clear and consistent for everyone, and the School Boards Collective Bargaining Act will help us do just that.

Thank you, Speaker, and I'm now going to share my time with my parliamentary assistant.

**The Acting Speaker (Mr. Paul Miller):** The member from Scarborough–Rouge River.

**Mr. Bas Balkissoon:** Mr. Speaker, I'm pleased to add my comments in support of the School Boards Collective Bargaining Act.

As the minister pointed out, this proposed legislation needs to be in place before the next round of negotiations. We are proposing this bill to help formalize in legislation the relationships with the educational partners as it relates to collective bargaining. This will help build on the great progress we've made in education, in a system that is already recognized as being among the best in the world. We are seeing great results, results that we can all be proud of. These accomplishments are directly tied to the hard work and dedication shown by our teachers, students and school administrators each and every school year. These are the people who help Ontario lead the pack in publicly funded education.

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Since 2003, Ontario has made great strides in helping students succeed and reach their full potential. This has given our province an international reputation for innovation and excellence, and rightly so. I'm very proud of our sterling record on education. It is a record that has delivered tremendous results for our province.

While there are many ingredients that have contributed to our success, we are always guided by three core priorities: increasing student achievement; closing the gaps in achievement for students struggling within our system; and increasing confidence in publicly funded education. Since 2003, these core principles have delivered very positive improvements. In 2002-03, only 54% of children in grades 3 and 6 were achieving the provincial standard in reading, writing and math. That number has jumped to 71% of children in grades 3 and 6 meeting the provincial standard in literacy and numeracy. This is an impressive increase of 17 percentage points since 2003.

Similarly, our graduation rate is up significantly. In 2003, only 68% of our students were graduating, but now that number stands at 83%. That is a 15 percentage point increase in this short time. This means that over the past 10 years, an additional 115,500 students have graduated who would not have if the graduation rate remained at the 2003 level. We have come a long way in the last decade, and we have our educators, students, parents and many community partners to thank for these great improvements in student achievement in our school system.

As I mentioned, Ontario's publicly funded education system is one of the best in the world. Time and time again, international studies show this to be true. Scholars from around the world,

including Australia, China, Denmark, Japan, Sweden, India, Finland, Northern Ireland, the Bahamas, Germany and the United States, have visited our great province to learn of our success. That worldwide excellence was evident in 2012 when Ontario was once again recognized as a leader in education.

A report from the Organisation for Economic Co-operation and Development, OECD, explained that our government's emphasis on solid education has achieved real, positive results towards increasing literacy and numeracy comprehension, improving graduation rates and reducing the number of low-performing schools. This adds to the previous OECD reports that ranked Ontario students among the best in the world at meeting or exceeding international standards. Speaker, this is astounding progress.

Of course, one of our proudest achievements has been full-day kindergarten—one of the most significant transformations in our education system in a generation. We are giving students the best possible start with full-day kindergarten, the benefits of which can last a lifetime and lead to a successful future.

Full-day kindergarten continues to roll out as planned and is now offered in approximately 2,600 schools across the province. That means that about 184,000 of Ontario's four- and five-year-olds are benefiting from full-day kindergarten this school year.

By September 2014, full-day kindergarten will be available to all of Ontario's four- and five-year-olds. We know full-day kindergarten is worth it because the program is already producing great results. But full-day kindergarten is just one way we are transforming our world-class education system.

We're also working hard at the elementary level. There, we've looked at new ways of improving literacy and numeracy, and we're also focusing on the development of higher-order skills. Creativity, critical thinking and problem-solving skills are all part of our modern world. This means that educators increasingly have to teach students how to use information to think independently.

At the secondary level, we're helping students gain real-life, hands-on experience in the workplace. Students gain valuable experience in co-op programs, while earning credits towards their high school diploma. Our Specialist High Skills Major program means students can match their personal interests and skills with a career path.

Seven years ago, when we launched the Specialist High Skills Major program, 600 students enrolled. This year, more than 42,000 students are in the program. These priorities are benefiting Ontario students and putting them on a solid path to success. But we recognize that our work is not done.

We must ensure that we continue on this road to success. That is why we're looking at ways to take our education system from great to excellent. We must continue to raise the bar and take student achievement to new heights. To this end, we are currently engaged in consultations around the province on the next phase of our education strategy.

Our world is rapidly changing, and the evolution of technology is creating a greater demand on our system. So we have been asking education stakeholders and non-traditional stakeholders for their ideas. We have been leading, hosting and encouraging provincial, regional and

community discussions to create an updated vision of our education system. This direct feedback has been invaluable.

We are hearing from a wide range of sectors, from education to business, not-for-profit, research and innovation, and more. This diversity of perspectives and wide range of opinions will help us identify ways to take our education system even further. We want to know how front-line educators envision our education system over the next 10 years. We want to hear from business leaders on what they expect from the next generation.

Parents, volunteer organizations and our aboriginal partners, among many others, are also contributing to this exciting new vision. Of course, we're hearing from students, for whom everything we do in education is focused—to help them succeed in school and far beyond.

These consultations will help build a powerful future for education in Ontario, a future that depends on all of us to ensure we continue to live in a prosperous Ontario. Most of that prosperity is tied to the investments we continue to make in our education system by supporting it with stable funding.

The Ministry of Education, with an overall budget of \$25 billion, is the second-largest ministry, and provides a vital public service to all Ontarians. As part of our commitment to full-day kindergarten, we're providing about \$963 million for the 2013-14 school year to support the ongoing rollout of full-day kindergarten. This combined investment of the Grants for Student Needs and full-day kindergarten is almost \$22 billion, but our current fiscal reality means everyone in the public sector needs to be financially responsible.

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School boards are benefiting from funding that has increased by \$6.4 billion, or 44%, since 2003, and per-pupil funding now sits at \$11,200, an increase of more than \$4,000, or 56%, since 2003.

We also continue to make sound capital investments in our schools and communities. Since 2003, our government has provided \$11.6 billion in capital funding to school boards, including funding to support 610 new schools that have either been opened or planned or are under way currently. This funding helps build new schools or expand, refurbish or repair older schools being renovated, closed or replaced. We're also investing in green schools that use modern, environmentally friendly technologies. We will continue to make these investments so our schools can provide the best possible learning environments to support students' success.

Nevertheless, we must also remain mindful of our current fiscal climate. We live in a time of global economic uncertainty, where we have to count our coins and stretch our dollars.

That brings me back to this proposed legislation, where we are looking to establish a new model of collective bargaining in the education sector. As the minister said, if passed, it would provide a made-in-Ontario approach to labour negotiations, with clear and accountable roles for all parties involved in collective bargaining.

Since the government funds education in Ontario, it puts us at the central table, where issues tied to funding are discussed. This will be essential as we move forward in our time of financial constraints. We need to protect our world-class education and find a better way to negotiate while working within our fiscal parameters.

As such, I urge all MPPs in this House to join Minister Sandals and myself as we support this bill. The School Boards Collective Bargaining Act is necessary and important legislation. As the minister said, we need to have this legislation in place long before August 2014. It is in everyone's best interests that it be passed and in place before this next round of bargaining.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Rob Leone:** I'm pleased to respond to the Minister of Education and the parliamentary assistant, the member for—I'm just looking here right now—Scarborough—Rouge River.

Mr. Speaker, I think that the minister and the parliamentary assistant to the Minister of Education have offered a number of points with respect to this legislation, and I particularly respect the fact that their goals are to increase student achievement, to reduce the gap between underperforming students and underperforming schools with the top-performing ones, and improve confidence in public education. I think that members on this side of the House certainly would applaud the government for that and agree with the government that those are worthy causes of discussion.

I know that through the course of my response—I will be having an hour lead on this. I'm going to reserve many of my comments for that period in time. But what I will say, Mr. Speaker, is it is interesting to hear that the government has presented this particular piece of legislation that focuses on the process of collective bargaining. This bill, more or less, is about process; it's not about the politics, it's not about improving test scores. It's simply about outlining and laying out a framework and a process for negotiation.

Certainly, on this side of the House, we have a number of perspectives on how to improve education. We would like to be talking about those pieces of legislation, but I know, through the course of debating Bill 122, that we will be stuck talking about the process by which collective bargaining will take place.

So there is an opportunity, I think, to talk about this process and framework, but what we really would like to talk about on this side of the House is how we can actually improve student scores, how can we actually improve the education system, which this bill simply fails to do. This is simply about process and not about improving quality of education.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Ms. Peggy Sattler:** I'm pleased to rise today as MPP for London West, but also as someone who has been involved in the education sector since 2000. Really, it was the chaos of Bill 115 that led me to put my name forward, to seek elected office at the provincial level and stand before you here today as MPP for London West. In my 13 years in the sector, we saw each round of collective bargaining was basically reinvented by the government, depending very much on the personality and the priorities of the minister of the day, and I don't think the sector was served well by this constant change in process.

I'm very pleased to see that there is an effort to bring forward a legal framework to guide collective bargaining and define the roles of each of the parties. It's especially important to give provincial trustee associations a formal legal role in the process. I think this will help very much, but we also have to be very cautious. I heard both the Minister of Education and the member

from Scarborough–Rouge River talking about the need to move expeditiously and put this legislation into place. As always, with legislation, the devil is in the details.

We need to get this legislation to committee, ensure that all stakeholders have ample time to review the legislation, to respond to the legislation, to bring forward amendments, because we absolutely owe to the students of this province a commitment not to put them into the kind of chaos that we saw last year with Bill 115. We owe it to the students of this province to have a quality public education system that is framed by a responsible collective bargaining process.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Mike Colle:** I just wanted to reflect on the comments by the minister and the parliamentary assistant that, ultimately, getting this right means that we get it right for students and parents. Really, that's the bottom line. We've got to remember that it's not just the teachers. As you know, Mr. Speaker, my father was a caretaker in the school system. The support workers are critically important because they all come together to do something that sometimes we don't pay enough attention to, day in, day out.

I visit schools regularly—I was at Baycrest school in my riding the other day—just to see the incredible care that the staff and teachers take for our kids. I've got Forest Hill Collegiate. It's as good as any high school in the country. I've got Dante Alighieri high school. The kids have been in 20 portables for the last 15 years, yet the teachers and staff carry on and take care of these kids.

Sure, our education system always needs improvement. We know that. But the amazing thing is that the tens of thousands of teachers, support staff and the parent councils, the CSACs, are doing this on a regular basis. This is our attempt to make sure there's a framework where the schools work for the community, for the students, for the parents. That's why this framework has to be connected to the kids and to the workers in the schools in a way that's fair. I think the minister has spent a lot of time—she has got a proven track record of working in our schools. She has a real love of our schools and our kids. I think we've got to try to find a way of building this proper framework, and I think that's what this is about, in terms of everyday people.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Michael Harris:** I'm happy to provide my two minutes on the leadoff for Bill 122, the School Boards Collective Bargaining Act. I know that I'll listen with interest as my colleague Rob Leone, the member from Cambridge, who I know has dove deep into this issue as the new critic for education, enlightens members of this House as well as Ontarians on where we stand with regard to this issue.

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I think, first, it's quite unanimous that our intent here is to ensure that our kids get the highest quality of education possible in the province of Ontario to ensure that they've got a bright future ahead of them. Education is an important part of that. I will say that not only what happens in the classroom is important, but outside the classroom, after hours or even before the school day starts, is an important aspect.

I recall the students that I had into my office last fall, who were denied a lot of those extracurricular activities that are so important to a part of their school day. You know what? Some strong students who organized their colleagues and wrote letters to the minister came to see me in my office and said, "Hey, don't use us as bargaining chips here." These are important activities. I know students who were preparing to go to college getting a bit of extra help in the morning or those participating in after-school activities who were really shut out from that, while their counterparts on the Catholic side were able to continue those extracurricular activities.

We talked about clearing the decks and bringing forward a jobs plan that would address jobs and the economy. We know we have a major situation there. We talked about amending reg 274, something that's extremely important to ensure that the best teachers are in the classroom and that when hiring is on the books, those folks get the best possible education they can.

Thanks for the opportunity. I'll await the member—

**The Acting Speaker (Mr. Paul Miller):** Thank you. The Minister of Education has two minutes.

**Hon. Liz Sandals:** Thank you to the members from Cambridge, London West, Eglinton–Lawrence and Kitchener–Conestoga.

I want to focus on what the member from London West had to say, because her observations were quite correct, that the provincial discussion tables were an ad hoc arrangement, an ad hoc process—that each process was different. I can assure her, because I, too, was a trustee, that before we went to provincial discussion tables, the process was also quite difficult, the time when we were doing local bargaining in the years between losing taxation rights and attempting to do a provincial discussion table.

So I think what we're both reflecting is that there is frustration in the system with a process that's legally fine but that doesn't match reality, and that that frustration is shared by the unions, it's shared by the school boards and it's shared, quite frankly, by the government.

In response to the member from Cambridge, that's actually why we have put so much effort into the process. I do need to assure you that the consultations that we did with both the unions and the trustee associations were very much focused on the details of exactly how this legislation works. We have been talking here today about the broad strokes, but there's been a lot of discussion going into every clause and how every detail of this should work.

For my colleague from Eglinton–Lawrence, thank you for recognizing the support staff, because the education workers are also an important part of this scheme. They too can have access to the central table.

**The Acting Speaker (Mr. Paul Miller):** Further debate?

**Mr. Rosario Marchese:** It's good to have an opportunity to speak to this bill, Bill 122. It is certainly an improvement over Bill 115. I know that many Liberal MPPs are relieved with Bill 122 because it is an attempt to reach out once again to the teachers, who they hurt badly under Bill 115. I know that many Liberal MPPs were profoundly nervous about what had happened and that they had broken the wonderful relationship they had with teachers that they had built for a long, long time.

Recall, Speaker, that the former Premier was touted as the education Premier. That is what he wanted to be known as. His wife was a teacher, of course. He himself had a love for teaching, teachers, children, and when they came out with Bill 115, most of the members were horrified—

**Mr. John Yakabuski:** You have to stand down the lead. Say, “I’d like to stand down the lead,” or you’re—

**Mr. Rosario Marchese:** It’s exactly what I thought we had to do.

Speaker, with your indulgence, can we have unanimous consent to stand down our lead, please?

**The Acting Speaker (Mr. Paul Miller):** The member from Trinity–Spadina has asked for consent to stand down the lead. Is it the pleasure of the House that the motion carry? Carried.

Continue.

**Mr. Rosario Marchese:** Thank you very much, Speaker. These are the rules that we normally follow. I didn’t know how they could have been done any differently.

You will recall that the Premier was the education guy. Imagine the horror of this opposition party. Imagine the horror felt by so many Liberal members who themselves are teachers, who themselves were close to the teaching profession, some of whom might have been school trustees as well. They just couldn’t quite understand how they could have moved away from virtually 10 years of good relationships with the teachers to bring down a bill that essentially violated that relationship with the teaching profession and disrespected school boards—because they obviously overrode the agreements, overrode the powers of school boards, overrode and dismissed the relationship they ought to have with the federations, and they did get punished here and there, and they felt it. Each and every one felt it.

What I said in a speech that I made—it seems quite a long time ago—is: Why would you do that? Why would Liberals do that? Why would the then-Premier do that, and why would that caucus allow the Premier and others, whoever they are, to do that? It made absolutely no sense.

I understand how things work. I know that the Premier has tremendous power. We know that. And we know that the chief of staff of the Premier has tremendous power. Between the two of them, the power is immense. It is absolutely immense. It’s possible that one or two cabinet ministers—maybe three—have some influence on the Premier, but on the whole, they have none. Where others might say, “But where were you?”—and they do say that: “Where were you? You could have said no. You could have resigned.” You could have insisted that Bill 115 was wrong, and together you would have been mighty; if you had 30 or 40 of you saying no, the Premier would have had to back off. So the question is: What happened?

**Mr. Mike Colle:** Like Bob Rae.

**Mr. Rosario Marchese:** Similarly. Similarly. People could say that of the social contract as well—absolutely true. Which is why I say to the Minister of the Environment, because he’s always the one who reminds us of these things, “Have you learned nothing from that experience?” That’s the point I make.

It doesn't mean that if you had a bad experience 20 years ago, you could then do the same and learn nothing from bad experiences. The idea is that you learn from something that was truly difficult, problematic, for politicians and the professions that were affected by it—

**Hon. James J. Bradley:** “Social contract.” Say the words.

**Mr. Rosario Marchese:** That was the one.

**Hon. James J. Bradley:** Say the words.

**Mr. Rosario Marchese:** That was the one.

**Interjection:** He won't say it.

**Mr. Rosario Marchese:** I obviously don't want to hurt someone who's a friend of yours and was going to be the leader of the federal Liberal Party. Clearly, it would not be useful to hurt you even more. The point is to learn from the past.

Bill 115 was truly damaging to you, and it was good that it damaged you, because what you did is to simply overwrite contracts. Contracts meant nothing. What you did was to simply—but I just told you that you had a lesson from 20 years ago.

**Hon. Ted McMeekin:** Good judgment is based on past experience.

**Mr. Rosario Marchese:** Good judgment is based on past experience, and the point is that you learned nothing from it. The idea was that you treat the federations with respect, that you have them at the table, and you treat school boards with respect, and you have them at the table. With Bill 115, you did not do that.

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You're trying to recover lost ground, and I understand. God bless; it's good that you're doing it. Now you've got the federations onside, so to speak, at least having them at the table. That is good. You have the boards onside, which is good. So you have them on board, so to speak, at the table, which is good. And at least you're able to, hopefully, negotiate reasonably, amicably, respectfully with the teacher federations and the boards of education. It's all they want. It's all they deserve. It's all they expect.

But when I hear the member from Scarborough—Rouge River talk about all the wonderful things you've done in education, it makes me vomit, from time to time. Please, please, please. It's almost revolting. I exaggerate. Speaker, I exaggerate. I don't want to hurt them too much.

Some of you may not know, but some of the ex-Toronto trustees know this very well—I will not mention them by name or by their riding—they do know that most boards have deficits. I think you know that. The way they deal with deficits is to find various cuts to make in order to balance their budgets. What has the Toronto board done for years now? They have a maintenance budget, a capital budget, and boards of education, particularly the Toronto board, have had to raid that budget to balance the budget. What does it mean to raid the capital maintenance budget? It means our schools are falling apart. It's like the Dufferin line, that has no clean buses going up Dufferin. It's similar to that, right?

**Mr. Mike Colle:** All the smog.

**Mr. Rosario Marchese:** What would it take, to help the member from Eglinton–Lawrence, to bring some clean buses going up Eglinton so that he doesn't have to suffer the smoke of—

**The Acting Speaker (Mr. Paul Miller):** I've been unusually lenient for myself today, and it's getting out of hand. The member knows that he has to go through me and not have conversations across the floor with the member from Eglinton–Lawrence, and the member from Eglinton–Lawrence knows better, especially being the veterans you are. So let's have a little decorum—a great word, I know—in the House. I'd appreciate a little quiet, because the Speaker is getting a little upset about this. Thank you.

**Mr. Rosario Marchese:** Speaker, if you noticed, I am making a tremendous effort to look at you as often as I can; I am. While you were looking away, I was looking at you.

**The Acting Speaker (Mr. Paul Miller):** I must admit, from past experience, the member from Trinity–Spadina has improved immensely with his ability to go through the Chair. And I love it when you look at me.

**Mr. Rosario Marchese:** That's what I was doing.

**The Acting Speaker (Mr. Paul Miller):** Thanks very much.

**Mr. Rosario Marchese:** And I just wanted to emphasize the tremendous effort that I have made. So while I was distracted momentarily, I had to look at him briefly, but I quickly turned to you, as you might have noticed, because of the respect I have for the Chair and your position, of course.

Speaker, the point that I make to the minister and to the member from Scarborough–Rouge River is that we have tremendous fiscal problems at the boards level. So the Toronto board raids their budgets, the maintenance budgets and their capital budgets, on a yearly basis to balance the budget, as they try to maintain their dollars for essential programs that they deem to be important for the board of education. What it means is that elementary and secondary schools are falling apart. It is important for some of you—

Interjection.

**Mr. Rosario Marchese:** I was distracted.

It is important for some of the members to actually do a little visit of some of their schools in Scarborough—that would be useful—and in the old Toronto. I think it would be very, very useful, because, remember, the old Toronto is old schools, and if we don't repair them, they are in serious trouble.

So for years, we have taken from that budget to balance our budgets because, by law, boards have to balance their budgets, and to do that, they have to take money from different programs, rob-Peter-to-pay-for-Paul kind of programming. That's what has been happening for years. Boards have raided the ESL programming for years. I remember the then minister, Monsieur Kennedy, who gave \$120 million for ESL, and it was understood that that money could be raided by boards in order to be able to balance their budgets and move money around, and it didn't go directly to all those needy kids coming from different countries, who desperately needed ESL. How do you square that? How do you defend that? You could say money is going to

ESL, and you could say loads of money are going to boards, but the money isn't there—money desperately needed for needy children, who don't get the ESL.

The French language program: They don't get the dollars that they deserve either. Money is raided from that program as well, to be able to balance their budgets. Music programs have been devastated. We used to have, a long time ago, what we used to call gym teachers, that are now called physical education teachers. We used to have a heck of a lot more physical education teachers, and we needed them. We needed them then, and we need them desperately now, because young kids are overweight—some are obese. We desperately need to get kids moving, and we need teachers who have knowledge of how you teach kids health, what we eat and so on, but physical health in particular. And now only 30% to 34% of our schools have physical education teachers. That is a serious deficiency in our system, and why is that so? Because of underfunding.

If you don't have the funding, you cut away, you chip away at various programs that are important. I am a big supporter of full-time JK and SK—a big supporter of that program. Our party talked about this in the 1999 election as a very important thing to do. We don't shy away from its importance, but what I said then was that if you don't invest properly, there are going to be problems in that program, and that will hurt the program, not help it or save it.

Principals were very, very nervous about it because more responsibilities were put on their heads and their shoulders, and they knew that once that program came in, they would have to find the dollars to fund that program, because the program is not adequately funded. The government quickly moved in to put those programs where there was space, and when there was no space any longer, they had to scramble to deal with the problems that they faced in schools where they had to build additional space for those children. That's why we still don't have a program that is fully complete. Where you have full-time JK and SK, you don't have a seamless program in the morning and in the evening. That problem is everywhere across Ontario. Most parents cannot afford the early child care and the late child care, which means some parents are using it if they can afford it, and some are not. That's a serious problem. So that seamless day that was supposed to happen in the schools is not happening.

We have tremendous problems in our system, and while this government, in 10 years, has made some effort to improve our educational system, we have a long, long way to go to make it the best possible system that we can have.

We talk about math. Math is another issue that we have not addressed as a government, and I am one of the few who believes that we should bring specialized teachers into grades 7 and 8, because it is incredibly important that we have teachers who are experts in the field to be able to pass on that important skill to the kids. If the kids are afraid of math and they don't learn it properly, half of the possibilities in our lives are eliminated by the mere fact that we don't have the math skills. So I'm a big fan of having specialized teachers in grades 7 and 8, and to the extent that we can bring in more specialized teachers teaching math, it is something that we should be looking at. It's another issue of big concern that I believe we should be addressing, and until we do that, I don't know that we've done the job.

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Bill 122 is a bill that obviously has brought the stakeholders together, and that includes the federations and includes the boards. They, I suspect, might have some questions based on the

legal component of this bill and/or other elements. Clearly, they, and we, want to bring this bill into committee for debate and discussion, and we want to be able to hear from them and others about what they think is good about this bill and what they think might need improvement. But this goes a long way to improve what we had by way of Bill 115. It goes a long way to improve the relationship between the federations and the school boards and the government, and I believe this is a good thing.

So I'm looking forward to having hearings on this bill, Speaker, and I'm happy to have had the opportunity to speak to it.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Ms. Soo Wong:** I'm pleased to rise in support of Bill 122. I heard intently this morning the Minister of Education kick off her remarks about Bill 122. As a former school board trustee before I came to the House, Mr. Speaker, I can speak of one item that's so important to my constituents in Scarborough–Agincourt. Education is the foundation of the growth of this province. Through Bill 122, it will provide, as the minister talked about, a made-in-Ontario model framework to talk about protecting the public education system that we know we're so proud of across the province.

My colleague from Scarborough–Rouge River, the parliamentary assistant to the minister, also spoke eloquently this morning about the success and the gains we have made for over 10 years in terms of public education.

I know that the member opposite from Trinity–Spadina does not want to echo those comments, but I can tell you that the reading and numeracy numbers—it's factual. The fact that our schools are leading the way in terms of internationally—we are all proud of our public education system.

Through Bill 122, we address the whole issue of how to continue to move forward in public education, to make sure the system is strong and stable and to address the issue of collective agreements, and we will be having two-tiered bargaining. There will be a central tier. At the same time, we will also have a local tier to allow the local school board, along with their employees, to bargain local issues.

The other piece here is that the minister spoke very passionately this morning, as well as the parliamentary assistant, about the time sensitivity of this particular bill. We all know in this House that August 2014 will be upon us, and it's incumbent on this House and this chamber to pass some type of legislation to provide the framework for the next round of bargaining.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Mr. Rob Leone:** I want to congratulate the member from Trinity–Spadina on his remarks today. I know that he and I shared a very special moment on Monday afternoon while we were looking for some Italian cheeses. We had a road trip, and he showed me the goods on Corso Italia and Little Italy. I very much appreciated that outing, and I appreciate that we're going to be doing it again.

Mr. Speaker, I think the member from Trinity–Spadina raises a number of important points. One of the key points that he made is a point that I would echo, in that this is a very highly technical

bill, a bill that likely will have labour lawyers debating the nitty-gritty and the technical aspects of the bill, but ignoring largely some of the policy objectives that the member has outlined. Particularly, I know he referenced the declining math scores that are in our schools. I think, perhaps maybe with a bit of disappointment, he is suggesting that we could be talking about those items which, because this is a technical bill, we won't be debating very much at all.

This is an important aspect. I think there are a lot of issues in education. I think that providing the rules and formalizing the negotiation—obviously, it's very important for all parties to understand and listen. But I get the sense that the member from Trinity–Spadina would like to be talking about other issues with respect to education, and he wants to move on addressing some of the concerns that he has, not only for the system as a whole, but those issues that are particular to his riding and to the municipality and city of Toronto in which he lives.

So I look forward to participating in this debate, and I want to thank the member for his comments today.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Ms. Peggy Sattler:** I wanted to comment on some of the remarks that were made by the member for Trinity–Spadina. He's obviously a very passionate advocate for public education and someone who has seen a lot of change in education over his years here in this Legislature.

I think he raised a really important point when he spoke about ESL and the importance of ESL in his riding. What that really reflects is some of the differences between school boards in terms of the priorities they place on local issues. I think that one of the challenges we may see in this legislation is around the definition of what is a central issue and what is a local issue, particularly when it comes to funding. We know that school boards across this province are all very different. They have very different sets of priorities. Sometimes, what boards want to advance at the local level as a local priority requires provincial funding. We need to ensure that there is an appropriate process in place to allow that definition of what is a central issue and what is a local issue.

I'm pleased that the legislation includes that opportunity because that is going to be very important to the province moving forward in terms of having a fair collective bargaining process.

Once again, I want to say on behalf of our party that we believe that this framework is necessary. We would like to hear what stakeholders have to say as it moves forward to committee.

**The Acting Speaker (Mr. Paul Miller):** Questions and comments?

**Hon. Liz Sandals:** I must say, in response to the member from Trinity–Spadina, I share his passion for looking at teaching math. That's also something that we are looking at, although that doesn't require legislation. What we're debating here today is Bill 122, a change in the legal labour relations framework for the education sector, which does require legislation.

But somewhere in the member's comments, he did say something quite relevant, which was the observation that school boards are not legally able to run a deficit. From a technical point of view, that is because if a school board does run a deficit, it is actually reflected back on the province's books and increases the province's deficit, which is why that prohibition is there. But

that's very relevant to this discussion because the reason that the government has come up with these various forms of voluntary provincial discussion tables is that when you looked at just simply doing local bargaining absent taxation power, it made local bargaining almost impossible because the school boards didn't know how much money they would have beyond a one-year GSN announcement. The unions obviously would have liked to get raises periodically, and it's awfully hard to figure out how to give a raise that won't cause a deficit if you don't know how much money you're going to have, which is why both the boards and the unions said, "Government, we need you at the table because you're the only people who know how much money you're willing to spend."

So the comment from the member for Trinity–Spadina about school board deficits and school board financing is actually absolutely essential to understanding why we're doing what we're doing.

**The Acting Speaker (Mr. Paul Miller):** The member from Trinity–Spadina has two minutes.

**Mr. Rosario Marchese:** Thank you, Speaker. I was very sad when a previous government, in the past, removed the power of local levees, because local levees allowed boards to be able to reflect their own needs in their own areas. When the government that shall remain unnamed did that and centralized education financing, that took away local power. It took away the powers to be able to negotiate even agreements with unions in a way that reflected their own needs. And once power was centralized, it gave so much influence to the provincial government.

For all intents and purposes, we've had provincial negotiations for the last 10 years, really, under the Conservative government and under the Liberals. For a long, long time there was the sense that perhaps we were negotiating locally, but really the power lies on central governments, and that is scary sometimes. It can be hurtful.

I was reminded about the needs of our special education kids. This is a growing, growing phenomenon and a growing problem. So many of our kids are not getting the special attention they deserve. So many of our kids are now into the regular classroom without educational assistant support. It is unbelievably difficult, and I don't know how families are making do. I don't know how teachers survive it, really, because it's hard to teach a classroom where there are no needs and then all of a sudden you've got four or five kids in your classroom with specialized needs that you can't deal with on your own. Teachers are doing that at the primary level. We have many, many difficulties we need to address. This bill addresses some problems of fixing Bill 115. God bless. I'm happy to debate that.

Second reading debate deemed adjourned.