

COMPENDIUM

Keeping Students in Class Act, 2022

This Bill enacts the Keeping Students in Class Act, 2022.

The Bill would address the labour dispute involving school board employees represented by the Canadian Union of Public Employees. The Act provides for new collective agreements. The central terms for those collective agreements are set out in the Schedule.

Section 1 establishes definitions used in the Act, including the bargaining parties and employees and employers subject to this Act.

Section 2 clarifies that expressions used in the Act have the same meaning as in the *School Boards Collective Bargaining Act, 2014*, unless context requires otherwise. Subsection 2(1) clarifies that this Act does not prejudicially affect any right or privilege guaranteed by section 93 of the *Constitution Act, 1867*, or by section 23 of the *Canadian Charter of Rights and Freedoms*.

Section 3 defines the scope of application of the Act to include every employer, employee, bargaining agent, employer bargaining agency and employee bargaining agency defined as defined in section 1 of the Act.

Section 4 states that except as modified by this Act, the *School Boards Collective Bargaining Act, 2014* continues to apply and where there is a conflict this Act prevails.

Section 5 provides that when the Act receives Royal Assent new collective agreements are deemed to be in operation with respect to every bargaining unit, and outlines the terms in a new collective agreement.

Section 6 establishes the duties of each employer and employee bargaining agency in the event a strike or lock-out involving any employees is in effect before this Act receives Royal Assent, after the Act receives Royal Assent.

Section 7 prohibits strikes by employees.

Section 8 prohibits lock out of employees by employers or employer bargaining agencies.

Section 9 establishes offence provisions if a person or organization fails to comply with section 6, 7 or 8 of this Act.

Section 10 deems strikes or lock-outs in contravention of sections 6,7 and 8 of this Act to be an unlawful strike or lock-out for the purposes of the *Labour Relations Act, 1995*.

Section 11 provides that the Minister may make a complaint under section 100 of the *Labour Relations Act, 1995* with respect to an unlawful strike in contravention of section 6 or 7.

Section 12 provides that nothing in the *Rights of Labour Act* prevents or affects the operation or enforcement of this Act against any person including the bargaining agent.

Section 13 provides that this Act, pursuant to subsection 33(1) of the *Canadian Charter of Rights and Freedoms*, is declared to operate notwithstanding sections 2, 7 and 15 of the *Canadian Charter of Rights and Freedoms*. Subsection 13(2) also provides that this Act applies despite the *Human Rights Code*.

Section 14 limits the jurisdiction of the Ontario Labour Relations Board, arbitrators and other tribunals to make inquiries into or decisions as to whether this Act or the new central terms or a regulation, order or decision made under this Act, is constitutional or is in conflict with the *Human Rights Code*.

Section 15 provides for there to be no causes of action or proceedings against the Crown as a direct or indirect result of the enactment of this Act and its terms, and anything done or not done in order to comply with this Act or the Regulations made under this Act.

Section 16 provides for regulations to be made by the Lieutenant Governor in Council for the purpose of carrying out the provisions of this Act.

Section 17 provides that the Lieutenant Governor in Council may make regulations providing for any transitional matter.

Section 18 provides that a regulation made under section 16 or 17 may be retroactive to a period before the regulation was filed.

Section 19 provides that this Act comes into force on the day it receives Royal Assent

Section 20 establishes the short title of this Act as the *Keeping Students in Class Act, 2022*.

Schedule 1
CUPE – PART A: CENTRAL TERMS

This schedule appends the terms of the new agreement between the Province and CUPE, including central and local terms.

Section 3 indicates the term shall expire on August 31, 2026, and other provisions associated with the term.

Section 4 provides for the details of central dispute resolution processes.

Section 5 provides for details on benefits, including eligibility and coverage and funding.

Section 6 provides details on sick leave, and short-term disability plans.

Section 7 provides for the establishment of a Central Labour Relations Committee, and details on how it would function.

Section 8 provides for the details on the application to appointees to Provincial Committees.

Section 9 provides for the details on attendance at mandatory school meetings and events.

Section 10 provides for the details on use of a seniority employee list for casual/temporary employees.

Section 11 provides for the details on the operations of a negotiations committee as it relates to central bargaining.

Section 12 provides for the details regarding family medical and critical illness leave.

Section 13 provides details on meetings regarding the full or partial merger, amalgamation or integration of a school board or authority.

Section 14 provides for the details on recruitment and retention of particular positions that are not funded on a provincial grid.

Section 15 provides for the details on changes to profession activity days.

The Schedule includes various Letters of Understanding between CUPE, the Council of Trustees' Association and the Crown regarding:

- Status Quo Central Items (Letter of Understanding #1)
- Status Quo Central Items and Items Requiring Amendment and Incorporation (Letter of Understanding #2)
- Job Security: Protected Complement (Letter of Understanding #3)
- Apprenticeship Program (Letter of Understanding #4)
- Education Worker Diverse and Inclusive Workforce Committee – Terms of Reference (Letter of Understanding #5)
- Sick Leave (Letter of Understanding #6)
- Central Labour Relations Committee (Letter of Understanding #7)
- List of Arbitrators (Letter of Understanding #8)
- Children's Mental Health, Special Needs, and Other Initiatives (Letter of Understanding #9)
- Provincial Working Group – Health and Safety (Letter of Understanding #10)
- Ministry Initiatives Committee (Letter of Understanding #11)
- Bereavement Leave (Letter of Understanding #12)
- Compensation (Letter of Understanding #13)
- Community Use of Schools (if applicable) (Letter of Understanding #14)
- Long-term Disability (Letter of Understanding #15)
- Support for Students Fund, including tables providing the funding amounts as a result of those investments. (Letter of Understanding #16)
- Short Term Paid Leave (Letter of Understanding #17)
- Details of a Sick Leave Benefit Plan, and the requirements associated with it, to remain in effect until August 31, 2023. (Letter of Understanding #18)