



Elementary Teachers' Federation of Ontario (ETFO)
Fédération des enseignantes et des enseignants de l'élémentaire de l'Ontario (FEEO)
136 ISABELLA ST
TORONTO ON M4Y 0B5
Telephone: 416-962-3836 Toll-free: 1-888-838-3836
Fax: 416-642-2424
etfo.ca

October 28, 2020

VIA EMAIL: minister.edu@ontario.ca

The Honourable Stephen Lecce
Minister of Education
5th Floor
438 University Ave
Toronto, ON M5G 2K8

VIA EMAIL: President@opsba.org

Cathy Abraham
President
Ontario Public School Boards' Association
Suite 1850, 439 University Avenue
Toronto, ON
M5G 1Y8

Re: ETFO's position regarding the revocation of Regulation 274

I am writing to express the position of the Elementary Teachers' Federation of Ontario with respect to the decision by the Minister of Education to revoke Regulation 274 as of October 29, 2020 and to purport to introduce an interim policy for school board hiring practices.

ETFO strongly believes that this decision is a fundamental violation of the School Boards Collective Bargaining Act, 2014, the Labour Relations Act, 1995 and the Charter of Rights and Freedoms. It is a fundamental departure from discussions and understandings reached at the central table negotiations, was undertaken without any consultation with ETFO, has dramatically and improperly undermined the integrity of central and local bargaining and in particular ETFO's ability to address this matter in a timely fashion and to engage in appropriate negotiations at the local level where many

collective agreements remain unresolved.

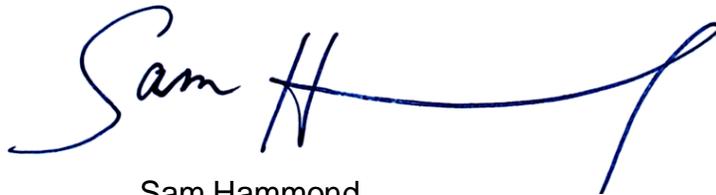
ETFO intends to assert this position in a number of avenues as follows:

1. A complaint will be filed at the Ontario Labour Relations Board alleging a violation of the duty to bargain in good faith, interference in local bargaining by the Crown and a breach of the statutory freeze provisions in the SCBCA and the LRA. ETFO will seek an expedited hearings and, amongst other remedies, argue for the prohibition on the revocation of Regulation 274 until the conclusion of the next round of bargaining on central terms unless ETFO agrees otherwise. ETFO will also seek relief designed to ensure that the improper actions of the Ministry do not adversely affect local bargaining, whether or not local collective agreements have been concluded. This will be ETFO's primary position which will be supported by additional local action as necessary.
2. Where local bargaining for teacher collective agreements (for either teachers or occasional teachers) has not concluded, ETFO hereby puts the District School Boards and other education authorities on notice that it considers the language of Regulation 274 and the rights, privileges and entitlements thereunder to continue in effect until such time as collective bargaining has concluded or the parties are in a legal strike/lockout position. This is subject to any remedy provided in our "central complaint" under paragraph 1 above. ETFO will bring additional proceedings before the Ontario Labour Relations Board to enforce this position as necessary should any school board still in bargaining attempt to hire daily or long term occasional teachers outside of the parameters established under Regulation 274.
3. Without prejudice to any other position which might be taken, ETFO reserves the right to table language governing the hiring of occasional teachers (both daily and long term) and to engage in negotiations with respect to that language where collective agreements have not been concluded.
4. Where local collective agreements have been concluded, it is ETFO's position that language which had previously referenced hiring practices for daily and occasional teachers and which has been "greyed out" because of Regulation 274 will come back into effect and be incorporated into the collective agreements. ETFO will challenge any hiring which is not in accordance with this language. This is, of course, subject to our primary argument above that Regulation 274 cannot be revoked at this time.
5. Where local collective agreements have been concluded and there was no "greyed out" language, ETFO will seek to reopen negotiations, if no other effective

remedy is available, since the collective agreement was concluded on the basis that Regulation 274 would remain in effect and no additional language was needed to address occasional teacher hiring. ETFO also reserves the right to file bad faith bargaining charges in those district school boards which refuse to appropriately address this issue or to raise an estoppel argument to prohibit the Board from acting contrary to the hiring provisions under Regulation 274. Once again, this position is without prejudice to and subject to our primary argument above that Regulation 274 cannot be revoked at this time.

I trust our position is clear.

Sincerely,

A handwritten signature in blue ink that reads "Sam Hammond". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Sam Hammond
President
Elementary Teachers' Federation of Ontario

SH:SO

Copy: Nancy Naylor, Deputy Minister of Education
School Board Directors of Education
Andrew Davis, Assistant Deputy Minister of Education, Labour & Finance Division
Rusty Hick, Executive Director, OPSBA
Penny Mustin, Director of Labour Relations, OPSBA