

Ministry of Education

Office of the ADM
Mowat Block
Queen's Park
Toronto ON M7A 1L2

Ministère de l'Éducation

Bureau du sous-ministre adjoint
Édifice Mowat
Queen's Park
Toronto ON M7A 1L2



2013: B21

MEMORANDUM TO: Directors of Education
Secretary/Treasurers of School Authorities

FROM: Gabriel F. Sékaly
Assistant Deputy Minister
Elementary/Secondary Business and Finance Division

Tim Hadwen
Assistant Deputy Minister
Labour Relations

DATE: September 25, 2013

SUBJECT: Eligibility for Conditional Support for Appending
Terms of 2013 Memoranda of Understanding

As a signatory to the Memoranda of Understanding signed after January 23, 2013 (the 2013 MOUs), the government undertook to make every effort to ensure that terms of the various 2013 MOUs would be appended to collective agreements and that local bargaining/discussions would proceed. One of the measures that we have used to support the process was making some of the funding for MOU implementation contingent on school boards appending the applicable terms of all relevant 2013 MOUs to local collective agreements by September 30, 2013.

We are pleased to report that, in many cases, school boards have agreed to append the terms of the 2013 MOUs and engage in local discussions, and are therefore eligible to receive their full share of the conditional supports that we communicated in the memorandum of September 18, 2013: **B20 Clarification Regarding Appending of Memoranda of Understanding.**

We are now providing further clarity about eligibility for conditional support for appending terms of 2013 Memoranda of Understanding.

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It should be noted that regulations to effect some of the measures that follow have not yet been made. The information in this memorandum is provided in the absence of such regulations.

Actions described herein must be implemented by the making of such regulations by the Lieutenant Governor in Council.

A. DECLINE IN CONDITIONAL SUPPORT OVER TIME

A school board that, on or before September 30, 2013, provides the required attestation that it has appended the relevant provisions of the respective 2013 MOUs to its respective collective agreement will be eligible to receive 100 percent of its conditional funding subject to the reconciliation process.

In cases where school boards attest that they have appended the relevant provisions of the 2013 MOUs to their respective collective agreements after the September 30, 2013 deadline, conditional funding amounts will be adjusted as follows:

- 75 percent of conditional funding for boards appending by October 14, 2013;
- 35 percent of conditional funding for boards appending by October 31, 2013; and
- 0 percent of conditional funding where boards do not append by October 31, 2013.

In addition to declines in conditional support, and as a further consequence of failing to append the relevant provisions of the 2013 MOUs, the Ministry will now have the ability to withhold part, or all, of a non-compliant board's School Board Administration and Governance Grant. There would be further communication with any individual board prior to the proposed exercise of this ability.

B. REASONABLE STEPS

We understand that there have been instances where consensus could not be reached with the local bargaining agents to append the applicable terms of all relevant 2013 MOUs. In keeping with our undertaking to support the process of appending applicable terms of 2013 MOUs, we will be making regulatory changes to recognize that where school boards can demonstrate that they have taken "reasonable steps" to append the terms of MOUs on or before September 30, 2013, these steps will be deemed as sufficient to permit release of the full amount of the conditional funding for which they are eligible.

To demonstrate that "reasonable steps" have been taken, boards will have to show that they have made an unconditional offer to the union to agree to append the relevant terms. An unconditional offer is one that requires no further decisions on the part of the

school board, and is therefore agreement-ready, and contains no other conditions beyond the terms of all relevant MOUs. Boards will also have to show that that they have been genuinely willing to engage in local bargaining and that they are providing the enhancements in question.

In cases where boards submit their required documentation after September 30, 2013, and the documentation demonstrates that reasonable steps were taken, the boards conditional funding will be adjusted in accordance with the timelines noted above.

Attached, as Appendix A, you will find the documentation that we will require from boards to demonstrate that reasonable steps have been taken.

C. CONCLUSION

If you require further information, please contact:

Subject	Contact	Telephone and E-mail Address
Financial accountability and reporting requirements	Andrew Davis	(416) 327-9356 andrew.davis@ontario.ca
Operating funding	Joshua Paul	(416) 327-9060 joshua.paul@ontario.ca
Collective agreements	Joe O'Hara	(416) 212-6971 joe.ohara@ontario.ca

We hope that the measures outlined above will help school boards take the actions necessary to complete the attestation process and, in so doing, maximize the resources available to them for implementing the terms of the 2013 MOUs.

Original signed by

Gabriel F. Sékaly
Assistant Deputy Minister

Tim Hadwen
Assistant Deputy Minister

cc: Howie Bender, Chief of Staff
J. Griffore, Assistant Deputy Minister
Superintendents of Business and Finance
Superintendents of Human Resources
Executive Directors, Trustee Associations
Executive Director, CODE
Federations and Unions

Appendix A Documentation for Reasonable Steps

The following documents must be provided to the Ministry of Education to assist the Ministry in evaluating whether a school board has undertaken “reasonable steps” to append the relevant provisions of the 2013 Memoranda of Understanding to their respective collective agreements:

- i. Summary of all issues that led to no mutual agreement.
- ii. Copy of the relevant offers made in the negotiations.
- iii. In the event there is no agreement on the offers tabled, there must a documented unconditional offer to append the relevant terms of MOU(s) and any agreed outcomes of local bargaining and response if any. An unconditional offer is one that requires no further decisions on the part of the school board, and is therefore agreement-ready, and contains no other conditions beyond the terms of all relevant MOUs.
- iv. Written evidence that a reasonable effort was made by the school board in meeting with the federations /unions at a local bargaining level. (letters, emails to union).
- v. Nature of response from union/federation to school board, if any, and supporting documentation (letter and emails).
- vi. Evidence of the request from the union/federation and related responses that resulted in non-ratification.
- vii. In-camera minutes to the Board of Trustees relevant to local bargaining, and to include any relevant reports tabled at these meetings.
- viii. Confirmation that the applicable terms and conditions of all relevant MOUs are being fully implemented at the local level.

Please send your documentation to:

Joe O’Hara (joe.ohara@ontario.ca)
Director
Labour Relations Branch
Ministry of Education
Mowat Block
Queen’s Park
Toronto, ON M7A 1L2