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The trouble with Betsy

Trump's Secretary of Education has no business in Ontario schools



It came to light on a Monday morning at the beginning of October that U.S. Education Secretary Betsy DeVos was planning to visit Ontario later that week. News reports said that DeVos, a champion of “school choice,” would be visiting schools in the Toronto area and meeting with officials from the Ministry of Education.

Reaction from educators and their representatives was swift and unequivocal. OSSTF/FEESO President Harvey Bischof said it was “alarming” and “an affront to our members” that the government would allow DeVos to visit schools in Ontario. And Ontario Teachers’ Federation President Chris Cowley said that DeVos should “keep her backwards ideas out of Ontario.” The outcry was loud enough that it captured the attention of some major U.S. media outlets, including *Newsweek* magazine and *The Washington Post*.

Two days after it was first reported, and just one day before it was scheduled to occur, DeVos’s visit was abruptly cancelled. Her office cited “scheduling

conflicts,” an explanation that rang a bit hollow in light of the groundswell of opposition that had erupted.

That groundswell of opposition was entirely justified. DeVos’s well-earned reputation is that of an ultra-conservative billionaire whose primary agenda is to discredit and destabilize public schools, while promoting a central role for the private sector in education. She claims to be advocating for “school choice,” which might sound innocuous enough, but it manifests as a range of programs that divert public money away from public education—money that ultimately ends up, either through direct funding or through tuition subsidies to individual students, in the hands of private or religious schools.

In the U.S. states where these programs have been most enthusiastically adopted, funding for public education is already dwindling as tax revenues are funnelled to private institutions—institutions that have almost no public accountability in comparison to public schools. Private schools, for example, can pick and choose the students they admit, which, more often than not, results in racial and other forms of discrimination. American Federation of Teachers President Randi Weingarten writes that “this use of privatization and this disinvestment are only slightly more polite cousins of segregation.” To Weingarten, DeVos’s real agenda is obvious: “How better to pave the way to privatize public education than to starve public schools to the breaking point, criticize their deficiencies, and let the market handle the rest—all in the name of choice.”

Given this background, it’s difficult not to be at least a little suspicious about the motive for DeVos’s plan to visit On-

tario. The Ministry of Education tried to frame it as an opportunity to “showcase” Ontario’s publicly-funded education system, but does anyone believe that DeVos, whose contempt for public education is well-documented, would be interested in learning anything from our system?

Ontarians may be tempted to assume that our well-established tradition of quality public education keeps us safe from the steady creep of privatization that DeVos is promoting so successfully south of the border. But perhaps we shouldn’t be so smug. We need only look further south, where Mexican teachers have been forced to strike in recent years in an effort to stop the encroachment of private interests into the sphere of public education. Mexico, by the way, also has a long tradition of public education, access to which is guaranteed in the national constitution. But since 2014, Mexican business interests, working with an American company that runs charter schools, have opened at least seven private schools in northern Mexico. That sounds a lot like the thin edge of a very dangerous wedge.

We don’t know for sure why Betsy DeVos was planning to visit Ontario, but given her history it would be hard to imagine that her visit would have served the interests of anyone other than private businesses like those that are benefiting from her policies in the U.S. It’s disconcerting that she was planning to come here, and it’s just as disconcerting that the Ministry of Education was planning to welcome her. Once again, as is so often the case, it was up to educators themselves to take a stand on behalf of public education in Ontario.

Michael Young, Editor
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Le problème avec Betsy

La secrétaire à l'éducation du président américain Trump n'a rien à faire dans les écoles de l'Ontario

Un lundi matin du début d'octobre, on nous a révélé que Betsy DeVos, secrétaire à l'éducation des États-Unis, devait visiter l'Ontario plus tard dans la semaine. Les nouvelles rapportaient que Betsy DeVos, qui préconise « le choix d'école » visiterait les écoles de la région de Toronto et qu'elle rencontrerait des représentants du ministère de l'Éducation.

Les réactions des éducateurs et de leurs représentants ont été rapides et sans équivoque. Harvey Bischof, président d'OSSTF/FEESO, a précisé qu'il était « inquiétant » et « un affront à nos membres » que le gouvernement permette à Betsy DeVos de visiter les écoles ontariennes. Chris Cowley, président de la Fédération des enseignantes et des enseignants de l'Ontario, a déclaré que Betsy DeVos devrait « garder ses idées rétrogrades en dehors de l'Ontario. » Le tollé a été assez fort qu'il a captivé l'attention de certains des principaux médias des États-Unis, notamment la revue *Newsweek* et *The Washington Post*.

Deux jours après que la nouvelle a été rendue publique et un jour seulement avant le moment de son arrivée, la visite de Betsy DeVos a été soudainement annulée. Son bureau a mentionné « un conflit d'horaire », une explication qui paraît un peu vide de sens à la lumière de la vague d'opposition qui a éclaté.

Cette vague d'opposition était tout à fait justifiée. La réputation bien méritée de Betsy DeVos est celle d'une milliardaire ultraconservatrice dont le seul but est de discréditer et de déstabiliser les écoles publiques, tout en faisant la promotion du rôle déterminant du secteur privé dans la sphère de l'éducation. Elle préconise « le choix d'école », ce qui peut sembler plutôt inoffensif,

mais cela se présente par un éventail de programmes qui redirigent les fonds publics de l'éducation publique, argent qui, au bout du compte, aboutit dans les mains des écoles privées ou religieuses, soit par du financement direct ou par la subvention des frais de scolarité aux élèves.

Dans les États américains où ces programmes ont été adoptés avec beaucoup d'enthousiasme, le financement de l'éducation publique diminue déjà, car les recettes fiscales sont acheminées vers les établissements privés, établissements qui rendent très peu de comptes au public comparativement aux écoles publiques. Les écoles privées, par exemple, peuvent choisir les élèves qu'ils acceptent qui, la plupart du temps, se traduit par du racisme et d'autres formes de discrimination. Randi Weingarten, présidente de l'*American Federation of Teachers*, a écrit que « ce recours à la privatisation et ce désinvestissement ne sont que des cousins légèrement plus polis de la ségrégation. » Pour Randi Weingarten, le véritable objectif de Betsy DeVos est évident : « Comment mieux tracer la voie à la privatisation de l'éducation publique que d'affamer les écoles publiques jusqu'à la limite, de critiquer leurs lacunes et de s'en remettre au marché pour le reste, tout cela au nom du choix. »

Dans ces conditions, il est difficile de ne pas être un peu méfiant quant à la raison de la planification d'une visite de Betsy DeVos en Ontario. Le ministère de l'Éducation a essayé d'orienter cette visite comme une occasion « de mettre en valeur » le système d'éducation ontarien financé à même les deniers publics, mais qui peut croire que Betsy DeVos, dont le mépris pour l'éducation

publique est bien décrit, souhaiterait en apprendre davantage sur notre système?

Les Ontariennes et Ontariens pourraient être tentés de supposer que notre tradition d'éducation publique de qualité bien ancrée nous garde à l'abri de la recrudescence constante de la privatisation que Betsy DeVos réussit à promouvoir chez nos voisins du Sud. Mais peut-être ne devrions-nous pas nous réjouir. Nous n'avons qu'à regarder plus loin, au Sud, où ces dernières années les enseignants mexicains ont été poussés à la grève pour mettre fin à l'intrusion des intérêts privés dans la sphère de l'éducation publique. Au fait, le Mexique a aussi une longue tradition en matière d'éducation publique, dont l'accès est garanti dans la constitution nationale. Mais depuis 2014, les intérêts commerciaux mexicains, en collaboration avec une entreprise américaine qui opère des écoles à charte, ont ouvert au moins sept écoles privées dans le nord du Mexique. Sommes-nous en train d'ouvrir la voie à quelque chose de dangereux?

Nous ne connaissons pas avec certitude les raisons pour lesquelles Betsy DeVos planifiait une visite en Ontario, mais compte tenu de ses antécédents, on imagine mal que sa visite aurait servi les intérêts de personne d'autre que les entreprises privées comme celles qui profitent de ses politiques aux États-Unis. Il est déconcertant qu'elle prévoyait de venir ici et il est encore plus déroutant que le ministère de l'Éducation planifiait de l'accueillir. Encore une fois, comme c'est fréquemment le cas, il a fallu que les éducateurs eux-mêmes prennent parti en faveur de l'éducation publique en Ontario.

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**END
THE SILENCE
STOP
THE VIOLENCE**

OSSTF/FEESO is committed to ending violence in the workplace for all our members through education and training, resources and support, and appropriate regulations and funding.

Dealing with violence in the workplace has always been a priority for OSSTF/FEESO and action has been taken on workplace violence through: consulting grassroots members, lobbying, grievance/arbitration, bargaining and polling to track issues, perspectives, and messaging.

Too many members have been seriously injured due to preventable incidents of workplace violence and hopefully, with the help of grass roots members, local leaders and local Health and Safety Officers, the risks can be reduced and controlled in the future.

The Federation has also a number of resources for members related to workplace violence and continues to update them and provide additional ones as required.

www.osstf.on.ca/services/violence-in-the-workplace-resources.aspx

20 years ago Ontario education workers put themselves on the line to protect public education

October 27–November 7, 1997



The gendered face of school violence

A call for action



The Ontario government has finally responded to lobbying efforts by OSSTF/FEESO and others on the issue of violence in our schools, with an emphasis on enforcement of the *Occupation Health and Safety Act*, more training for staff, and revised reporting processes. This is a positive start for all of those who work in education, and for Ontario students. However, there remains an underlying and largely unnamed facet to the violent incidents that education workers are experiencing in schools. The term ‘school violence’ is an all-encompassing one, a generalized term used to describe the verbal and physical abuse of education workers by students and sometimes parents. This general term does not differentiate between violent incidents that may result from the frustration of a child with behavioural issues, and violent incidents perpetrated by a student or parent with malicious intent, though it needs to be stressed that all forms must be dealt

with seriously.

In addition, the term masks the fact that, in a system where the overwhelming majority of workers identify as women, the victims of all forms of school violence are primarily female. School violence is a gender issue.

In a recent *Toronto Star* article, Durham Elementary Teachers’ Federation of Ontario (ETFO) President David Martin raised the issue of gender in an interview on school violence. He says, “It’s a gender issue, too—I have significant concerns about students who are going home after witnessing violence against women.”¹ Front-line education union leaders know what gender-based violence in schools looks like. The following are real-life examples of this form of violence against OSSTF/FEESO members:

- A male student simulates sexual intercourse behind a teacher as she is bent over in class organizing materials

- A male student repeatedly asks a teacher for a hug in front of class, and when she says no, says loudly, ‘that’s not what you said last night’
- A parent, via email, informs a pregnant teacher that he doesn’t want his child ‘at the mercy of a pregnant, hormonal woman’
- An educational assistant repeatedly has her breasts grabbed by a student in her class
- The school office administrator is called a ‘fucking bitch’ by a parent
- A teacher is being taunted repeatedly by a group of boys as she walks down the hall. The boys also use their bodies to ‘body check’ her and block her path

In almost any other context, these incidents would be framed as sexual harassment and/or sexual assault. But in the school system, they are often not taken seriously. The Ministry of Education’s own definition of gender-based

Artwork: Anna Zhyn

violence is “*any form of behaviour—including psychological, physical, and sexual behaviour—that is based on an individual’s gender and is intended to control, intimidate, or harm the individual.*”ⁱⁱ Neither the Ministry nor the unions that represent education workers can ignore the issue of gender as they tackle the issue of school violence.

We also cannot ignore the fact that schools are a microcosm of society at large, and that violence against women is still not viewed as seriously as other forms of crime. In Canada, all forms of violent crime have steadily decreased over time—with the exception of sexual assault, which has remained at steady rates.ⁱⁱⁱ Increasingly violent pornography is readily available for consumption online. Popular music and media still perpetuate sexism and sexual violence. To the south, the United States handed its most powerful position to a man who publicly bragged about sexually assaulting women. We can’t for one moment assume that the school system is free of the sexism that is so prevalent in all other facets of life, or that students and parents will leave sexist behaviour at the door upon entering the school. Education is a feminized profession: it is no wonder that it still appears to be a place where gender-based violence is normalized, and where generalized violence against mostly women workers is still somehow seen as acceptable.

Tackling this issue in schools is a huge job, but it is one that is essential for the protection of education workers. Doing so will also result in a safer environment for students, who are witnessing this violence without it being deconstructed or addressed. There are three areas that we can use to address gender-based violence, and all three should be used simultaneously, rather than as individual ‘steps.’

Policy and procedure

The Ministry of Education and the school boards must include specific language around gender-based violence in Codes of Conduct, in order to ensure that this form of violence is understood as specific and not buried under the gen-

eral term of ‘violence.’ There must be specific consequences and procedures in response to incidents. Policy must align with federal and provincial legislation that prohibits discrimination on the basis of gender and gender-identity.

Education and training

Education workers must be trained so that they can frame specific incidents as gender-based violence and report them accordingly. There must be an understanding by workers themselves that sexual harassment and sexual assault are not a normal part of their day, or that the context of a school somehow lessens the seriousness and impact that they have.

The training of Board administration at all levels is also essential. Administration must acquire an equity lens in order to frame specific incidents of gender-based violence when a staff member reports them—and even if the staff member has not quite fully framed the incident themselves. They must take these incidents seriously and understand the impact that they have on both staff and students. They must have a fulsome understanding of Ministry and Board policy and procedure in order to immediately and appropriately respond.

Students and parents must also be educated on the issue, including the consequences of any objectionable behaviour as per Ministry and Board policy.

Political action

Due to the nature of gender-based violence—which keeps coming back if it’s not continually dealt with—unions must keep up the momentum. By educating their members and lobbying the Ministry and Boards, they must continually work for improved policies and procedures, appropriate responses to incidents, and ongoing training. They can also bargain contract language that helps protect their members and allows them avenues to push back when Boards are not addressing the issues. Parent groups are also a valuable ally in tackling gender-based school violence, as it also directly impacts their children’s safety and learning.

If the Ministry of Education wishes to

truly promote safe and healthy schools, it must provide school Boards with time, resources, and expertise to tackle gender-based violence against staff as well as students. If Boards want to pay more than lip service to positive learning climates and environments, they must absolutely commit to dealing with the issue on an ongoing basis by revisiting policy, procedure, and the training of staff. If unions who represent education workers wish to continue to promote equity and protect their members, they need to build awareness around the issue, not only among their own members, but in the political arena as well. All stakeholders must continue to combat all forms of school violence, while acknowledging and responding to the gender-based violence that is masked by the catch-all phrase.

The school system may be a reflection of society at large, but it can also be a prime site for social change. When Boards and unions educate staff on gender-based school violence, they educate students as well. It’s time to acknowledge the gendered face of violence in schools, and to take concrete steps to deal with it. There can only be a positive outcome of increased awareness and safety that extends beyond schools into other areas, now and into the future.

Chantal Mancini is the former president of the Teachers’ Unit for District 21, Hamilton-Wentworth. She is currently a PhD candidate in the Department of Labour Studies at McMaster University.

i Rushow, K. (2017, June 24). Violence in Ontario schools prompts call for more front-line staff. *The Toronto Star*. Retrieved from www.thestar.com

ii Safe Schools Action Team. Ministry of Education: Ontario (2008). *Shaping a Culture of Respect in Our Schools: Promoting Safe and Healthy Relationships*. www.edu.gov.on.ca/eng/teachers/RespectCulture.pdf

iii Statistics Canada. 2015. *Self-reported victimization*, 2014. Statistics Canada Catalogue no. 11-001-X, November 23, 2015.

Shining a light on the list

Has Ontario's "Sunshine List" outlived its relevance?



This spring, while addressing the press about the release of the 2016 Ontario "Sunshine List," the annual list of public sector workers who earned more than \$100,000 the previous year, Ontario Premier Kathleen Wynne said, "Is \$100,000 a lot of money? I think it is." Twenty years after its inception, the Sunshine List continues to be a media-hyped opportunity to scrutinize the wages of Ontario's public sector workers. The problem, though, is that it's more likely now than ever that you may find your neighbours, or even yourself, basking in the list's sunny glow. It's a bit of an annual hunt for many to see if they know anyone on the list—recreationally checking in on the financial status of our friends. Not only voyeuristic, the act leads to judgment, divisiveness, and derision amongst the workers of our province.

The number of names on the Ontario Sunshine List has grown each year,

thanks to the fact that the \$100,000 cut-off has remained unchanged since the list's inception under Mike Harris in 1996. In its original visioning, the *Public Sector Salary Disclosure Act* sought to disclose the highest public sector earners and to increase public confidence in Harris's Conservative government. However, 20 years later, the purpose, validity, and relevance of the list, and its threshold, need to be critically examined. The history of the list, as well as its stagnant benchmark of \$100,000, means it now creates a much different outcome and effect than it did in its infancy.

According to Statistics Canada, the Consumer Price Index (CPI) increased by 44.4 per cent between 1996 and 2016. This means that a 1996-equivalent threshold for the Ontario Sunshine List today would be an income of \$144,430. The simple act of adjusting the threshold as the CPI increased would have reduced the number of names on the list today

by 82 per cent, from 123,410 to 22,138.

Looking at the numbers in terms of education workers helps put things in a bit of perspective. With the current \$100,000 threshold in place, many top-category teachers are close to making the Sunshine List; if they were to do summer school, have a specialized position with extra compensation, or earn any kind of retro pay, they would easily break the barrier. In 1996, the top category for most teacher salary contracts in Ontario was significantly lower. In Toronto, for example, the top salary was about \$65,000.

The list is a "totally different measure now, but it would be politically unpopular to change," suggests Dr. Raymond D. Dart, an Associate Professor in the School of Business at Trent University. "It should always have been indexed [to the CPI], but public employees are always an easy target."

OSSTF/FEESO Member Karen Stew-

Artwork: Ronda Allan

art (District 14, Kawartha Pine Ridge) echoed Professor Dart's sentiment. She says, "We already have to defend ourselves in public, and I'm concerned people will question me more when we reach the list. I want to know how to respond. I believe that our taxes should be used to create good services, schools, universities, roads, and hospitals." Stewart's fear is common among public service workers whose jobs would not even have come close to making the list when it was first initiated. The 2016 list includes teachers, police officers, nurses, principals, and professors. The face and character of the Sunshine List is changing rapidly, and that change is driving

more and more people to

question the validity of the list and its current threshold.

Along with the Sunshine List's original intentions of transparency and accountability come unintended outcomes, most especially because of the lack of CPI indexing. The expanding membership on the list leads to a scapegoating of those professions whose levels of compensation have been protected through the work of their unions and federations, and have often simply kept up with the rate of inflation. At the same time, the private sector has rushed to limit levels of compensation and security for its rank and file workers, while increasing the wages of its CEOs and other top earners—but the Sunshine List draws the focus away from this wage gap. We end up with a scenario where shame and blame cards get political leaders points in the media, while the focus on public-sector compensation continues to force a wedge between

the province's workers. Perhaps this is exactly what the Wynne government is seeking.

We are now shaming the very professions that have historically been honoured and respected—workers who serve the public good, like nurses, police, firefighters and educators.

Professor Dart's belief is that the political nature of wages has changed, partly because we've seen such a large-scale escalation of top-level private sector wages: "Twenty years ago the worry was about growing public sector wages. Now we have private sector wages that have grown much

more rapidly, but at the same time we have the growth of precarious and fragmented employment. So we have significant wage gaps between public and private sectors, but we are still looking at the size of public salaries. Our focus needs to be elsewhere. Of course reviews of public spending are good, but we need to instead look at how employment security is destabilizing and unraveling." He suggests that, rather than looking at the Sunshine List as a negative, it needs to be framed as a "desired state of employment." He further suggests that it is the responsibility of those of us who are approaching, or have exceeded, the \$100,000 threshold to engage in solidarity work and social justice activism. We need to advocate for those whose jobs and wages are destabilized by the increasing gap between private sector wage-leaders and the precarious, fragmented workers.

It's true that education workers are an easy target; most of us have strong job protections, the prospect of a healthy pension, and good benefits. However, the quality of our working conditions also gives us a responsibility to stand up and proclaim, "This is what a fair wage is!" With the advent of increases in Ontario's minimum wage and in the wake of the \$15 and Fairness campaign, perhaps the Sunshine List will become a call to arms amongst education workers, drawing us to advocate for fair wages and benefits for all of Ontario's workers. Rather than allowing the list to divide workers, it can act as a catalyst for solidarity.

So, yes, Premier Wynne, perhaps \$100,000 is a lot of money, but no one should be shamed simply because their wages have kept up with inflation. There is no shame in professionals earning a professional salary. The shame is in the huge number of working people in Ontario who are still not earning a decent, living wage.

Tracey Germa is the Vice-President of the Teacher Bargaining Unit in District 14, Kawartha Pine Ridge and is also a member of the provincial Communications/Political Action Committee.

One public system

A conversation that needs to be had



It is a fact that an object tossed into water creates ripples that expand far beyond the point of impact, with potentially far-reaching effects. Similarly, a solid idea “tossed into a discussion” will often stimulate a more expansive debate and begin a process of enquiry that, though potentially difficult, can have an enormous positive effect.

Such is the case for the campaign to achieve a single school system and the issue of education funding and governance in Ontario. It is the policy of OSSTF/FEESO that there should be only one publicly-funded school system for each official language and that there be no job loss as a result of moving to such a system.

Currently, publicly-funded education in Ontario is divided into four distinct systems—English Public; English Catholic; French Public and French Catholic. All fully funded by the taxpayers of Ontario. Each one provides high quality

education to the students it serves. Something all of us can be proud of.

But this arrangement is facing a number of challenges, and if our education system is to remain current and a world leader, it is in need of a rethink. Demographic changes to Ontario over the past five decades alone have meant that declining enrollment is a reality for all four systems. This is contributing to school closures and inequitable outcomes for some communities. As the cliché goes, busing students past one half-empty school so they can be educated in another half-empty school only impoverishes the entire system.

In situations like this, creating one school system could, in many instances, mean merging two or more under-capacity schools into one, which is a good thing. Full schools mean more programs, more caring adults in the building, and more opportunities for students when it comes to educational programming and extra-curricular activities.

The funding formula currently rewards boards for closing under-enrolled schools. As overall student numbers have decreased, pressure to maintain enrolment has led to more competition between these different school systems and schools boards. In fact a significant amount of money is spent on television, radio and print advertising encouraging students to choose a particular board. These are resources which could be better spent on students’ needs.

It also continues to be indefensible, in 2017, to provide fully-funded religious education for one denomination—especially when students can now be exempt from receiving religious instruction in those schools! The fact that more and more non-Catholics are attending Catholic schools but receiving no religious instruction defeats the original purpose for having a Roman Catholic system. The fact that leaders in Canada back in 1867 made a deal, based on the demographic make-

Artwork: Kristina Ferorelli

Charter For Public Education in Ontario

Ontarians have a right to high-quality, publicly-funded education that is universally accessible and supports diversity, equity, and fairness. The focus of such a system must be to provide students with skills, knowledge, and values that promote a love of learning and enable them to grow as active contributors to Canada's civic, social, and economic well-being. Resources, both financial and human, must be dedicated to supporting: Universality—access for all; Comprehensiveness—opportunity for all; Proficiency—achievement for all; and Accountability—value for all. This is best achieved through a single, secular school system for each official language.

I/WE PLEDGE

To acknowledge that students are at the heart of our public education system

To support the creation of a single, secular school system for each official language

To respect students' and their families' beliefs while recognizing that publicly-funded education is open to everyone and does not favour one religion or denomination over another

To recognize that each student may have a unique set of needs to support their educational experience, which may include emotional, social, cultural, physical, and intellectual needs

To foster an equitable public education system that is accessible for all students, from early years through adulthood

To foster a learning environment that is safe, respectful, and free from discrimination at any level so that all students can develop a strong sense of life-long learning that embraces their individual emotional, social, cultural, physical, and intellectual needs

I/WE EXPECT

That the government will merge the four publicly-funded education systems into one secular system for each official language

That the government will ensure, both before and after this merger, that no public funding will be spent in competition between school boards to recruit students

That any financial savings generated through the elimination of competition and unnecessary duplication will be dedicated to strengthening Ontario's publicly-funded education system

That the public education system is open to all people living in Ontario and access to public education is equitable regardless of geographic location or socio-economic status

That a strong level of local school board governance be maintained and be accessible to the entire community

up of the country at that time, should not mean that deal can never change. Ontario's increasingly diverse population also agrees that there should be a streamlining, according to polling done by Vector research over the past 10 years.

Quebec and Newfoundland and Labrador both changed their school systems. Quebec has eliminated its Catholic and Protestant school boards, and Newfoundland and Labrador has replaced seven denominational school boards with one public board. All that is needed in Ontario is the political will to make a similar change. What is needed is a respectful dialogue between educators, government, parents and local communities agreeing on the kinds of schools they need.

One year ago the campaign for a single system was launched with the

website onepublicsystem.ca

The campaign proposes a Charter for Public Education, which declares that Ontarians have a right to high quality, publicly-funded education that is universally accessible and supports diversity, equity and fairness. It pledges to respect students' and their families' beliefs while recognizing that publicly-funded education is open to everyone, and does not favour one religion or denomination over another.

The campaign calls on the provincial government to establish an all-party task force to look into the pros and cons of moving to one public, secular school system for each official language.

The campaign also emphasizes that this is not a cost-cutting measure and asks members of the public to reinvest any

savings found to improve the educational outcomes for students. The One Public System website includes a poll that asks visitors how they would reinvest savings.

To date, more than 4,000 people have completed the poll, and the top three recommendations for reinvestment are to:

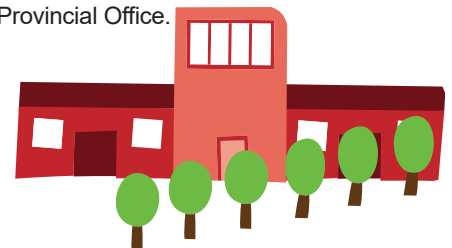
- Reduce class sizes;
- Ensure appropriate supports are in place to provide optimum learning for every student;
- Increase the availability of specialty teachers in subjects such as music, health and physical education, and art.

In one short year, the campaign has achieved exceptional reach by attracting tens of thousands Ontarians. In that time dozens of articles have appeared on the topic. Journalists have conducted interviews with recently retired Members of Provincial Parliament, and in many cases those MPPs themselves agree that the issue needs to be discussed in a formal, organized way. Former deputy ministers have also come out in favour of this solution as a way of modernizing our school system. The news section of the website tracks media reports dealing with the issue from a variety of perspectives. "It is clearly an idea whose time has come," as one radio host commented while opening the phone lines to listeners' opinions on the merits of combining school boards.

Our Federation is committed to this campaign because we recognize that moving to one public system would provide long-term solutions to many of the immediate problems that plague our current system.

As we consider new initiatives and innovations in our ongoing commitment to building the best possible education system, it would be a huge mistake for us to not toss this idea into the debate about the kinds of changes needed to protect and enhance public education.

Domenic Bellissimo is the Director of the Communications/Political Action Department at OSSTF/FEESO Provincial Office.



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**BRISER
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ARRÊTER
LA VIOLENCE**

OSSTF/FEESO est déterminé à mettre fin à la violence au travail pour tous ses membres par l'éducation, la formation, des ressources, du soutien, des règlements et du financement appropriés.

Traiter la violence au travail a toujours été une priorité pour OSSTF/FEESO et des mesures ont été entreprises sur la violence au travail par les moyens suivants : consultation des membres de la base, lobbying, grief/arbitrage, négociation, sondage afin de répertorier les enjeux, les perspectives et le message à faire passer.

Beaucoup trop de membres ont subi des blessures graves lors d'incidents de violence au travail évitables et on espère qu'à l'avenir, avec l'aide des membres de la base, des dirigeants locaux et des agents en matière de santé et de sécurité, les risques pourront être réduits et maîtrisés.

La Fédération possède plusieurs ressources destinées aux membres liées à la violence au travail et elle continue de les mettre à jour et en rajoute d'autres au besoin.

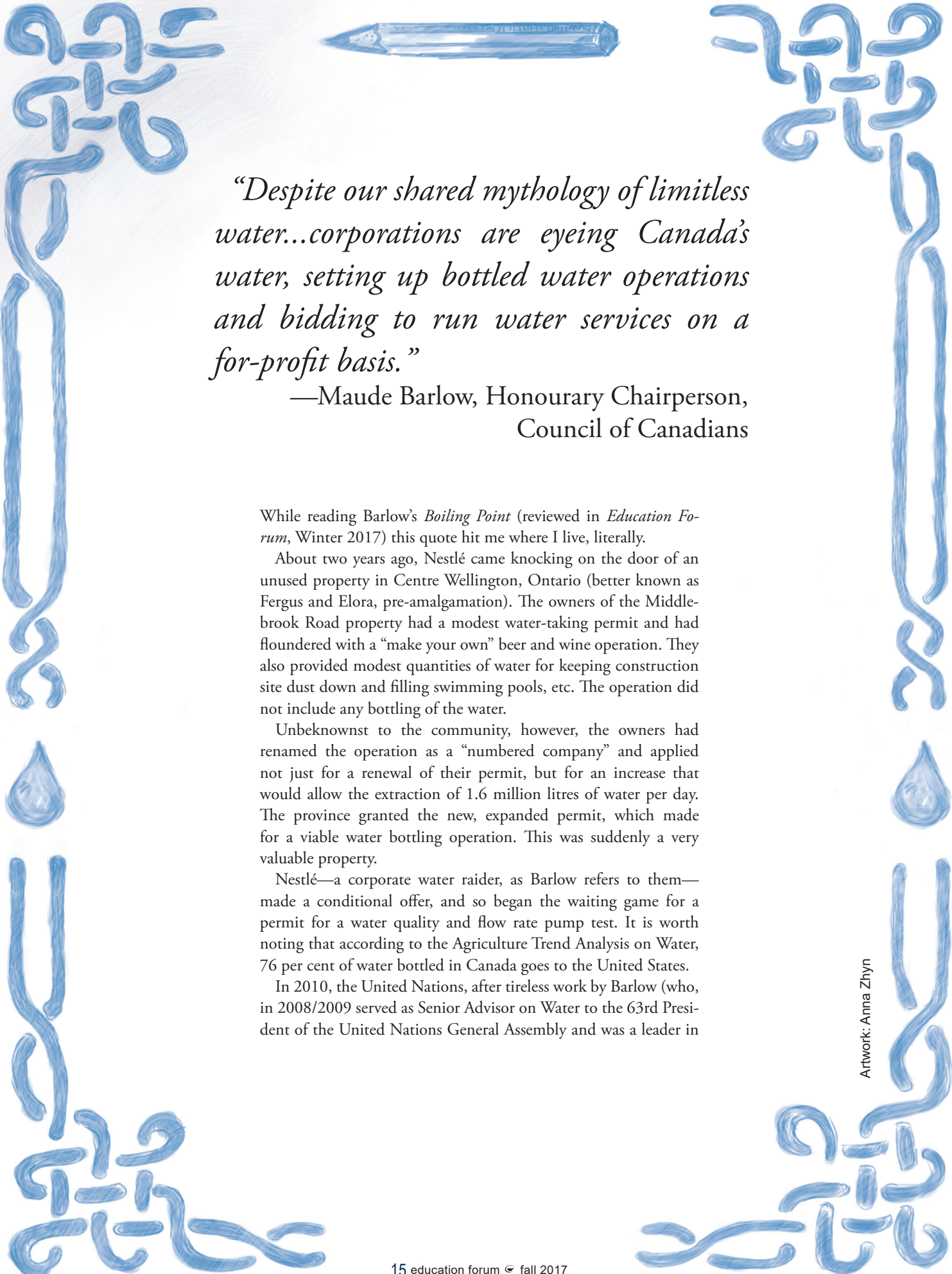

www.osstf.on.ca/services/violence-in-the-workplace-resources.aspx



Water Warriors

A small community's struggle
to keep water public

by Diane Ballantyne



“Despite our shared mythology of limitless water...corporations are eyeing Canada’s water, setting up bottled water operations and bidding to run water services on a for-profit basis.”

—Maude Barlow, Honourary Chairperson,
Council of Canadians

While reading Barlow’s *Boiling Point* (reviewed in *Education Forum*, Winter 2017) this quote hit me where I live, literally.


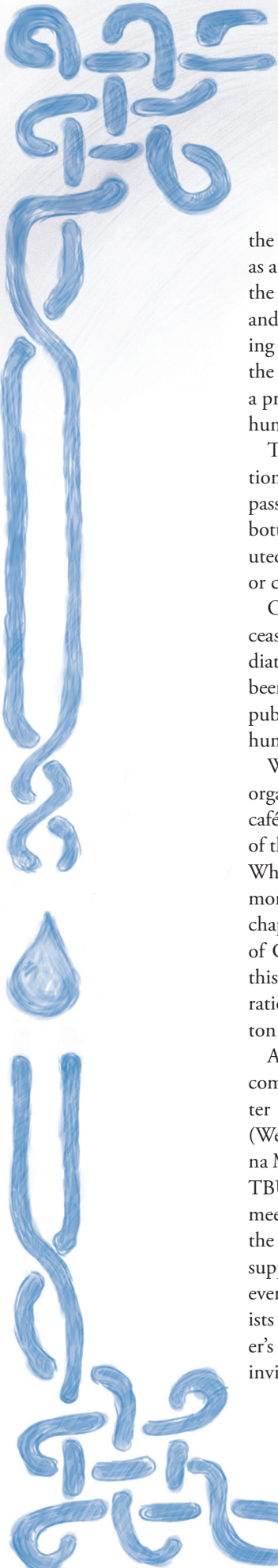
About two years ago, Nestlé came knocking on the door of an unused property in Centre Wellington, Ontario (better known as Fergus and Elora, pre-amalgamation). The owners of the Middlebrook Road property had a modest water-taking permit and had floundered with a “make your own” beer and wine operation. They also provided modest quantities of water for keeping construction site dust down and filling swimming pools, etc. The operation did not include any bottling of the water.

Unbeknownst to the community, however, the owners had renamed the operation as a “numbered company” and applied not just for a renewal of their permit, but for an increase that would allow the extraction of 1.6 million litres of water per day. The province granted the new, expanded permit, which made for a viable water bottling operation. This was suddenly a very valuable property.

Nestlé—a corporate water raider, as Barlow refers to them—made a conditional offer, and so began the waiting game for a permit for a water quality and flow rate pump test. It is worth noting that according to the Agriculture Trend Analysis on Water, 76 per cent of water bottled in Canada goes to the United States.

In 2010, the United Nations, after tireless work by Barlow (who, in 2008/2009 served as Senior Advisor on Water to the 63rd President of the United Nations General Assembly and was a leader in

Artwork: Anna Zhyn



the campaign to have water recognized as a human right by the UN) recognized the human right to water and sanitation, and acknowledged that "...clean drinking water and sanitation are essential to the realization of all human rights. ...It is a prerequisite for the realization of other human rights."

Three years before that UN declaration, at AMPA 2007, OSSTF/FEESO passed a motion committing that "...no bottled water be purchased or distributed at any OSSTF meetings, trainings or conferences."

OSSTF/FEESO Provincial office ceased bottled water purchases immediately after. Clearly, our Federation has been on the cutting edge of promoting public access to water as a fundamental human right.

While Nestlé waited, my community organized. We began to meet in a local café, and then moved to the downstairs of the local legion, to map out a strategy. What began as "Friends of Elora Water" morphed into "Save Our Water." A local chapter of the national NGO, Council of Canadians, was also founded during this time, and ongoing work in collaboration with an existing group, Wellington Water Watchers, ensued.

As public awareness rose, a deeply committed community mobilized. Water warriors like Barlow, Mike Nagy (Wellington Water Watchers) and Donna McCaw (District 18, Upper Grand—TBU, retired) spoke to packed town hall meetings, and blue ribbons began to dot the residential landscapes as symbols of support for "Save Our Water." Each and every Saturday, deeply committed activists attended the local year-round farmer's market to hand out information and invite shoppers to sign postcards and

mail letters to their MPPs.


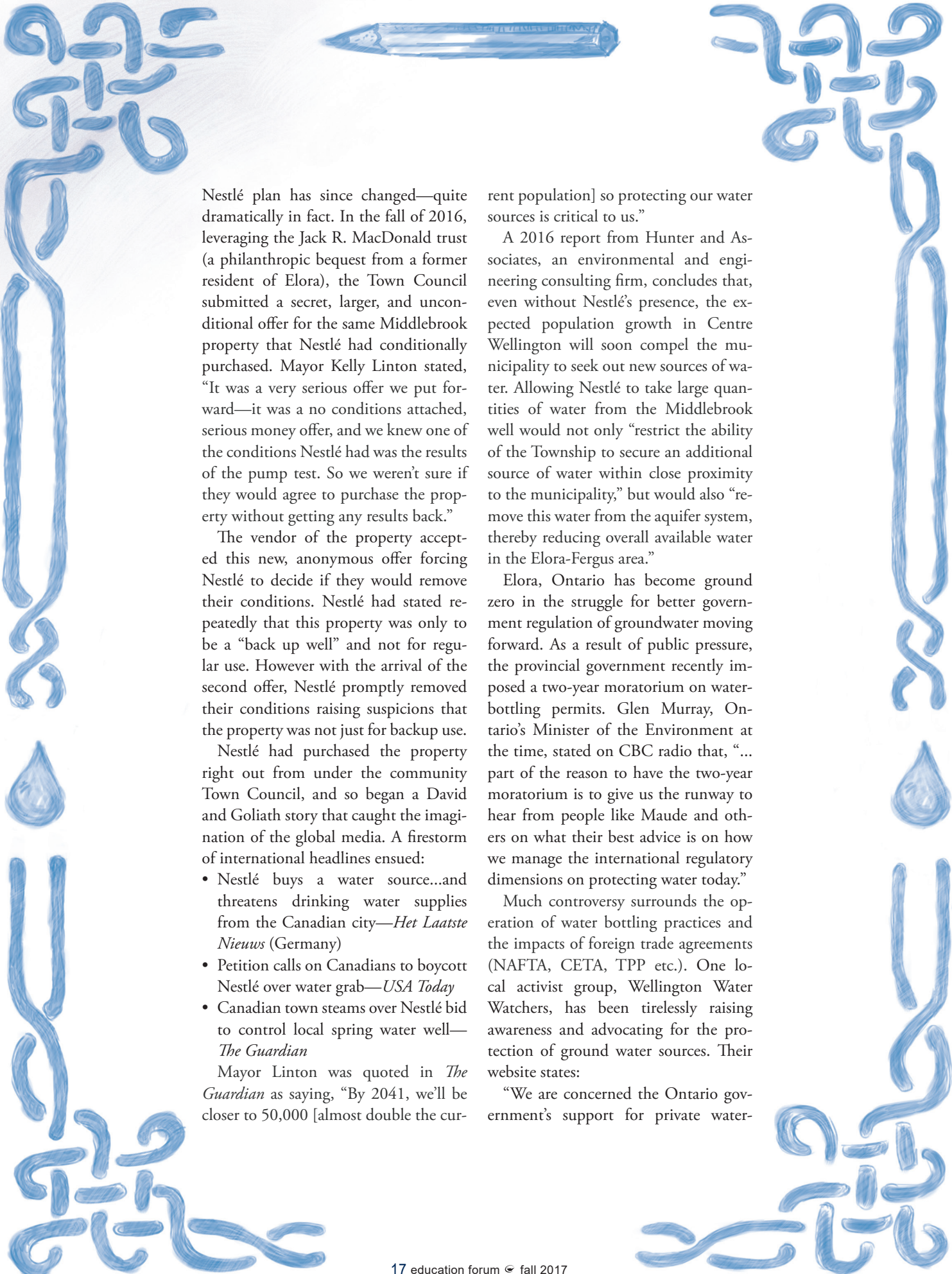
Barn dances, silent auctions and floats in local parades were all undertaken as ways to raise funds and raise community awareness in the fight against packaged water.

The 2016 Dominion Day Parade through Elora saw the introduction of "Naida" the water nymph as almost 100 community members joyfully shared the message of water protection. "Participants carried bolts of blue and green cloth, and fanciful fish creating a fanciful river running down the main streets of Elora to remind onlookers of how important clean water is to our community and the need to protect it. This message was reinforced by signs that encouraged people to drink tap water. Friends chanted as they marched to drums, beat boxes and shakers, while onlookers joined to stomp, clap and hoot to the infectious rhythms. The parade ended with a group photo at the boardwalk in Bissell Park." (saveourwater.ca)

Not everyone was pleased with this display of activism, however. Chris DaPonte, editor of the local weekly newspaper the *Wellington Advertiser*, wrote that the water float "hijacked" the Canada Day parade, causing a temporary dissipation of the mood of "patriotism and revelry."

Nevertheless, the community persisted. Initially, the Centre Wellington Town Council seemed unconcerned about Nestlé's plans, apparently believing that a water bottling operation would create jobs in the community. This belief, it turns out, was false; the plan was for the water to be trucked out and bottled in Aberfoyle, in the southern part of the County.

The disposition of Council toward the



Nestlé plan has since changed—quite dramatically in fact. In the fall of 2016, leveraging the Jack R. MacDonald trust (a philanthropic bequest from a former resident of Elora), the Town Council submitted a secret, larger, and unconditional offer for the same Middlebrook property that Nestlé had conditionally purchased. Mayor Kelly Linton stated, “It was a very serious offer we put forward—it was a no conditions attached, serious money offer, and we knew one of the conditions Nestlé had was the results of the pump test. So we weren’t sure if they would agree to purchase the property without getting any results back.”

The vendor of the property accepted this new, anonymous offer forcing Nestlé to decide if they would remove their conditions. Nestlé had stated repeatedly that this property was only to be a “back up well” and not for regular use. However with the arrival of the second offer, Nestlé promptly removed their conditions raising suspicions that the property was not just for backup use.

Nestlé had purchased the property right out from under the community Town Council, and so began a David and Goliath story that caught the imagination of the global media. A firestorm of international headlines ensued:

- Nestlé buys a water source...and threatens drinking water supplies from the Canadian city—*Het Laatste Nieuws* (Germany)
- Petition calls on Canadians to boycott Nestlé over water grab—*USA Today*
- Canadian town steams over Nestlé bid to control local spring water well—*The Guardian*

Mayor Linton was quoted in *The Guardian* as saying, “By 2041, we’ll be closer to 50,000 [almost double the cur-



rent population] so protecting our water sources is critical to us.”

A 2016 report from Hunter and Associates, an environmental and engineering consulting firm, concludes that, even without Nestlé’s presence, the expected population growth in Centre Wellington will soon compel the municipality to seek out new sources of water. Allowing Nestlé to take large quantities of water from the Middlebrook well would not only “restrict the ability of the Township to secure an additional source of water within close proximity to the municipality,” but would also “remove this water from the aquifer system, thereby reducing overall available water in the Elora-Fergus area.”

Elora, Ontario has become ground zero in the struggle for better government regulation of groundwater moving forward. As a result of public pressure, the provincial government recently imposed a two-year moratorium on water-bottling permits. Glen Murray, Ontario’s Minister of the Environment at the time, stated on CBC radio that, “... part of the reason to have the two-year moratorium is to give us the runway to hear from people like Maude and others on what their best advice is on how we manage the international regulatory dimensions on protecting water today.”

Much controversy surrounds the operation of water bottling practices and the impacts of foreign trade agreements (NAFTA, CETA, TPP etc.). One local activist group, Wellington Water Watchers, has been tirelessly raising awareness and advocating for the protection of ground water sources. Their website states:

“We are concerned the Ontario government’s support for private water-



taking by Nestlé Waters Canada contributes to the commodification and privatization of water and potentially our water delivery system. Wellington Water Watchers believes water must stay in public control. We believe that Water is for Life, Not for Profit. We honour our waters as a commons, not a commodity to be bought and sold on the world market.”

The Council of Canadians launched a “Boycott Nestlé” campaign in the fall of 2016, gathering more than 50,000 signatures to date, and continues to pressure the government to stop issuing bottled water permits.

In the spring of 2017, the Ontario government chose to increase the water bottling permit fees from \$3.71 per million litres to \$500 per million litres. This move was met with a range of criticism. Emma Lui, Water Campaigner with the Council of Canadians, said, “It’s good that the province has taken a step to increase fees, but what people across Ontario really want is for bottled water takings to be phased out. The new increase only amounts to roughly 1/20 of a penny per litre of water that companies like Nestlé sell back to the public. Severe droughts in recent years mean that we can’t allow water to be taken and exported out of watersheds, never to be returned again. Only a ban—not just an increase in fees—will protect vulnerable groundwater that communities rely on for drinking water.”

A poll conducted for the Council of Canadians by Oraclepoll Research surveyed 1,200 respondents between December 8–13, 2016. Its findings demonstrated that:

- 93 per cent support the provincial government placing a priority on the

drinking water needs of local communities over any pending applications from commercial bottling companies to acquire groundwater sources.

- 68 per cent support the provincial government requiring Nestlé to sell the Elora well to the Township of Centre Wellington.
- 65 per cent support a permanent phase-out of all permits for bottled water takings (water bottling operations) by the Ontario government.

No discussion of water is complete without the voices of Indigenous Canadians. In a letter to Premier Wynne and the Minister of the Environment and Climate Change, the 133 Ontario Chiefs in Assembly state that they have “unanimously rejected all recent *Ontario Water Resources Act* Regulations,” as well as any efforts “...to take control and authority over natural waters, be they ground or surface, across the traditional homelands and/or treaty areas, within the Province of Ontario.”

The letter goes on to state: “First Nations’ water rights are explicitly included in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), for which the Government of Canada has fully endorsed. Article 25: ‘Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, water...and to uphold their responsibilities to future generation in this regard.’”

While the Boycott Nestlé campaign continues, my community continues to joyfully rally around water protection, as evidenced by the day-long music festival, Waterstock, last June. In the spirit

of Foodstock and Soupstock events, OSSTF/FEESO generously co-sponsored the “Water for Life Not Profit” campaign message from Wellington Water Watchers:

It’s not just about bottled water.

Nestlé and other large corporations have exploited outdated provincial water taking bylaws that were originally intended for agricultural and value-added industrial use. Water is sacred but is becoming rapidly commoditized, ‘bottled,’ and shipped around the planet for great profit, (to return, if ever, to our watersheds packaged in a piece of plastic.) The record drought of 2016 highlighted the urgency of the situation and how 2017 is the year to make a stand for water.

Farmers and communities face increasing water uncertainty, and recent polls illustrate the strong support for phasing out water permits for the purposes of bottling. Over 20,000 Ontarians have spoken clearly in support for the province to take action (edited to clarify: commenting on the province’s Environmental Bill of Rights). It is time to take a stand and be stewards of our farmlands and aquifers.

Each of us has a responsibility to challenge our desire for convenience and work to ensure that our provincial government does not choose profit over people. As Shelley Koehler (District 19, Peel—TBU) wrote at Waterstock, “Water is a necessity of life for all organisms. There is no value that can be placed on it as it is priceless.”

We know that billions of litres of groundwater have already been extracted on treaty lands “without free, prior and informed consent,” and if our government intends to move forward with a spirit of true reconciliation, it is essential to remember that, as the Ontario Chiefs have stated, “Ontario’s bulk permit to

take water to commercial, for-profit bottling companies violates...inherent rights, treaty rights and title and international human rights of First Nations.”

There is a provincial election coming up in the spring of 2018. Now is the time to ask questions and consider the values you hold about the future of our planet and the legacy we leave our children.

“We never know the worth of water until the well is dry.” Thomas Fuller, 1732

Diane Ballantyne, M.Ed (D18 TBU) is co-founder and chair of the Centre Wellington Chapter of the Council of Canadians. She teaches social sciences and history at Centre Wellington District High School, Fergus, ON.

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A PIVOTAL VICTORY

A historical context of the Bill 115
Charter challenge, and what it
means for the future

by Bob Fisher

On April 20, 2016, Justice Thomas Lederer of the Ontario Superior Court of Justice issued a decision stating that, during the process of provincial negotiations between the Government of Ontario and various education sector unions that occurred in 2011–2012, Ontario had “substantially interfered with meaningful collective bargaining”, and in doing so had violated Section 2 (d) of the *Canadian Charter of Rights and Freedoms*. The decision is meaningful to all public sector unions, and those in Ontario in particular, and it is important to understand what the decision’s impact might be on future provincial negotiations. In order to gain that understanding, it is helpful to take a look at the process that led to the passage of Bill 115 (the *Putting Students First Act*), where the government “went wrong”, and how that might affect the provincial negotiation process going forward.

A recent history of government involvement in bargaining

OSSTF/FEESO is no stranger to the concept of provincial bargaining, or of the Government of Ontario playing some role in negotiations. We have seen it on a number of occasions in the past quarter-century.

In 1993, Bob Rae’s NDP government introduced the *Social Contract Act, 1993 SO. 1993*. As a result, an “Education Sector Framework” was established, and some would say bargained, provincially. The framework dictated elements that were required to be included in local agreements. Ultimately, the Social Contract resulted in a three-year wage and grid movement freeze for all OSSTF/FEESO members between 1993 and 1996, as well as mandatory unpaid days off, referred to as “Rae Days” at the time.

In 1997, the Harris Conservatives passed Bill 160, the *Education Quality Improvement Act, 1997*, which made changes to the *Education Act*, among others. Those changes resulted in the requirement that many OSSTF/FEESO Bargaining Units negotiate significant changes to the workload provisions in their collective agreements. More significantly in the long term, the *Education Quality Improvement Act* removed the ability of local school boards to be self-funded.

The transfer of funding authority to the provincial government through Bill 160 ultimately led the education sector to the circumstances that resulted in the Government

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UN TRIOMPHE DÉTERMINANT

La perspective historique de la contestation judiciaire de la Loi 115 et ce que cela implique pour l’avenir

par Bob Fisher

Le 20 avril 2016, le juge Thomas Lederer à la Cour supérieure de justice de l’Ontario a rendu une décision dans laquelle il statuait que, durant le processus provincial de négociation entre le gouvernement de l’Ontario et les divers syndicats du milieu de l’éducation qui s’est déroulé en 2011–2012, l’Ontario avait « entravé substantiellement une véritable négociation collective » et de ce fait, avait enfreint l’article 2 d) de la *Charte canadienne des droits et libertés*. La décision est significative pour tous les syndicats du secteur public, en particulier pour ceux de l’Ontario, et il est essentiel de bien comprendre les répercussions que la décision pourrait avoir sur les futures négociations provinciales. Pour comprendre, il est utile d’examiner le processus qui a mené à l’adoption de la Loi 115 (*Loi donnant la priorité aux élèves*) à l’occasion duquel le gouvernement « a mal agi » et de quelle manière cela pourrait affecter le processus de négociation provinciale à l’avenir.

Antécédent récent de la participation du gouvernement dans la négociation

Le concept de la négociation provinciale n’est pas inconnu pour OSSTF/FEESO, pas plus que le rôle joué par le gouvernement de l’Ontario dans les négociations. Nous en avons été témoins à de nombreuses occasions au cours du dernier quart de siècle.

En 1993, le gouvernement néodémocrate de Bob Rae a adopté la *Loi de 1993 sur le contrat social, L.O. 1993*. Par conséquent, un « cadre sectoriel pour l’éducation » a été mis en place et certains diraient qu’il a été négocié à l’échelon provincial. Le cadre dictait les composants qui devaient obligatoirement être inclus dans les conventions locales. Finalement, le contrat social s’est traduit par un gel des salaires et de la progression dans l’échelle salariale de trois ans pour tous les membres d’OSSTF/FEESO entre 1993 et 1996, ainsi que par des jours de congé sans solde obligatoires, appelés à l’époque « Journées Rae ».

En 1997, les conservateurs de Mike Harris ont adopté la Loi 160, *Loi de 1997 sur l’amélioration de la qualité de l’éducation*, qui a apporté des modifications entre autres à la *Loi sur l’éducation*. Elles ont entraîné l’exigence pour plusieurs unités de négociation d’OSSTF/

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of Ontario taking steps that were found to have violated the Charter rights of OSSTF/FEESO members. Because the government is now solely responsible for funding education in the province, any attempt to generate “savings” or spending reductions must necessarily be initiated provincially. This became obvious in 2008, when the first Provincial Discussion Tables (PDTs) were established. During this initial foray into provincial bargaining, participation in the process by unions was voluntary, and it resulted in OSSTF/FEESO and the government agreeing to certain provisions that would be included in local collective agreements.

The lead-up to Bill 115

Following the global financial crisis in 2007–2008, the Government of Ontario was posting large annual deficits, and the report of the *Commission on the Reform of Ontario's Public Services*, commonly referred to as the *Drummond Report*, recommended significant cuts in a number of areas of the public sector, education included. As a result, the government targeted education as an area where substantial savings were necessary, and “parameters” were developed to generate those savings. These parameters, which included salary and grid freezes, as well as the elimination of sick leave banks and retirement gratuities, were presented to public education sector unions at the outset of the Provincial Discussion Table (PDT) process early in 2012. Naturally, this set

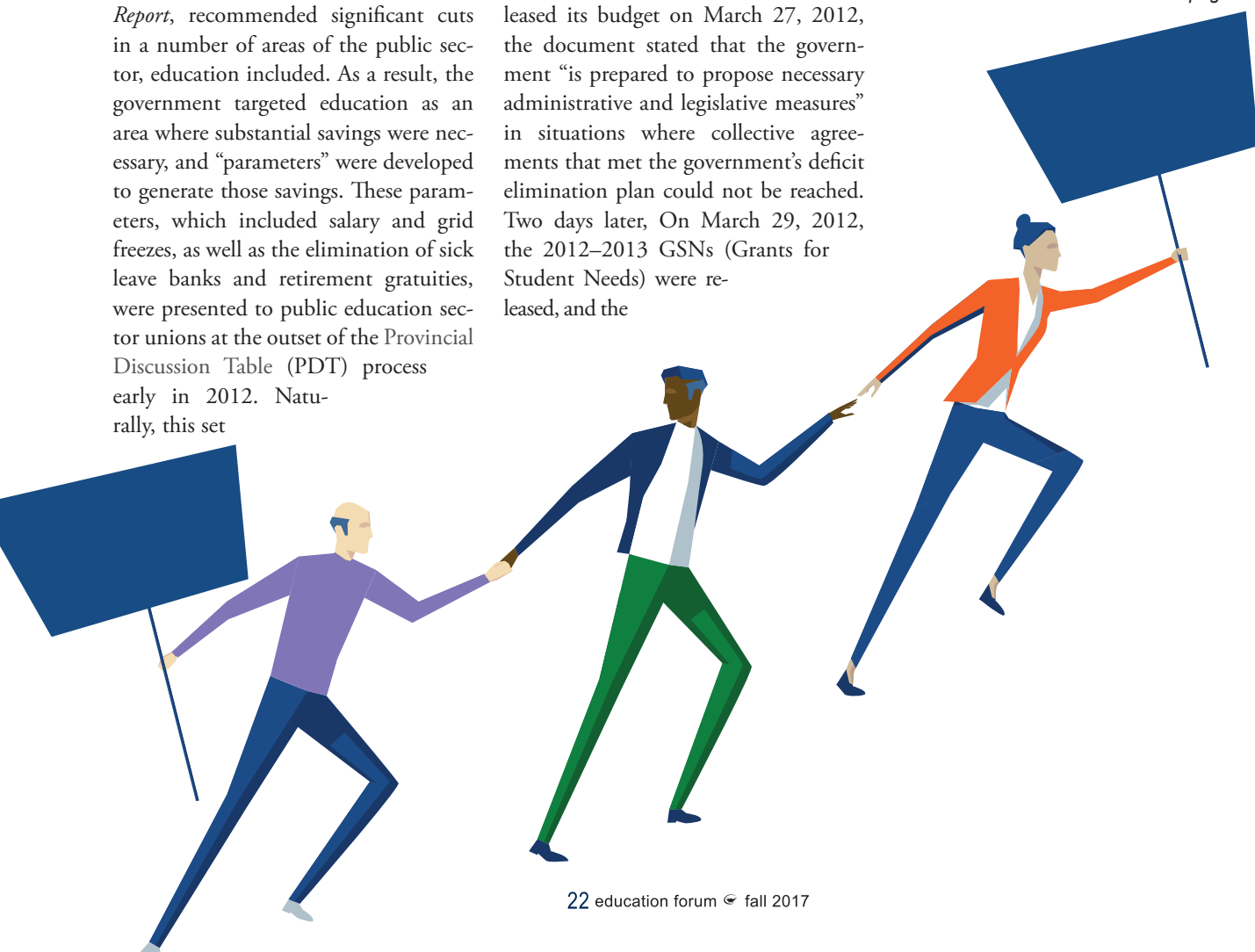
the tone for the discussions, which proceeded differently than previous PDT discussions. Previous PDT discussions had provided OSSTF/FEESO with financial targets that were to be met. The “parameters” presented in 2012, on the other hand, laid out specific terms that were required to be included in collective agreements. Despite OSSTF/FEESO's attempt to determine the financial targets that had generated the parameters, the government was either unable or unwilling to provide them, and we stepped back from the provincial table.

Over the following months, OSSTF/FEESO continued to propose alternatives to the government's stated parameters, and repeatedly requested more information about the savings targets that needed to be met. The government would not retreat from its parameters, and continued to fail to provide any information about the dollar amount of the savings target attributable to OSSTF/FEESO. When Ontario released its budget on March 27, 2012, the document stated that the government “is prepared to propose necessary administrative and legislative measures” in situations where collective agreements that met the government's deficit elimination plan could not be reached. Two days later, On March 29, 2012, the 2012–2013 GSNs (Grants for Student Needs) were released, and the

reductions represented by the parameters had been built into school board funding. Other funding-related documents sent out over the ensuing months continued to reflect reductions in line with the government's parameters. It was becoming abundantly clear to OSSTF/FEESO that the government had no interest in negotiating with education sector unions in order to address its financial woes, and was on an unstoppable course toward imposing its parameters through legislation.

Since the PDT process was still voluntary at that point, and with OSSTF/FEESO having stepped back from its voluntary participation, the option to begin local bargaining became more attractive, and OSSTF/FEESO served Notices to Bargain to school boards across the province. As one might expect, the Government of Ontario was concerned by the prospect of OSSTF/FEESO negotiating local agreements that were outside of its parameters, and

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FEESO de négocier des changements importants aux dispositions concernant la charge de travail dans leurs conventions collectives. Bien plus important encore à long terme, la *Loi sur l'amélioration de la qualité de l'éducation* a retiré aux conseils scolaires locaux la capacité de s'autofinancer.

Le transfert de l'autorité financière au gouvernement provincial, par le biais de la Loi 160, a finalement créé un milieu propice dans le secteur de l'éducation pour que le gouvernement de l'Ontario prenne des mesures qui enfreignent les droits des membres d'OSSTF/FEESO en vertu de la Charte. Puisque le financement de l'éducation dans la province relève désormais uniquement du gouvernement, tout effort pour réaliser des « économies » ou des réductions de dépenses doit nécessairement être initié au niveau provincial. Cela s'est avéré évident en 2008 lors de la création des premières tables provinciales de discussion (TPD). Pendant cette première incursion dans la négociation provinciale, la participation des syndicats au processus était volontaire. Celle-ci a amené OSSTF/FEESO et le gouvernement à accepter certaines dispositions qui seraient incluses dans les conventions collectives locales.

Avant la Loi 115

À la suite de la crise financière mondiale de 2007-2008, le gouvernement de l'Ontario enregistrait de lourds déficits annuels et le rapport de la *Commission de la réforme des services publics en Ontario*, appelée communément le *Rapport Drummond*, a recommandé des réductions importantes dans de nombreux domaines du secteur public, y compris en éducation. Par conséquent, le gouvernement a ciblé l'éducation comme un des domaines où des économies substantielles étaient nécessaires et des « paramètres » ont été créés pour réaliser ces économies. Ces paramètres, qui comprenaient le gel des salaires et des échelles salariales ainsi que l'élimination des banques de congés de maladie et des gratifications à la retraite, ont été présentés aux syndicats du secteur de l'éducation publique, tôt en 2012, au début

du processus de la Table provinciale de discussion (TPD). Naturellement, cela a donné le ton aux discussions de la TPD qui se sont déroulées différemment des précédentes. Les discussions antérieures de la TPD avaient fourni à OSSTF/FEESO les objectifs financiers à atteindre. Par contre, les « paramètres », présentés en 2012, ont établi les modalités spécifiques qu'il fallait inclure dans les conventions collectives. Malgré les tentatives d'OSSTF/FEESO pour déterminer les objectifs financiers que les paramètres avaient générés, le gouvernement n'était pas en mesure ni disposé à les fournir et nous nous sommes retirés de la table provinciale.

Durant les mois suivants, OSSTF/FEESO a continué de proposer des solutions de rechange aux paramètres établis par le gouvernement et a demandé à plusieurs reprises des renseignements concernant les objectifs financiers qui devaient être atteints. Le gouvernement ne reviendrait pas sur ses paramètres et a continué à refuser de fournir des informations sur le montant de l'objectif d'économies attribuable à OSSTF/FEESO. Lorsque l'Ontario a publié son budget le 27 mars 2012, le document indiquait que le gouvernement « est prêt à proposer les mesures administratives et législatives nécessaires » si des conventions collectives qui respectent le plan du gouvernement en vue d'éliminer le déficit ne peuvent pas être négociées. Deux jours plus tard, soit le 29 mars 2012, les SBE 2012-2013 (Subventions pour les besoins des élèves) ont été annoncées et les réductions figurant dans les paramètres ont été intégrées dans le financement des conseils scolaires. Les autres documents connexes au financement envoyés au cours des mois suivants ont continué d'afficher les réductions selon les paramètres du gouvernement. Il devenait de plus en plus clair pour OSSTF/FEESO que le gouvernement, pour pouvoir régler ses problèmes financiers, n'était pas intéressé à négocier avec les syndicats du milieu de l'éducation et s'était engagé dans une course pour imposer ses paramètres par la législation que rien n'arrêterait.

Étant donné que le processus de la TPD



était encore volontaire à ce moment-là et puisqu'OSSTF/FEESO s'était retiré de sa participation volontaire, l'option d'entamer la négociation locale devenait plus attrayante. OSSTF/FEESO a donc présenté l'avis de négocier aux conseils scolaires de la province. Comme on peut s'y attendre, le gouvernement de l'Ontario était préoccupé par la perspective qu'OSSTF/FEESO négocie des conventions locales qui échapperaient à ses paramètres et la ministre et le sous-ministre adjoint de l'Éducation avaient envoyé aux présidences et directions de l'éducation des conseils scolaires des directives les dissuadant de participer à la négociation locale et précisant que toute négociation locale qui avait lieu devait respecter les paramètres. Puisque les directives gouvernementales à l'intention des conseils scolaires limitaient énormément la capacité d'OSSTF/FEESO de s'engager dans la négociation locale, nous sommes retournés à la TPD en avril 2012.

Dans l'espoir de remédier aux préoccupations financières vagues et non chiffrées du gouvernement, OSSTF/FEESO a déposé une proposition comprenant des dispositions qui généreraient des économies équivalentes à celles produites par les paramètres du gouvernement, tout en évitant la perte des acquis dans les conventions qui faisaient partie de la position de l'Ontario. Le gouvernement a cependant rejeté la proposition en raison de son coût prévu si elle était appliquée à tous les employés du milieu de l'éducation, dans l'ensemble du secteur. Une fois de plus, il était évident que le gouvernement n'était pas du tout intéressé à s'engager dans une véritable discussion avec OSSTF/FEESO. Le

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directives were sent to school board chairs and directors by the Minister and Deputy Minister of Education discouraging them from participating in local bargaining, and indicating that any local bargaining that did occur must conform to the parameters. Given that the government's directives to boards severely limited OSSTF/FEESO's ability to engage in local negotiations, we returned to the PDT table in April 2012.

In an attempt to address the government's vague and unquantified fiscal concerns, OSSTF/FEESO tabled a proposal that included terms that would generate cost savings equivalent to those produced by the government's parameters, while avoiding the contract strips included in Ontario's position. However, the government rejected the proposal because of its projected cost if applied sector-wide to all education sector employees. Again, it was clear that the government had no interest in engaging in meaningful discussion with OSSTF/FEESO. The union made several more appearances at the PDT in the follow-

ing months, but the government continued to hold the position that it would only consider sector-wide savings, which OSSTF/FEESO, as only one of the unions in the sector, could not deliver. Furthermore, the government would not organize a meeting of the education sector unions.

Other education sector unions were experiencing similar problems in their PDT discussions. And although the government made minor revisions to its parameters, it remained firm in its position that the parameters were required to be included in any negotiated agreement.

The OECTA MOU and its impact

During the time that OSSTF/FEESO was attempting to find alternatives to the parameters, the Ontario English Catholic Teachers' Association (OECTA) continued to negotiate with the government. Although the organization representing the employers of OECTA members, the Ontario Catholic School Trustees' Association, withdrew from the negotiations due to concerns about some of the issues that were being pursued,

Ontario and OECTA reached an agreement, and a Memorandum of Understanding (MOU) was signed. The MOU conformed with the government's parameters, with several minor variations. Following the signing of the OECTA MOU, the government indicated to the other education sector unions that the MOU represented a "roadmap" to its desired savings. In OSSTF/FEESO's meetings with the government soon afterward, Ontario's representatives stated that the substantive aspects of the MOU were non-negotiable, since its application sector-wide would allow the government to achieve its savings target.

During the summer of 2012, Ontario communicated to school boards that any agreements reached should use the OECTA MOU as a guide. Further, the government advised that if boards were unable to reach local agreements prior to September 1, 2012, legislation would be introduced in order to prevent grid movement from occurring. Several other unions, the Association des enseignantes et des enseignants franco-ontariens (AEFO) and the Association of Professional Student Services Personnel (APSSP), reached agreements during the summer, using the OECTA MOU as their "roadmap." The government's actions served a silent notice that the remaining unions were to sign similar MOUs or be faced with having the parameters imposed on them through legislation.

Bill 115—Putting Students First Act

With September 1 fast approaching, and facing the prospect of the increased cost resulting from the salary grid movement that many collective agreements provided for on that date, the Government of Ontario released the draft of Bill 115, *Putting Students First Act* on August 16, 2012. Bill 115 passed first reading on August 27, and second reading on the next day. After four and a half hours of public hearings, the bill went to third reading on September 10, and was passed and received royal consent on the next day, coming into force immediately.

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The infographic is titled "Feeling Better Now" with the tagline "Connecting Mental Health Problems to Solutions". It features a flowchart with three steps: "Assess your mental health" (represented by a head with a gear icon), "View your action plan" (represented by a document with a checkmark icon), and "Access your self-care toolbox" (represented by a hand holding a tool icon). Below this, a banner reads "Resources in Your Toolbox include:". Underneath the banner are three categories: "Helping Yourself" (with a compass icon), "Stress Reduction" (with a person in a meditative pose icon), and "Helping Others" (with a hand holding a heart icon). The background of the bottom section shows a stylized mountain range. At the bottom, the website "www.feelingbetternow.com/otip" is displayed next to the OTIP RAO logo.

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syndicat s'est présenté à plusieurs reprises à la TPD au cours des mois qui ont suivi, mais le gouvernement a continué d'adopter la position qu'il considérerait uniquement des économies dans l'ensemble du secteur, un objectif qu'OSSTF/FEESO, n'étant qu'un des autres syndicats du secteur, n'était pas en mesure de réaliser. De plus, le gouvernement refusait d'organiser une rencontre des syndicats du milieu de l'éducation.

Les autres syndicats du milieu de l'éducation éprouvaient des problèmes semblables dans leurs pourparlers à la TPD. Et bien que le gouvernement ait apporté des modifications mineures à ses paramètres, il s'est campé fermement dans sa position selon laquelle les paramètres devaient être inclus dans toute entente négociée.

Le protocole d'OECTA et ses répercussions

Alors qu'OSSTF/FEESO tentait de trouver des solutions de rechange aux paramètres, l'Association des enseignantes et des enseignants catholiques anglo-ontariens (OECTA) a continué de négocier avec le gouvernement. Même si l'organisation représentant les employeurs des membres d'OECTA, l'*Ontario Catholic School Trustees' Association*, s'était retirée des négociations en raison de préoccupations sur un certain nombre de questions qui étaient abordées, l'Ontario et OECTA ont conclu une entente et un protocole d'entente (PE) a été signé. Le PE respectait les paramètres du gouvernement avec plusieurs modifications mineures. À la suite de la signature du PE d'OECTA, le gouvernement a indiqué aux autres syndicats du secteur de l'éducation que le PE représentait la « feuille de route » vers les économies escomptées. Lors des rencontres d'OSSTF/FEESO avec le gouvernement peu de temps après, les représentants de l'Ontario ont précisé que les éléments de fond du PE n'étaient pas négociables, puisque son application à l'ensemble du secteur permettrait au gouvernement d'atteindre ses économies escomptées.

Au cours de l'été 2012, l'Ontario a

communiqué aux conseils scolaires que toutes les ententes conclues devraient se guider sur le PE d'OECTA. De plus, le gouvernement a ajouté que si les conseils scolaires étaient incapables de conclure des conventions locales avant le 1^{er} septembre 2012, une législation serait déposée afin d'empêcher la progression sur la grille salariale. Plusieurs autres syndicats, l'Association des enseignantes et des enseignants franco-ontariens (AEFO) et l'*Association of Professional Student Services Personnel* (APSSP), sont parvenus à une entente pendant l'été, ayant recours au PE d'OECTA comme « feuille de route ». Les interventions gouvernementales faisaient savoir à mots cachés que les syndicats restants devaient signer un PE semblable ou allaient se voir imposer les paramètres par la voie de la législation.

La Loi 115 – Loi donnant la priorité aux élèves

Comme le 1^{er} septembre approchait rapidement et étant donné la perspective d'une augmentation des coûts en raison de la progression sur la grille salariale que plusieurs conventions collectives prévoyaient à cette date, le gouvernement de l'Ontario a déposé l'ébauche du Projet de loi 115, *Loi donnant la priorité aux élèves*, le 16 août 2012. Il a été adopté en première lecture le 27 août et la deuxième lecture a eu lieu le lendemain. Après quatre heures et demi d'audiences publiques, il est passé en troisième lecture le 10 septembre et a reçu la sanction royale le lendemain, entrant en vigueur immédiatement.

La Loi 115 a imposé une période de restriction de deux ans dans le secteur de l'éducation. Elle exigeait que toute convention collective conclue entre un employeur et un syndicat après le 1^{er} septembre 2012 devait être « essentiellement semblable » au PE d'OECTA et que toutes les dispositions de fond du PE qui étaient omises dans une entente étaient considérées comme étant incluses. De plus, elle précisait que si des ententes n'étaient pas conclues avant le 31 décembre 2012, une convention collective pourrait être imposée par voie de règlement. Finalement, elle pré-

voyait des contraintes sévères au droit des membres syndiqués de déclencher la grève. Bien que plusieurs petites unités de négociation aient été en mesure de conclure des ententes à l'automne 2012, aucun syndicat important n'a signé de PE avant le 31 décembre 2012, alors que le Syndicat canadien de la fonction publique (SCFP/CUPE) est parvenu à un accord avec le gouvernement.

En automne, OSSTF/FEESO a concentré ses efforts dans cinq conseils scolaires, mais les négociations n'avançaient pas bien, étant donné que ni le syndicat ni les conseils scolaires ne connaissaient les économies qui seraient nécessaires pour que l'entente soit approuvée par le gouvernement. Il nous était pratiquement impossible de négocier des conventions collectives locales quand le gouvernement parlait de réductions obligatoires des coûts à l'échelle provinciale. Lors des moyens de pression de ses membres dans l'ensemble de la province, OSSTF/FEESO a réussi à conclure des ententes de principe avec huit conseils scolaires. Une entente a été ratifiée, une autre a été rejetée par les membres locaux et le reste n'a pas été soumis à la ratification puisque des modifications avaient été apportées unilatéralement par la ministre de l'Éducation.

Comme prévu dans la Loi 115, le 2 janvier 2013, le gouvernement a imposé des conventions collectives à toutes les unités de négociation d'OSSTF/FEESO ainsi qu'aux unités de négociation des autres syndicats en éducation qui n'en avaient toujours pas : les Travailleurs et travailleuses canadiens de l'automobile (TCA/CAW), la Fédération des enseignantes et des enseignants de l'élémentaire de l'Ontario (ETFO) et le Syndicat des employés et employés de la fonction publique de l'Ontario (SEFPO/OPSEU). Bien qu'OSSTF/FEESO ait continué de négocier tout le printemps et ait ratifié une entente le 18 avril 2013, la Loi 115 avait déjà causé du tort. OSSTF/FEESO s'était vu retirer la capacité de négocier des mesures alternatives pour atteindre les objectifs financiers du gouvernement et les paramètres avaient été imposés par la loi.

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Bill 115 imposed a two-year restraint period on the education sector. It required that any collective agreement reached between an employer and a union after September 1, 2012 must be “substantively identical” to the OECTA MOU, and that any substantive terms of the MOU that were left out of an agreement were deemed to be included. Further, it stated that if agreements were not reached by December 31, 2012, a collective agreement could be imposed by regulation. Finally, it provided for severe limits on the rights of union members to strike. Although several small Bargaining Units were able to reach agreements in the fall of 2012, no major union signed an MOU until December 31, 2012, when Canadian Union of Public Employees (CUPE) reached an agreement with the government.

During the fall, OSSTF/FEESO had been concentrating its efforts in five school boards, but negotiations did not progress well, since neither the union nor the boards knew what savings would be required in order for an agreement to be approved by the government. It was virtually impossible to negotiate

local collective agreements when the government was expressing required cost savings from a provincial perspective. Amid province-wide job action by its members, OSSTF/FEESO was able to reach tentative agreements with eight school boards. One agreement was ratified, one was rejected by the local membership, and the remainder were not taken to ratification because of changes made unilaterally by the Minister of Education.

As provided for in Bill 115,

on January 2, 2013 the government imposed collective agreements on all OSSTF/FEESO Bargaining Units, as well as those Bargaining Units in other education sector unions that remained without agreements – the Canadian Auto Workers (CAW), the Elementary Teachers’ Federation of Ontario (ETFO) and the Ontario Public Service Employees Union (OPSEU). Although OSSTF/FEESO continued to negotiate through the spring, and ratified an agreement on April 18, 2013, the damage inflicted by Bill 115 had been done. OSSTF/FEESO’s ability to negotiate alternative measures to achieve the government’s fiscal objectives had been removed, and the parameters had been legislatively imposed.

The Charter Challenge

Subsequent to the passing of the *Putting Students First Act*, five of the affected unions filed a civil suit against the Government of Ontario, claiming that Bill 115 represented a violation of the unions’ and their members’ right to collectively bargain as protected in Section 2 (d) of the *Charter of Rights and Freedoms*. The court application involved OPSEU, OSSTF/FEESO, ETFO, Unifor and Canadian Union of Public Employees (CUPE), with the Ontario Public School Boards’ Association (OPSBA) joining as an intervenor. The case was heard at the Ontario Superior Court of Justice over a period of six days in December 2015, with Justice Thomas Lederer presiding. OSSTF/FEESO was represented in the matter by internal counsel Heather Alden, along with Susan Ursel and Karen Ensslen, of Ursel Phillips Fellows Hopkinson LLP. Justice Lederer was faced with making his decision in the wake of the new “Labour Trilogy,” a name applied to three relatively recent Supreme Court rulings that expanded the rights of Canadian workers to organize, bargain collectively, and engage in strike actions.

The applicant unions argued that, by imposing Bill 115, the Ontario government had violated their right of freedom of association under Section 2 (d) of the *Canadian Charter of Rights and*

Freedoms, more specifically their right to bargain collectively with their employers. Ontario argued that it had not violated S. 2 (d), and that even if it had, any violation should be considered reasonable under Section 1 of the *Charter*, which states that the rights guaranteed by the *Charter* are “subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.” In other words, their position was that imposing Bill 115 was a reasonable limit on OSSTF/FEESO members’ rights given the fiscal challenges faced by Ontario.

In reaching his decision as to whether or not Ontario had violated S. 2 (d), Justice Lederer paid particular attention to the degree to which the unions were able to engage in meaningful negotiations. The fact that Ontario imposed its “parameters” on the unions and would not entertain any variation on them was an important factor, as was the government’s refusal or inability to provide any individual union with its target savings amount, and its related insistence that any proposal put forward by a union would have to generate sector-wide savings sufficient to meet the government’s fiscal needs. In Lederer’s assessment, taken collectively, the actions taken by Ontario from the fall of 2011 until the passing of the *Putting Students First Act* were a violation of the applicants’ right to meaningful collective bargaining under Section 2 (d) of the *Canadian Charter of Rights and Freedoms*.

Next, Lederer examined the *Putting Students First Act* in order to determine if the Act, in itself, was a S. 2 (d) violation, and he found that it was. When Ontario was unable to convince education sector unions to enter into agreements that conformed to its parameters, it imposed the OECTA MOU on those unions through the *PSFA*. Furthermore, Ontario included provisions in the Act that gave the Minister, through the Lieutenant Governor in Council, the ability to prohibit or end strikes, which was a clear violation of S. 2 (d).

Ontario’s argument that it was justified by Section 1 in breaching the free-

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La contestation en vertu de la Charte

Après l'adoption de la *Loi donnant la priorité aux élèves*, cinq des syndicats touchés ont intenté une action civile contre le gouvernement de l'Ontario, alléguant que la Loi 115 constituait une violation du droit des syndicats et de leurs membres à la négociation collective, comme le garantit l'article 2 de la *Charte canadienne des droits et libertés*. La requête au tribunal concernait le SEFPO/OPSEU, OSSTF/FEESO, ETFO, Unifor et le Syndicat canadien de la fonction publique (SCFP/CUPE), avec l'*Ontario Public School Boards' Association* (OPSBA) qui s'est jointe à titre d'intervenante. L'affaire a été entendue par la Cour supérieure de justice de l'Ontario sur une période de six jours en décembre 2015, sous la présidence du juge Thomas Lederer. OSSTF/FEESO était représenté dans cette affaire par Heather Alden conseillère juridique interne, avec Susan Ursel et Karen Ensslen du cabinet Ursel Phillips Fellows Hopkinson LLP. Le juge Lederer s'est retrouvé à rendre sa décision dans la foulée de la nouvelle « trilogie du droit du travail », nom désignant les trois jugements relativement récents rendus par la Cour suprême renforçant les droits des travailleurs canadiens à se syndiquer, à négocier collectivement et à déclencher une grève.

Les syndicats requérants ont soutenu qu'en imposant la Loi 115, le gouvernement de l'Ontario avait violé leur droit de liberté d'association garanti par l'alinéa 2 d) de la *Charte canadienne des droits et libertés*, plus spécifiquement leur droit de négocier collectivement avec leurs employeurs. L'Ontario a plaidé ne pas avoir violé l'alinéa 2 d) et, même si c'était le cas, toute violation devrait être considérée comme étant raisonnable en vertu de l'article 1 de la *Charte* qui stipule que les droits garantis par la *Charte* « ne peuvent être restreints que par une règle de droit, dans des limites qui soient raisonnables et dont la justification puisse se démontrer dans le cadre d'une société libre et démocratique. » Autrement dit, sa position était qu'imposer la Loi 115 était une limite raisonnable contre les droits des membres d'OSSTF/FEESO compte tenu des difficultés financières

qu'éprouvait l'Ontario.

Dans sa prise de décision à savoir si l'Ontario avait ou non violé l'alinéa 2 d), le juge Lederer s'est particulièrement penché sur la mesure dans laquelle les syndicats pouvaient participer à de véritables négociations. Le fait que l'Ontario a imposé ses « paramètres » aux syndicats et qu'il n'acceptait pas de modification à ceux-ci était un facteur important, tout comme le refus du gouvernement ou son incapacité à fournir à un syndicat en particulier son objectif d'économies à réaliser et son acharnement connexe à savoir que toute proposition soumise par un syndicat devrait engendrer des économies suffisantes dans l'ensemble du secteur pour satisfaire aux besoins financiers du gouvernement. Dans l'évaluation du juge Lederer, les mesures prises, dans leur ensemble, par l'Ontario à partir de l'automne 2011 jusqu'à l'adoption de la *Loi donnant la priorité aux élèves*, étaient en violation des droits des requérants à une négociation collective véritable en vertu de l'alinéa 2 d) de la *Charte canadienne des droits et libertés*.

Par la suite, le juge Lederer a passé en revue la *Loi donnant la priorité aux élèves* dans le but de déterminer si, en soi, la Loi était une violation de l'alinéa 2 d) et il a estimé que c'était le cas. Comme l'Ontario n'a pas réussi à convaincre les syndicats en éducation de conclure des ententes qui étaient conformes à ses paramètres, il leur a imposé le PE d'OECTA par le biais de la *Loi donnant la priorité aux élèves*. De plus, l'Ontario a introduit des dispositions dans la loi donnant à la ministre, par l'intermédiaire du lieutenant-gouverneur en conseil, la capacité d'interdire ou de mettre fin aux grèves, ce qui constituait une violation manifeste de l'alinéa 2 d).

L'argument de l'Ontario qu'il était justifié par l'article 1, en violation de la liberté d'association, a également échoué. Le juge Lederer a estimé que les moyens utilisés par le gouvernement pour atteindre ses objectifs financiers étaient arbitraires et n'avaient aucun lien rationnel avec ceux-ci. De plus, l'imposition de la *Loi donnant la priorité aux élèves* ne répondait pas à l'exigence de l'article 1 indiquant que tout manquement à la



Charte doit constituer une atteinte minimale. Enfin, le juge Lederer a constaté que l'Ontario aurait pu atteindre ses objectifs financiers soit par des mesures législatives ou administratives plus ciblées ou par une véritable négociation collective plus juste.

L'importance de la décision

La décision du juge Lederer en avril 2016 a été une confirmation catégorique des droits des travailleurs. Elle a renforcé et consolidé les principes établis par la nouvelle trilogie du droit du travail. Elle a fait ressortir le principe sur lequel la liberté d'association comprend le droit à une véritable négociation collective et que celle-ci nécessite des consultations entre les parties aux négociations, de même qu'une certaine volonté à considérer les positions de l'autre partie. Elle a confirmé aussi que le droit de grève est essentiel à la liberté d'association et que l'imposition de toute limitation de ce droit doit être prise très sérieusement. Elle a corroboré que les gouvernements ne peuvent pas brandir les mesures législatives pour résoudre leurs problèmes financiers sans faire participer tous les syndicats affectés au processus de négociation collective.

Qu'en est-il des mesures correctives?

Il a été reconnu dès le début du processus judiciaire que, si la contestation en vertu de la *Charte* devait être perdue, aucune mesure corrective n'était requise, mais si la requête aboutissait, un certain nombre de jours d'argumentation juridique était nécessaire pour que toutes les parties puissent exprimer clairement leurs positions quant aux mesures correctives. Pour cette raison, on a demandé au juge Lederer de se prononcer seulement sur la question à savoir si l'Ontario avait ou non violé les droits des syndicats requérants en vertu de la *Charte*. On ne

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dom of association was also unsuccessful. Lederer found that the government's means to accomplish its fiscal goals were arbitrary and not rationally connected to its objectives. Further, the imposition of the *Putting Students First Act* did not meet the Section 1 requirement that any breach of the *Charter* must be minimally impairing. Finally, Lederer found that Ontario could have met its fiscal goals through either more targeted legislative or administrative action, or through fairer, meaningful collective bargaining.

The significance of the decision

Justice Lederer's April 2016 decision was a resounding confirmation of workers' rights. It reinforced and strengthened the principles established by the new Labour Trilogy. It underscored the principle that the freedom of association includes the right to meaningful collective bargaining, and that meaningful collective bargaining involves some amount of consultation between the parties to the negotiations, as well as some willingness to consider the positions of

the other side. It also confirmed that the right to strike is fundamental to the freedom of association, and that the imposition of any limits on that right must be taken very seriously. It confirmed that governments cannot wield the hammer of legislation in order to resolve their financial issues without engaging all affected unions in the collective bargaining process.

What about the remedy?

It was recognized at the beginning of the judicial process that, should the Charter Challenge be lost, no remedy would be necessary, but if the application was successful, a number of days of legal argument would be needed in order for all parties to make their positions on remedy clear. Because of this Justice Lederer was asked only for a ruling on the question of whether or not Ontario had breached the Charter rights of the applicant unions. He was not asked to issue a decision on remedy. Instead, Ontario and the applicant unions were encouraged to seek their own resolutions, and to either advise the court when they

had done so or to return to Justice Lederer to seek a decision on remedy.

Despite not making a remedy decision, Justice Lederer did provide some observations related to what might be taken into account once a remedy was considered. Among those observations was that the problem, as he saw it, was with the process used, and not the outcome achieved. Had a process been undertaken that did not violate the *Charter*, the outcomes could have been the same or similar to those that occurred. Also, Justice Lederer noted that it was not clear to him "what would be accomplished by any substantial or aggressive remedy."

There was (and still is) little to guide the courts on what an appropriate remedy might be in such situations, other than the decisions in the saga of the British Columbia Teachers' Federation (BCTF) v. British Columbia. In that case, the British Columbia government passed Bill 28 in 2002, which voided certain terms of the Collective Agreement, in particular those concerning class size and composition. BCTF challenged Bill 28 as being unconstitutional, and the issue was heard at the BC Supreme Court, which is the equivalent of the Ontario Superior Court of Justice, the level at which our Bill 115 Charter Challenge was heard. In 2015, the BC Supreme Court found in favour of BCTF, and declared Bill 28 unconstitutional. As a remedy, the BC government was given a year to draft new legislation in a way that did not violate BCTF's Charter rights. There was no monetary aspect to the award to compensate for the breach of the BCTF members' Charter rights or to compensate those who may have been adversely affected.

This decision is the closest precedent to OSSTF/FEESO's position with the Bill 115 Charter Challenge. It would likely give Justice Lederer some guidance in determining what might have been an appropriate remedy in the Bill 115 case, and it confirms his observation that "any substantial or aggressive remedy" would be unlikely.

The BCTF decision was appealed, overturned, and appealed again. In the



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end, the Supreme Court of Canada found in favour of BCTF, but again the remedy ordered by the court did not include a monetary component.

All of this was taken into consideration when OSSTF/FEESO met with the Government of Ontario in order to discuss an agreement on remedy coming from Justice Lederer's decision. Given that the BCTF decision at the BC Supreme Court was the only real precedent to indicate what we might expect from the courts, the option of negotiating a remedy outside of the courts was very attractive. And in the end, the negotiated remedy achieved an outcome that had not been possible for BCTF through the courts, namely some compensation for those OSSTF/FEESO members who were adversely affected by Ontario's breach of their Charter rights.

What does it mean going forward?

The Lederer decision will have a lasting impact on public sector labour relations. It builds on the foundation created by Canada's new Labour Trilogy, and will ensure that in the future, when Ontario sits down with public sector unions, despite any fiscal goals it may have, the process it uses to achieve those goals must involve meaningful collective bargaining. And public sector union members in Ontario will have their right to strike protected by the full weight of the *Canadian Charter of Rights and Freedoms*.

Bob Fisher is the Director of the Member Protection Department at OSSTF/FEESO Provincial Office.

lorsque cela serait fait ou de retourner devant le juge Lederer pour rendre une décision sur les mesures correctives.

Bien qu'il n'ait pas rendu de décision sur les mesures correctives, le juge Lederer s'est exprimé quant à ce qui pourrait être envisagé au moment de les examiner. Parmi ces observations, il a noté que le problème, selon lui, était le processus utilisé et non pas le résultat obtenu. Si le processus entrepris n'avait pas violé la *Charte*, les résultats auraient pu être les mêmes ou semblables à ce qui s'est produit. Le juge Lederer a aussi noté qu'il ne comprenait pas clairement « quel but serait atteint par une mesure corrective substantielle ou agressive. »

Il existait (et c'est toujours le cas) peu à notre disposition pour orienter les tribunaux sur ce qu'une mesure appropriée pourrait être dans de telles situations, autre que les décisions dans la saga opposant la Fédération des enseignants de la Colombie-Britannique (FECB/BCTF) c. la Colombie-Britannique. Dans cette affaire, en 2002, le gouvernement de la Colombie-Britannique a adopté la Loi 28, qui annulait certaines dispositions de la convention collective, en particulier celles concernant le nombre d'élèves par classe et leur répartition. La FECB a contesté la Loi 28 invoquant son inconstitutionnalité et l'affaire a été entendue par la Cour suprême de la C.-B., qui équivaut à la Cour supérieure de justice de l'Ontario, le palier qui a entendu notre contestation de la Loi 115 en vertu de la *Charte*. En 2015, la Cour suprême de la C.-B. a statué en faveur de la FECB et a déclaré inconstitutionnelle la Loi 28. Comme réparation, le gouvernement de la C.-B. disposait d'un an pour élaborer une nouvelle loi de sorte qu'elle n'enfreigne pas les droits de la FECB en vertu de la *Charte*. Aucune compensation monétaire n'a été accordée pour la violation des droits des membres de la FECB en vertu de la *Charte* ou pour compenser ceux qui pourraient avoir été lésés.

Cette décision établit le précédent le plus similaire à la position d'OSSTF/FEESO dans sa contestation de la Loi 115 en vertu de la *Charte*. Elle donnerait probablement au juge Lederer une certaine orientation pour déterminer

ce qui aurait pu constituer une mesure corrective appropriée dans l'affaire de la Loi 115 et cela confirme son observation voulant que « toute mesure corrective substantielle ou agressive » soit peu probable.

La décision de la FECB a été contestée, infirmée et contestée de nouveau. En fin de compte, la Cour suprême du Canada a donné raison à la FECB, mais une fois de plus la mesure corrective ordonnée par la Cour ne contenait pas d'élément pécuniaire.

Tous ces facteurs ont été pris en compte lorsqu'OSSTF/FEESO a rencontré le gouvernement de l'Ontario pour discuter d'une entente sur les mesures correctives émanant de la décision du juge Lederer. Étant donné que la décision concernant la FECB à la Cour suprême de la C.-B. était le seul précédent véritable montrant ce à quoi nous pourrions nous attendre des tribunaux, l'option de négocier une mesure hors des tribunaux était très alléchante. À la fin, la mesure négociée a obtenu un résultat que la FECB n'a pas pu réaliser par l'intermédiaire de la Cour, à savoir des compensations pour les membres d'OSSTF/FEESO qui ont souffert des conséquences néfastes de la violation par l'Ontario de leurs droits en vertu de la *Charte*.

Qu'est-ce que cela implique pour l'avenir?

La décision du juge Lederer aura des répercussions durables sur les relations de travail dans le secteur public. Elle s'appuie sur les bases créées par la nouvelle trilogie du droit du travail au Canada et elle assurera qu'à l'avenir, lorsque l'Ontario discutera avec les syndicats du secteur public, en dépit des objectifs financiers qu'il puisse avoir, le processus utilisé pour atteindre ces objectifs prévoit une véritable négociation collective. Ainsi les membres des syndicats du secteur public en Ontario verront leur droit de grève entièrement protégé par la *Charte canadienne des droits et libertés*.

Bob Fisher est directeur du Secteur de protection des membres au Bureau provincial d'OSSTF/FEESO.

/suite de la page 27

lui a pas demandé de rendre une décision sur les mesures correctives. L'Ontario et les syndicats requérants ont plutôt été encouragés à chercher leurs propres solutions et soit d'informer le tribunal



TOM BENNETT

and the

researchED REVOLUTION

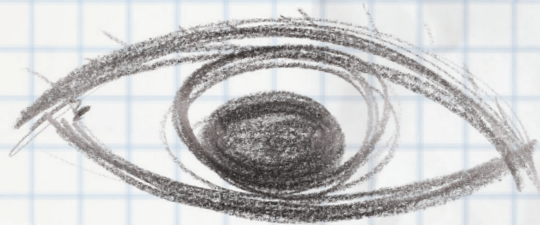
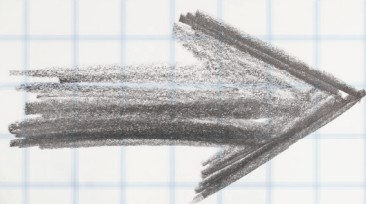
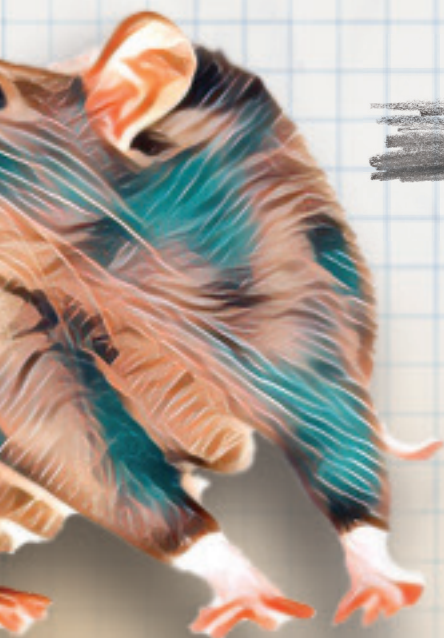
An interview with Tom Bennett

by Randy Banderob

Tom Bennett was a second-career teacher in London, UK for almost three years before he began to smell a rat. He had been recruited into a fast-track program meant to quickly churn out teachers destined for middle management.

“I got some extra bursary for that...and I was given lots of extra training in things like BrainGym, neuro-linguistic programming and learning styles—you know, just clap trap and snake oil. We were given computers, we were given cameras to record our experiences...it was the most enormous waste of money ever. And after about three years of teaching, I smelled a rat. I realized, hang on, you know, this isn't right.”

As a philosophy major and former Soho nightclub manager, Bennett felt that he had both an academic and a pragmatic sense of how people worked and why they behaved as they did. But nothing had prepared him for the behaviour challenges he encountered in the classroom.



Artwork: Audrey Bourque

"My very first teaching experience was in a really challenging school. I was gob-smacked. I was utterly amazed at how different it was to my own experiences as a student. I'd been out of education by this point for about 10 years since university, 15 years since high school, and I kind of assumed that by this point we would know what we were doing. I assumed that we would have all the big problems licked and we would have a pretty solid curriculum. That we would know how to run a classroom and we'd be trained in this."

Bennett responded to the chaos he found in the classroom by reflecting back on his teacher training, and that is when he came to a realization:

"You know, you'd be given the basics of arithmetic and algebra and calculus and trigonometry and geometry and so on, things that have been kind of eternal, immovable truths for centuries. If you met somebody with a PhD in mathematics and you asked them a math question, you could pretty much guarantee that they would be able to tell you the answer. I know that the social sciences, including education, aren't quite like that, but I realized that when you went into teacher training you might be taught completely different things depending on who was training you. Different things about how you should deal with children, how you should teach, and what you should teach and in what order. And how children retain information and what you should do if there was trouble in the classroom, and so on. And I remember thinking, this just isn't enough. We are being thrown in the deep end here."

This epiphany, the realization that ideas in education were not being held up to scientific scrutiny as they were in other disciplines, was transformative for Bennett. He began taking courses and reading research articles on education to try to discover what empirical evidence was out there, and how it could be successfully applied to the classroom. Once he began finding what he believed to be solid, evidence-based studies relevant to education, Bennett followed his next instinct: to share this with other teachers.

“Get online...because you will expose yourself to the international ocean of ideas which exists out there”

Bennett was hired by the Times Educational Supplement to write an advice column on classroom management. He also wrote a few books on his teaching experiences. At the same time, blogging became popular and he began publishing at behaviourguru.blogspot.com, a blog that he still maintains. He also became active on Twitter where even more people began to reach out to him about education. All this media exposure cast Bennett as an education expert, and he felt even more compelled to ensure that what he was writing about was actually rooted in good science.

"The thing that really started to catch my eye was how much behaviour management training was totally unevicenced. It was just, 'here's what I think.' So I started to look at the data and became interested in research in general, in evidence in general. I started to write blogs when I read questionable news reports, like somebody claiming that introducing tablets into the classroom improves literacy by 50 per cent in six months. So I would investigate the article and find the research behind it was sponsored by the tech company supplying the tablets. Or you might find the sample size was ridiculously small. That's not quite what I call robust science."

Bennett continued to teach as he scrutinized education research and published his opinions.

"And I always made sure I was never critical about my school, in fact I never mentioned my school. I would say: well here's an interesting claim that group work is the best way to learn, and here's

what I found out about it in terms of research. Even as I gained a certain level of notoriety in my writing, it was never mentioned where I taught. I think that we have a duty as educators to maintain a certain level of professional decorum, but there is nothing wrong with saying, hey, this is my professional opinion about an educational initiative."

Despite Bennett's commitment to professionalism, his anger at the proliferation of untested fads in education intensified. This frustration culminated in the publication of his book *Teacher Proof: Why Educational Research doesn't always mean what it claims and what you can do*.

"It was a quite angry book," Bennett admits, "I would probably write a more considerate piece now, but I was piqued with it at the time." Published in 2013, the book did more than just debunk a series of fads in education; it taught teachers how to spot spurious claims and to demand evidence-based studies for any new initiatives.

"Rather than just collate old blog entries, I decided to approach *Teacher Proof* by trying to convince somebody who's just a teacher like me—someone who is not a specialist, not a scientist, not a researcher—that all is not well in the state of Denmark. That we are often told things which are just substantially or significantly not true, and that we as teachers need to become more mobilized about it. And already I was starting to think about this idea that teachers needed to become more informed not only individually, but also collectively."

This belief, that teachers needed to collectively voice their skepticism and demand evidence to back up the directives they are given, is what spurred Bennett to enter the next phase of his transformation. As his blog, his column, his Twitter feed and now his new book elevated his profile among teachers and academics alike, he proposed to bring the two together.

“I launched researchED because I wanted to create a safe space where people could come together. Where academics and researchers and teachers and principals, school leaders and policy makers and budget holders and think tanks, and all these people in the UK school system, could come together and have this conversation. And I found that that in itself was quite radical. But remember it was Orwell, I believe, who said, ‘in times of universal deceit, telling the truth is a revolutionary act!’”

After discussing the possibility with Sam Freedman (former advisor to the Secretary of State for Education, and later Director of Research and Impact at Teach First) and Ben Goldacre (author of *Bad Science* and *Bad Pharma* and a columnist for *The Guardian*), Bennett floated the idea of holding a conference on educational research to his Twitter followers. Four hours later he had 200 offers of help. On his website Bennett says, “I didn’t build researchED, it wanted to be built. It built itself. I just ran with it.”



The first researchED conference was held at Dulwich College, on the first Saturday after the beginning of the new school year, in September 2013. Over 500 participants (including teachers, school administrators and academics) came to talk, listen and learn. Although that first conference was meant to be a one-time event, researchED has since become Tom Bennett's fulltime concern. He has coordinated conferences all across the UK and Europe, and more recently in North America.

"Before researchED, we had conferences for academics and conferences for teachers, but never the twain should meet. And the idea that you could get someone like Daniel Willingham from the University of Virginia or Paul Kirshner from Amsterdam, and they could speak and talk about their latest research – and then teachers could sit in the audience and say, 'well what about...?' or 'why doesn't this work in my classroom, what am I doing wrong?' – and have that kind of professional-level conversation, that was incredibly powerful and it was really inspiring to witness."

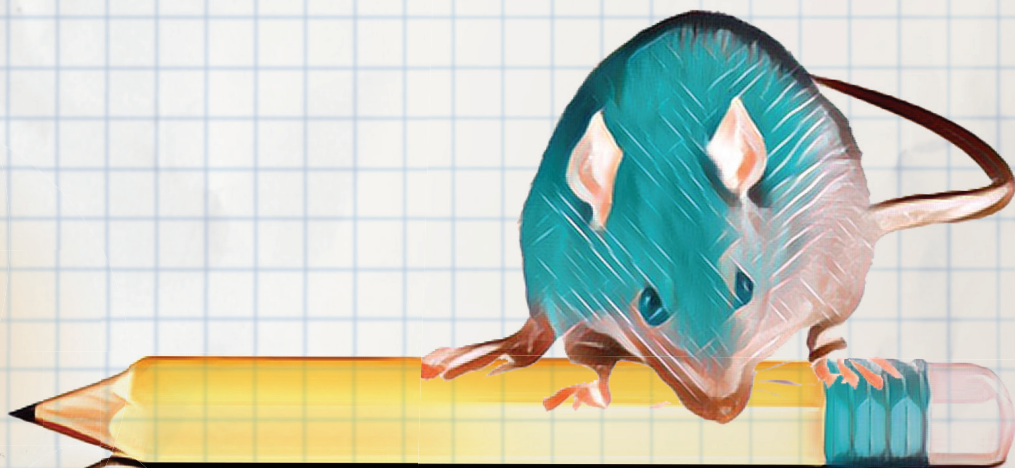
When asked what he would suggest to teachers who are beginning to become similarly skeptical about some of the initiatives being foisted upon them, Bennett has a simple message: "Get online... because you will expose yourself to the international ocean of ideas which exists out there. There is debate and dispute out there, and what you're taught in your training can be challenged. It took me years to realize this. Also, online you can

reach out to, and learn from, other teachers and academics. Somebody in Australia might have an idea that you might think is going to work in your classroom. What's the evidence base? Well I'll tell you what it is."

"Once you've realized that there are some things which work better in some circumstances, or are more probable to work with certain pupils, your teaching is revolutionized because of it. And the children I'm talking about in particular are the ones that need it the most, children from underprivileged backgrounds and from marginalized backgrounds. These are the kids that are screaming out for solid educational practice, and every time you use an unevidenced technique or methodology or pedagogy on a child who doesn't get a second chance, whose parents don't have lots of social or cultural capital and can't give them a job if they flunk out, every time you do that you are robbing children of their most basic birthright, which is an education. And I think that's something we all need to get passionate about."

NOTE: To learn more about researchED, go to their website www.researched.org.uk. There you will find upcoming conferences. OSSTF/FEESO will be co-ordinating a researchED conference in Toronto on April 14, 2018. For more information about this specific conference email randy.banderob@osstf.ca.

Randy Banderob is an Executive Assistant at Provincial Office in the Educational Services Department.





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Let's go to the hop

Youth participation in the cultural landscape of Toronto



In the busy lives we all seem to lead, it can be rare to find some down-time. When one does however, so often the go-to options are to surf the web, review one's social media sites or the increasingly popular binge-watch. Less popular, is hearing a friend or colleague recount their visit to a cultural event or art gallery visit. The Canadian Art Foundation doesn't want this latter tradition lost and therefore strives hard to offer a wide variety of programs that focus on introducing or keeping people connected with the arts and artists in Canada.

The foundation supports this concept by publishing *Canadian Art* and canadianart.ca, a platform for journalism and criticism about art and culture in Canada, and also through offering innovative events and educational programs. These programs are meant to engage audiences nationwide and address urgent and evolving issues through the lens of contemporary art and culture.

One of those programs, School Hop, is a youth initiative aimed at providing education and outreach to Toronto's secondary-school students. In the face of reduced funding for extracurricular activities and diminished focus on art education in public schools, this free half-day program offers a unique opportunity for a younger generation to participate in the cultural landscape of Toronto.

Since 2003, this semi-annual program has hosted an ever-increasing number of students at Toronto studios and galleries on tours led by local artists and curators. The program provides free bus transportation, and pays for artists and curators to lead discussions with students.

In this program, participating students are exposed to different artistic practices from diverse cultural backgrounds. They visit commercial galleries, artist studios and artist-run spaces, and they meet professional artists and curators. The program encourages a free exchange of ideas about art, culture and society, and it establishes a historical context for approaching contemporary art practices.

School Hop gives priority and vital program access to the most underprivileged schools in the region, with more than half of the participating Greater Toronto Area schools coming from low-income neighbourhoods or including at-risk youth. Through continuous feedback from teachers and galleries, School Hop is constantly improving the program, its accessibility and its ability to meet crucial needs of the community.

To register your class for a School Hop, you can fill out the online registration on the website at canadianart.ca/school-hop. For more information, please email Emma Gaudio at emma@canadianart.ca or call her at 416.368.8854 x 102.



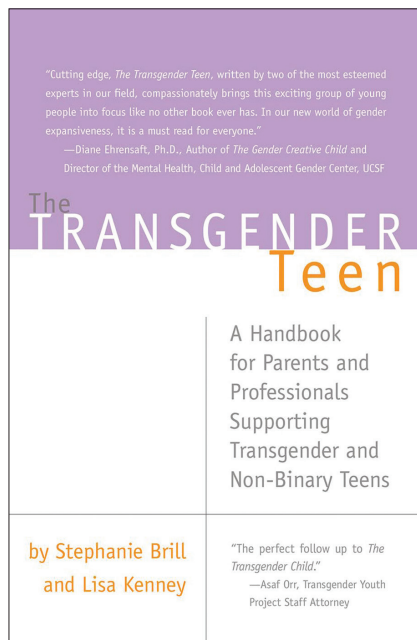
"admiring all we accomplish" by Deirdre Logue in collaboration with VibraFusionLab, Tangled Art + Disability, 2017. Photo: Connie Tsang



Julius Poncelet Manapul, Balikbayan Bakla Maya, Koffler Gallery, 2016. Photo: Connie Tsang

Top picks

Reviews



The Transgender Teen: A Handbook for Parents and Professionals Supporting Transgender and Non-Binary Teens

By Stephanie Brill and Lisa Kenney
Cleis Press (2016)

338 pages, Paperback \$21.45;

Kindle \$10.99

Reviewed by Sue Melville

Over the past decade or so, gender issues beyond those involving lesbian, gay, and bisexual people have gained prominence in popular culture and media. Television shows such as *Orange is the New Black*, *Transparent*, and *I am Cait* have brought transgender and non-binary people into the mainstream. Whereas 10 years ago many people may not have been able to define the term “transgender,” now, the notion of a gender spectrum is no longer a novelty.

The first attempt by the Ontario Ministry of Education to establish policies on equity & inclusive education came with the release of *Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy* in 2009. Since then, the strategy has been revised with the release of *Equity and Inclusive Edu-*

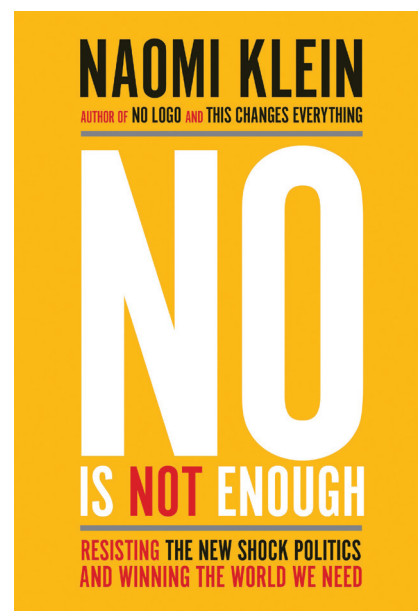
cation in Ontario Schools: Guidelines for Policy Development and Implementation in 2012. Yet throughout the province, educators and other education workers continue to struggle to support their transgender and non-binary students. The recent publication of *The Transgender Teen: A Handbook for Parents and Professionals Supporting Transgender and Non-Binary Teens* marks a breakthrough for such workers.

The book is written by Stephanie Brill, Cofounder & Chair, Board of Directors and Lisa Kenney, Executive Director of Gender Spectrum, a non-profit organization whose mission is to create a gender-inclusive world. Through personal interviews and extensive research, the authors have set out to provide concrete support for families of transgender and non-binary teens, as well as for professionals who work with them. In reading this book, I developed a more complete understanding of gender, gender identity and its development throughout adolescence, and the gender spectrum. The authors devote much of the book to delineating the intersection of gender identities with the goals of adolescent development, with the aim of enriching our understanding of the many challenges facing transgender and non-binary teens.

While much of the book speaks directly to parents of gender-expansive youth, it also includes many practical strategies that could easily be adapted for use by education and mental health workers. Of particular interest are chapters 6–8, ranging from “What Keeps You Up at Night” to “Supporting Your Teen in Their Gender Journey.” One of the key messages I took away is that while the teen years are challenging enough for cisgender youth, they are exponentially more complicated, and in multiple dimensions, for transgender and non-binary teens. With consistent caring, understanding, and compassionate support, first and foremost within their families of origin and also by all members within their school communities, gender-expansive youth will develop a complete and consolidated gender identity and thrive in their post-adolescent

years. Isn't that what we want for all of our children?

Sue Melville is a teacher in District 3, Rainbow and is a member of the provincial Educational Services Committee.



No is Not Enough: Resisting the New Shock Politics and Winning the World We Need (2017)

By Naomi Klein

Knopf Canada (June 13 2017)

288 pages, Paperback \$15.58;

Kindle \$13.99

Reviewed by Diane Ballantyne

Shock. How many felt it that cool November evening in 2016, when an unqualified, offensive person had seized control of the most powerful government in the world?

Shock. A mere seven months later, best-selling author Naomi Klein released a new book addressing a Trump presidency. Sharing that she felt she could not “waste a minute,” she wanted it out before a major external shock happened.

In straightforward Klein style, she narrates us through the first segment, “How we got here,” addressing the “brand” of Trump. The infuriating reality that the behaviour of the “tweeter-in-chief” is part of his brand. She explores

the rise of *The Apprentice* and its *Hunger Games* quality: "...Trump told the tent team that 'life's a bitch,' so they'd better do everything possible to step over the losers and become a winner like him", and she surprisingly reveals "...it is hard to overstate Trump's fascination with wrestling..."

The US Presidency is an extension of this "you too could be Donald Trump" brand, which reassures and bolsters his supporters. Klein notes how our society has accepted that vast amounts of wealth somehow bestow wisdom on people—referring to this notion as a "billionaire saviour complex." Bill Gates and his activities related to African agriculture and vaccinations, neither of which he has any experience in or education with, is another example.

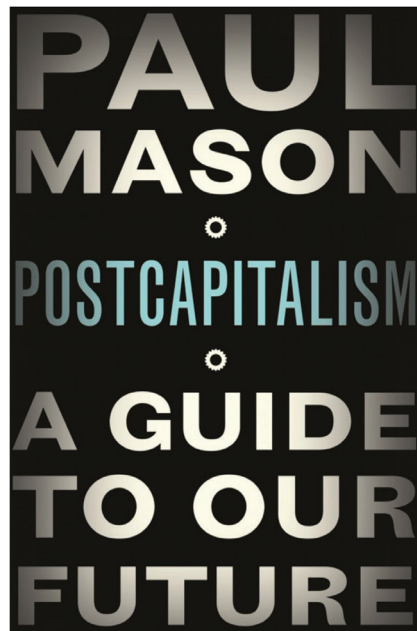
In exploring the current context ("Where We Are Now") and, ominously, "How it Could Get Worse," Klein uses research gleaned from her previous bestsellers, *The Shock Doctrine* and *This Changes Everything*, and reminds us of the imminent dangers to democracy. She frankly reveals she is "determined to kill my inner Trump" by overcoming latent biases and prejudices, and she tells us that "this internal work is crucial as we come together in resistance and transformation."

Ending on a hopeful note, we are reminded of the power of Standing Rock, the rise of Black Lives Matter, and the ongoing "Fight for \$15." Times when no was *not* enough. She reveals that now is the time to "leap," including a postscript about *The Leap Manifesto*, a "rare document...signed by large organizations...as well as truly grassroots movements..." including CUPE, the CLC, Oxfam, Black Lives Matter—Toronto and No One is Illegal.

Shock can be immobilizing, but reframing Michelle Obama's quote, "When they go low, *everyone* needs to aim high," Klein assures us "The Car-ing Majority is Within Reach"... so let's leap.

Diane Ballantyne, M.Ed is a teacher at Centre Wellington District High School in Fergus in District 18, Upper

Grand and sits on the OSSTF/FEESO provincial Communications/Political Action Committee.



Postcapitalism: A Guide to Our Future

By Paul Mason

Farrar, Straus and Giroux (Feb. 9 2016)

368 pages, Paperback \$23.00; Kindle \$10.99

Reviewed by Seth Bernstein

The Ontario Ministry of Education has moved quickly to create a financial literacy module in a revamped Careers course in response to pressure from the Toronto Youth Cabinet and business lobby to close the financial literacy gap within our current system. But there is little discussion at the moment about closing the critical economic literacy gap—resulting in students leaving high school without a historical context for capitalism and whether or not it will be able to effectively respond to current and future pressures and crises, often of the system's own making.

Paul Mason's *Postcapitalism* makes the case that capitalism is about to end; we are not merely in the midst of what Russian economist Kondratieff called a long cycle's waning years before a fresh cycle starts again. Mason argues that neoliberalism's successful suppression of workers

and the public sphere has extended this cycle; long enough that it has helped to consolidate the notion of capitalism as inevitable. Invoking Marx's lesser-known thought exercise "Fragment on Machines," Mason claims the root cause of the pending demise is the disruption of the pricing mechanism through elimination of scarcity via information technology, accelerated by demographic realities, climate change and inequality shocks.

If the system is about to collapse, he argues, we would be best advised to plan a transition to a postcapitalist system, rather than risk the chaos of an immediate collapse and subsequent vacuum. That system would have several major goals and mechanisms, including limiting global warming, stabilizing the finance system by socializing it, and applying information-rich technologies to solve major social challenges, presented in a Wikipedia-like vision of the future that Mason doesn't quite flesh out enough. The last goal would be to transition to an automated economy, complete with basic income and voluntary work, in which economic management is a matter of "energy and resources, and not capital and labour."

If Mason is right, then the masses need to start dismantling the current power structures that disproportionately benefit a select few. For there to be on-the-ground momentum, there needs to be a collective consciousness that creates a rapid shift in governance away from the current concentration of wealth and power. A weakness of the book is that this critical, difficult, phase isn't mapped out clearly. It is, however, excellent for contextualizing our current moment, and as such, would be an essential read for any educator interested in closing Ontario's critical economic literacy gap in the classroom.

Seth Bernstein is a teacher in District 12, Toronto and has designed and delivered a school-based Grade 12 IDC course called Economic Justice. He is the Chair of the Member Outreach and Training subcommittee of provincial Communications/Political Action Committee.

Our knowledge matters

Educators, not ideologues, know what works in education



It takes no great insight to note that we are currently living in dangerous times. A previously almost unfathomable connection between a racist, xenophobic, anti-Semitic “alt-right” and an utterly unsuitable occupant of the Oval Office make it impossible not to draw parallels to events on another continent in the first half of the previous century. A stand-off with a nuclear North Korea...illegal and counter-productive travel bans...devastating hurricanes in the midst of climate change denial...the list of threats goes on.

In the face of these events, we in OSSTF/FEESO do what we can by way of, for example, donations to the American Civil Liberties Union and other social justice and charitable organizations. The amounts are only symbolic but they send a message that we must send. Along with others, we make our positions known, keeping in mind Edmund Burke’s saying that the only thing

necessary for the triumph of evil is for good people to do nothing.

But that by itself is insufficient; an effort to understand and address root causes is also required of us. How is it possible that so many Americans, in the lead-up to the presidential election, could believe such wild-eyed and destructive conspiracy theories as those promoted by the likes of Alex Jones—conspiracy theories that make House of Cards seem tame by comparison?

Along with economic, social, and historical causes, it is difficult not to see the current American (and therefore global) circumstances as arising at least in part from an insufficiency in the American education system. When some vital capacity for critical thinking is absent from too large a proportion of a populace, surely fingers must point at the way in which that populace was educated.

And yet there is much talk about critical thinking in education circles. In announcing its intentions to begin a review of the Ontario curriculum, the Wynne government points to critical thinking as a significant component of its desired outcomes. Critical thinking, creativity, global citizenship are all mentioned. But what is almost entirely absent is any clear delineation of the knowledge that underpins these supposed generic skills. The Americans have elected, and we are subjected to, a leader bereft of the knowledge that would allow him to think critically. “Nobody knew health care would be so complicated” he proclaims, when in fact anyone who knows the first thing about health care knows that transformation is

complicated. But too few, it seems, have a storehouse of the historical, political, and ethical knowledge that would simply rule out their uncritical acceptance of such nonsense. If the education system is not there to supply that rich subject knowledge, who is?

As cognitive psychologists like Daniel Willingham have demonstrated convincingly, critical thinking is domain-specific—it relies on subject expertise. That is as true of education as it is of health care, or any other specialized field. And this is precisely where OSSTF/FEESO’s engagement will continue to matter most. When we oppose the government’s reliance on ideologues, rather than practitioners, in the planning of education reform, we are insisting that our knowledge and our professionalism are crucial to protecting and enhancing public education. And when we do that, we are engaged in the battle for the public good that has always motivated our actions.

In the foreseeable future, we will, no doubt, engage in conflicts both prosaic and profound. Whatever your role in education, remember that as we undertake these battles, OSSTF/FEESO will not only be protecting your rights and interests; we will be fighting for a decent, humane, and fulfilling future for our students and the society in which we live. In this, our knowledge matters, as does the knowledge we pass on to our students. It is the most substantial bulwark we can build against ignorance and the potential triumph of evil that arises from it.

Harvey Bischof,
OSSTF/FEESO President

Notre savoir importe

Les éducateurs, pas les idéologues, savent ce qui fonctionne en éducation

Il est inutile de chercher très loin pour réaliser que nous vivons actuellement des temps difficiles. Un lien auparavant pratiquement inimaginable entre un raciste, un xénophobe, un antisémite, un partisan de la droite alternative et un occupant du Bureau ovale totalement inadapté fait qu'il est impossible de ne pas faire de rapprochement avec des événements de la première partie du siècle dernier s'étant produits sur un autre continent. Un affrontement avec une Corée du Nord nucléarisée... des interdictions de voyager illégales et contre-productives... des ouragans dévastateurs en plein déni des changements climatiques... la liste des menaces n'en finit plus.

Face à ces événements, à OSSTF/FEESO, nous faisons ce qui est en notre pouvoir par l'entremise, par exemple, de dons à l'*American Civil Liberties Union* et à d'autres organismes de justice sociale et de bienfaisance. Les montants ne sont que symboliques, mais ils envoient un message que nous nous devons de transmettre. Aux côtés des autres, nous faisons connaître nos positions, en gardant à l'esprit l'expression d'Edmund Burke : « Pour que le mal triomphe, il suffit que les hommes de bien ne fassent rien. »

Mais en soi, cela ne suffit pas. Il faut aussi que nous comprenions et que nous adressions les causes premières. Comment se peut-il que tant d'Américaines et d'Américains, durant la période précédant l'élection présidentielle, aient pu croire de telles théories du complot, hallucinantes et destructrices, comme celles avancées par des gens du même acabit qu'Alex Jones, des théories du

complot qui font d'*House of Cards* une série insipide en comparaison?

En plus de causes économiques, sociales et historiques, il est difficile de ne pas voir la situation américaine actuelle (et donc mondiale) comme résultant, au moins en partie, d'une lacune dans le système éducatif des États-Unis. Quand une capacité fondamentale à développer une pensée critique manque chez une trop grande partie de la population, on doit, à coup sûr, montrer du doigt la manière dont cette dernière a été éduquée.

Pourtant il est beaucoup question de la pensée critique dans les sphères de l'enseignement. En annonçant ses intentions d'entamer un examen du curriculum de l'Ontario, le gouvernement Wynne désigne la pensée critique comme un élément essentiel des résultats escomptés. La pensée critique, la créativité, la citoyenneté mondiale sont toutes citées, mais ce dont on ne fait pratiquement pas mention est la définition claire des connaissances qui constituent la base de ces prétendues compétences générales. Les Américaines et Américains ont élu un dirigeant, que nous subissons, dépourvu de toute habileté à exercer une pensée critique. « Qui aurait cru que les soins de santé pouvaient être si compliqués », proclame-t-il, alors qu'en réalité quiconque en connaît un peu sur les soins de santé sait que leur transformation est compliquée. Mais il semble que rares sont ceux qui ont une mine de connaissances historiques, politiques et éthiques qui excluraient purement et simplement leur acceptation incontestée de telles absurdités. Si le système éducatif n'est pas là pour four-

nir cette vaste connaissance sur des matières, qui l'est?

Comme des psychologues de la cognition, tels que Daniel Willingham, l'ont démontré de façon convaincante, la pensée critique est propre à un sujet, elle dépend de l'expertise dans un domaine. C'est aussi vrai pour l'éducation que cela l'est pour les soins de santé ou tout autre domaine spécialisé. Et c'est précisément là qu'OSSTF/FEESO continuera de s'engager le plus. Lorsque nous nous opposons à ce que le gouvernement dépende d'idéologues plutôt que de praticiens dans la planification de réformes en éducation, nous revendiquons nos connaissances et notre professionnalisme comme étant essentiels à la protection et à l'amélioration de l'éducation publique. Et lorsque nous l'assumons pleinement, nous nous portons à la défense du bien commun qui a toujours motivé nos actions.

Dans un avenir prévisible, nous nous engagerons, sans aucun doute, dans des luttes simples et intenses. Quel que soit votre rôle en éducation, rappelez-vous que durant ces luttes, non seulement OSSTF/FEESO sera en train de protéger vos droits et vos intérêts, mais nous mènerons également le combat d'un avenir décent, meilleur et enrichissant pour nos élèves et la société dans laquelle nous vivons. Dans ce contexte, nos connaissances ont de l'importance, de même que le savoir que nous transmettons à nos élèves. Il s'agit là de la plus importante protection que nous pouvons élever contre l'ignorance et la possible victoire du mal qui en découle.

Harvey Bischof,
président d'OSSTF/FEESO

Events

Conferences,
PD opportunities and
other items of interest

November 16–17, 2017

Ontario History and Social Science Teachers' Association (OHASSTA) Conference 2017

Courtyard by Marriott Ottawa Downtown—Ottawa, ON

This conference is an opportunity for history and social sciences teachers to share their perspectives and experiences with others. This year's theme: Challenging the Past; Facing the Future. Keynote speakers are Ian McKay (the R.L. Wilson Chair of Canadian History at McMaster University, director of the Wilson Institute, and author of *The Vimy Trap: How We Learned to Stop Worrying and Love the Great War*), and Susan Delacourt, who has covered federal politics for more than two decades as a reporter and bureau chief for the *Toronto Star*. For more information about the conference, visit ohassta-aesho.education/en/conference-program/conference-2017.

November 24–25, 2017

**Ontario Council for Exceptional Children (OCEC) Conference 2017
Toronto Marriott Downtown Eaton Centre Hotel—Toronto, ON**

This year's conference theme is Equity, Well-being and Success for All. Presentations will focus on evidence-based practices, instructional strategies, and technology to equitably support the well-being, learning and achievement of all students with special education needs. The conference program features more than 80 lecture and poster presentations in numerous topical areas, including self-regulation, anxiety, well-being for students and educators, at-risk children and youth, autism, hands-on technology training, transitions, managing challenging behaviour, learning disabilities, intellectual disability, instructional strategies and post-secondary initiatives. More information can be found on the Council's website at www.cecontario.ca/home.

November 26–27, 2017

**Higher Education Summit
Sheraton Centre, Toronto, ON**

Hosted by Colleges Ontario, the Higher Education Summit explores the major issues of the day and the challenges facing educators, governments, business leaders and others. Highlights include featured remarks from world-renowned leaders and educators, and networking opportunities at the most senior level. This year's featured speaker will be Daniel H. Pink, one of the world's leading business thinkers and the author of five best-selling books about work, management, and behavioral science. For more information, please visit www.highereducationsummit.ca.

January 31–February 3, 2018

**Ontario Library Association Super Conference 2018
Metro Toronto Convention Centre,
Toronto, Ontario**

The Ontario Library Association is Canada's largest library organization and OLA's Super Conference is Canada's largest continuing education event in librarianship. Within the Super Conference event is the country's largest library tradeshow. The program is a tribute to the ability of OLA members to balance the cutting edge and the practical in a way that can satisfy an increasingly diverse number of member interests and needs. For more information, please visit www.olasuperconference.ca.

February 24, 2018

Association for Computer Studies Conference 2018

**York Campus of Seneca College
70 The Pond Rd, North York, ON**

Participate in your choice of 18 different sessions and learn from teachers, professors, and industry experts. Learn more about coding, robotics and hardware, mobile app development, cybersecurity, and computational thinking (CT) in the classroom. Network and learn during the un-conference session during lunch, and share your ideas on lessons, activities, and pedagogy. For more information, please visit www.acse.net/conferences.

April 10–11, 2018

**8th Annual Summit on Education Technology
Hilton Toronto Airport Hotel,
Toronto, ON**

This two-day event is exclusively designed for high-level education technology practitioners. Acquire actionable insights to tackle your biggest teaching challenges from the top minds in the field. Stay informed about the most innovative education technology and trends to optimize student learning. Hear from leading educators and administrators to gain a comprehensive overview of the Ed Tech landscape. For more information, please visit www.educationtechnologysummit.com.

May 3–4, 2018

**45th Annual Ontario Association for Mathematics Education Conference
Humber College North, Toronto, ON**

The conference theme is Infinite Possibilities. Keynote speakers will include Dr. Peter Liljedahl, Associate Professor of Mathematics Education in the Faculty of Education at Simon Fraser University, Dr. James Tanton, Mathematician in Residence at the Mathematical Association of America in Washington D.C., and Dr. Jo Boaler, Professor of Mathematics Education at Stanford University. For more information on the conference go to www.oame2018.ca.

April 12–13, 2018

**Association for Special Education Technology Conference 2018
Niagara Falls, ON**

A conference that is specifically targeted towards assistive technologies, universal designs for learning, and 21st century instructional technologies to support diverse learners. Delegates will have the opportunity to choose from a wide variety of relevant, informative, and engaging workshops. Keynote speaker will be Jonathan Mooney, a writer and learning activist who did not read until he was 12 years old, and is now a sought-after authority on neurodiversity, education reform, and creating college and career pathways for at-risk youth. For more information, visit aset-ontario.ca.



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