Ontario Government Asks Unions To Extend Education Contracts

October 24, 2016

The Ontario Government has offered contract extensions to most of the key education unions, in order to achieve labour peace during the next election.[1]

Extensions would likely mean providing additional wage increases and altering terms to ensure most public, Catholic and French elementary and secondary teachers and education workers do not strike before a vote expected in June 2018.[2] The government may have to amend the *School Boards Collective Bargaining Act, 2014* (the "Act") to extend the term of the contracts.

All collective agreements with teachers and other education workers in the province will expire on August 31, 2017.

An internal memorandum which was sent to the Ontario Secondary School Teachers' Federation ("OSSTF") on September 30, 2016 indicated that the union had received the request and was considering it.[3] Local representatives of OSSTF approved a resolution to commence internal discussions on extending the current collective agreement.

It is not clear what the length of the extension would be. A one-year extension would give the Liberal Government labour peace during an election, which is expected to be held in the spring of 2018.[4]

During the last week of September 2016, Premier Kathleen Wynne said that the Government was prepared to loosen provincial purse strings for the next round of negotiations with public-sector unions.

The Premier confirmed that the Government will provide more funds in an attempt to reach settlements in the next round of bargaining by lifting the requirement that new deals be net zero.[5]

The Premier stated, "That was in a period of time and we have been through that period. It's been a challenging time in those conversations with public-sector employees." The Premier added, "We have to work with our (union) partners so that they can be supported in the work that they do."[6]

Treasury Board President Liz Sandals, who will oversee labour negotiations across the public sector, recently said that as the province's economy improves, she will be reviewing how much money is available for labour agreements. In 2017, the Government expects to table a balanced provincial budget.

The first round of bargaining under the Act resulted in nine central agreements. Although 456 local agreements have been negotiated with the union locals and school boards across the province, as of September 28, 2016, 14 local agreements were still outstanding.[7] The Act formally introduced a two-tier system of bargaining in education, with financial matters, such as salary, maternity leave and sick leave, to be addressed at the provincial tables, leaving individual boards to reach separate agreements on local issues.

The Ministry of Education committed to reviewing the legislation after the first round of central collective bargaining. In this regard, the Ministry conducted an internal review on the status of the new bargaining process.[8] The education sector is waiting to see if the Government is going to make any revisions to the legislation. We understand that the review of the legislation has gone to the Minister.

During the review process, the Government heard different suggestions on how to improve the legislation, but there was no consensus on how to amend the Act.[9]

In light of the time line for bargaining, if the Ministry decides to make changes to the Act, it is expected they will move quickly to make the amendments.

Under the current provisions of the Act, notice to bargain centrally is notice to bargain locally. This notice can be served in June 2017. The Minister has authority to extend the period by regulation, allowing notice to bargain to be served earlier. The legislation does not set out rules on the timing of central and local bargaining. In the first round of bargaining, the different associations chose different options. For example, in the last round of bargaining, the Ontario English Catholic Teachers' Association ("OECTA") and the Ontario Catholic Schools Trustees' Association ("OCSTA") sequenced local bargaining by agreement, after the central terms were agreed to.

Under the provisions of the Act, the central parties and the Crown must meet within 15 days of notice to commence central bargaining on the issue of the scope. Disputes over scope may be referred to the Ontario Labour Relations Board after 45 days from the notice to bargain. The Act does not permit strikes or lockouts on the issue of scope.

Parties to central bargaining are the "employee bargaining agency" (i.e. the existing teachers' union) and the "employer bargaining agency" (i.e. the existing trustees' association).

An employer bargaining agency has exclusive authority for certain bargaining activities, including representing school boards at the central table, exercising rights and privileges of boards under the *Labour Relations Act, 1995* and binding boards to the central terms of their collective agreements.

Crown consent is required before an employer bargaining agency can agree to refer matters to arbitration, authorize lock outs, alter the rates of wages or agree to any other term that is a central term related to central bargaining.

Central deals were reached in August 2015 with OSSTF and OECTA. In September 2015, the French teachers' unions reached a central agreement. The Elementary Teachers' Federation of Ontario reached a central deal in November 2015.

It remains to be seen what amendments to the Act will be made by the Government as a result of its internal review. In light of the fact that 14 local education agreements remain outstanding, it appears that some education workers in the province are close to a perpetual state of bargaining.[10] This has resulted in a significant increase in negotiation costs. It is in the interest of all parties to find ways to speed up the bargaining process.

It will be interesting to see if the teachers, education workers and the Government can agree on terms to extend their current collective agreements. This will be a complex process that will require input and ratification from employee and employer bargaining agencies in the public, Catholic and French school board sectors. The current provisions of the Act do not permit contracts to be extended. In this regard, the Government may have to amend the Act to provide for such extensions.

[1] Adrian Morrow and Caroline Alphonso, "Ontario Liberals offer contract extensions to teachers' unions", *The Globe and Mail* (October 3, 2016) at: https://www.theglobeandmail.com/news/national/education/ontario-offered-contract-extensions-to-education-unions-on-the-sly/article32223050/.

[2]*Ibid.*

[3] Caroline Alphonso and Adrian Morrow, "Ontario quietly asks public high-school teacher's union to extend contract", *The Globe and Mail* (September 30, 2016) at: https://www.theglobeandmail.com/news/national/education/ontario-asks-toronto-high-school-teachers-union-to-extend-contract/article32189745/.

[4]*Ibid.*

[5]*Ibid.*

[6]*Ibid.*

[7] Kristin Rushowy, "456 education contracts down – but still 14 to go", *The Toronto Star* (September 28, 2016) at: https://www.thestar.com/news/gta/2016/09/28/456-education-contracts-down-but-still-14-to-go.html.

[8]*Ibid.*

[9]*Ibid.*

[10] Allison Jones, "Teachers' near — 'perpetual state of bargaining' costing Ontario millions", *The Toronto Star* (September 4, 2016) at: https://www.thestar.com/yourtoronto/education/2016/09/04/ontario-teachers-near-perpetual-state-of-bargaining-costing-the-province-millions.html.

By

Eric M. Roher

Expertise

Education

BLG | Canada's Law Firm

As the largest, truly full-service Canadian law firm, Borden Ladner Gervais LLP (BLG) delivers practical legal advice for domestic and international clients across more practices and industries than any Canadian firm. With over 800 lawyers, intellectual property agents and other professionals, BLG serves the legal needs of businesses and institutions across Canada and beyond – from M&A and capital markets, to disputes, financing, and trademark & patent registration.

blg.com

BLG Offices

Calgary

Centennial Place, East Tower
520 3rd Avenue S.W.
Calgary, AB, Canada
T2P 0R3

T 403.232.9500
F 403.266.1395

Ottawa

World Exchange Plaza
100 Queen Street
Ottawa, ON, Canada
K1P 1J9

T 613.237.5160
F 613.230.8842

Vancouver

1200 Waterfront Centre
200 Burrard Street
Vancouver, BC, Canada
V7X 1T2

T 604.687.5744
F 604.687.1415

Montréal

1000 De La Gauchetière Street West
Suite 900
Montréal, QC, Canada
H3B 5H4

T 514.954.2555
F 514.879.9015

Toronto

Bay Adelaide Centre, East Tower
22 Adelaide Street West
Toronto, ON, Canada
M5H 4E3

T 416.367.6000
F 416.367.6749

The information contained herein is of a general nature and is not intended to constitute legal advice, a complete statement of the law, or an opinion on any subject. No one should act upon it or refrain from acting without a thorough examination of the law after the facts of a specific situation are considered. You are urged to consult your legal adviser in cases of specific questions or concerns. BLG does not warrant or guarantee the accuracy, currency or completeness of this publication. No part of this publication may be reproduced without prior written permission of Borden Ladner Gervais LLP. If this publication was sent to you by BLG and you do not wish to receive further publications from BLG, you may ask to remove your contact information from our mailing lists by emailing unsubscribe@blg.com or manage your subscription preferences at blg.com/MyPreferences. If you feel you have received this message in error please contact communications@blg.com. BLG's privacy policy for publications may be found at blg.com/en/privacy.

© 2026 Borden Ladner Gervais LLP. Borden Ladner Gervais LLP is an Ontario Limited Liability Partnership.