

What is the union's position..?

Understanding Positions vs. Contractual Rights

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INTRODUCTION

POSITION VS. CONTRACT

LEGAL FRAMEWORK

CASE STUDIES

CLARITY

What is the union's position on...

You'll need:

OSSTF External Policies Document

OSSTF Collective Agreement 2022-2026



What is the union's position on...

“What's the Union Position on...?”

Can you give some examples of this?



Policy vs. Contractual Right?

Board must follow specific staffing ratios and class caps

5.4.2.4.

OSSTF actively advocates for publicly funded education and social justice principles

Members have defined salary scales and binding health & safety protections

5.7

Abolish the Education Quality and Accountability Office and its testing program

10.5.1.

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Union Policies

Democratic Structures

OSSTF locals and provincial relies on democratic structure to establish positions and policies:

- AMPA (Provincial Assembly)
- Provincial Council
- Local AGMs

Bargaining & Adaptation

Established policies often serve as the guiding framework for collective bargaining goals.

Advocacy & Solidarity

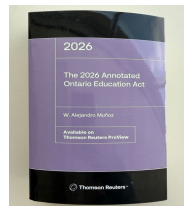
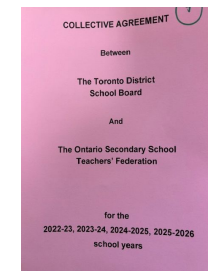
Established positions provide guidelines when we advocate for our members rights, education, social justice, equity, etc.

KEY TAKEAWAY: POSITIONS VS. CONTRACTS

A policy often guides where we want to go; a contract dictates what the employer MUST legally fulfill today.

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Policy vs. Contractual Power



Case Studies

What is the union's position on?

Can you find policies and/or contractual rights that may exist for this case study? How would you respond to this question?

We are being directed to use 10% of the Math EQAO score in our students' final mark. What's the union's position on this?

What is the union's position Using EQAO as a final mark

OSSTF Policy

7.7.7. no Member should be required to use EQAO assessment as any part of a student's final mark.

What's the union's position on?

Can you find policies and/or contractual obligations that may exist for this case study?

At the end of Semester 1, John, an English teacher, discovered the principal changed a failing student's English mark from 37% to a pass, despite the student missing two major summative tasks. Distressed, John asked you: "What is the union's position on a principal changing marks?"

What is the union's position on Mark Change (Professional Judgement)

OSSTF Policy

7.6.3. evaluation of student learning should be the responsibility of the teacher and educational worker and should not include the judgement of the student, the student's peers, or parents/guardians;

Collective Agreement

C11.00 d) Teachers will be consulted, where possible, if a student's grade/mark/comment is changed.

What is the union's position on End of School Day

Can you find policies and/or contractual obligations that may exist? How would you answer this?

A Principal is demanding a teacher meet with a parent at 3:30 p.m. to discuss a concern about their child's progress, what's the union's position on this?

We are being told that we have to attend Teacher Parent Interview outside the regular school day hours? What is the union's position on this?

A Principal informs staff that they must stay in the building for 15 minutes every day after the school day. What's the union's position on this?

Union's position on End of School Day

OSSTF position based on Policy

External Policies

5.4.4.2. no teacher should be required to perform duties beyond the definition of a school day or outside the defined school year unless the teacher consents and arrangements are made which provide the teacher with appropriate lieu time during the defined school year or equivalent financial compensation; (A.23)

Education Act

(2) The instructional program on a school day shall begin not earlier than 8 a.m. and end not later than 5 p.m. except with the approval of the Minister. R.R.O. 1990, Reg. 298, s. 3 (2).

What is the union's position on Mark updates?

Can you find policies and/or contractual obligations that may exist for this case study?

Our admin is saying all teachers need to email parents with a mark update and are giving us one week to do it. Doesn't this go against our contract in terms of reporting periods? What is the union's position on this?

What is the union's position on Reporting Periods

OSSTF position based on Policy

External Policies

5.4.13.2. teachers should only be required to complete report cards twice per course, as outlined by the Ministry of Education. (A.25 PC Sept.)

Collective Agreement

L27.2 Teachers in a semestered school shall provide **two Provincial Report Cards per semester**. A semestered school may issue **one progress or credit endangered report per semester**. It is understood that the foregoing language does not preclude individual Teachers from providing, either verbally or in written/electronic form, **student progress reports or marks summaries, upon request** from students and parents, where practicable, or to the Principal, pursuant to the duties of teachers under the Education Act or on their own initiative based on their professional judgement.

What is the union's position on?

Can you find policies and/or contractual obligations that may exist for this case study? How would you respond?

Morgan posted off-duty on social media alleging the Board's funding distribution shows systemic racism and names a specific senior manager who they claim perpetuates these unequal learning conditions. Morgan's profile identifies them as a TDSB educator. The Board invited Morgan to a response meeting. Morgan asks for the union's position on whether the Board is violating their right to freedom of expression. They expressed a concern that the environment is growing increasingly fascist, especially if their freedom of expression did not violate anyone's human rights or freedoms.

What is the union's position on?

L4.3 Where it could reasonably be expected that an incident would lead to discipline or discharge, the principal or immediate supervisor will inform the Teacher of this possibility and will advise the Teacher that they may be accompanied by a representative¹⁸ determined by the Bargaining Unit (excluding legal counsel) at the Opportunity to Respond Meeting as per L4.4.

L4.4 As part of its investigation the Board will give the Teacher an opportunity to respond to all of the allegations of which the Board is aware. The general nature and timeframe of the behaviours of concern to the Board shall be provided to the Teacher prior to the Opportunity to Respond Meeting.

Union's Position on

The Ambiguity of "The Union Position"

Union Policy

Internal Mandate
Passed at AMPA

Bargaining Vision
Guides public campaigns and bargaining

Contractual Rights

In Collective Agreement

Statutory Backing
Education Act, OHSA, etc.

Binding Remedy
Enforced via a prior grievance/arbitration.

Position on language in contract..

Subject to challenge through the grievance and arbitration process.