

Chapter 7

Collective Bargaining

ABSTRACT

Chapter 7 is about collective bargaining, which decides the working conditions of teachers in publicly funded schools in both California and Ontario, but not in China. The chapter presents a brief history and discussion of how collective bargaining developed in the last three decades in Ontario, when significant shifts transpired in the education system. It refers to the relevant literature on the issue of teacher collective bargaining. At the time of writing this book, collective bargaining is still going on between four Ontario teachers' unions and the provincial government, but unlike previous bargaining, there is little report from the media on what happens during the bargaining.

Nearly all California's school districts have a teachers' union affiliated with either the California Teachers Association or the California Federation of Teachers. The primary activity of a union is to represent the teachers in negotiating the terms of employment contracts in collective bargaining. School boards and unions must meet at least once every three years. The results of negotiating determine the salaries and benefits, hours, calendar, and most aspects of teachers' working conditions—as well as attempting to solve problems and address new issues that have arisen during the period of the contract (Evergreen Teachers Association, n.d.). There is no collective bargaining in China for teachers, whose salaries are decided by the government.

In Ontario, although district school boards are corporations, their powers and duties come from the provincial legislature and government. Before a Conservative government introduced the current funding formula in 1997,

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Ontario's education funding model was a guaranteed tax-base grant plan in which local municipalities and the provincial government determined revenues for school boards (Lawton, 1996). There were significant differences in funding per pupil at different school boards, because of variation in wealth among municipalities. Historically, school boards had exclusive authority for levying education property taxes (Garcea & Munroe, 2014), and they had the power to decide how to pay their teachers. When the funding was not enough, they could approach their corresponding municipal councils to increase education tax. In 1997, local support to education was greater than that from the province (Gidney, 1999).

Since 1997 when the Conservatives passed Bill 160, the Education Quality Improvement Act, which took away school boards' power of deciding local education tax, there has been a significant change in the relationship between the Ministry of Education and district school boards. When the provincial legislature passed Bill 160, Ontario English Catholic Teachers' Association and other organizations challenged the legislation on a number of constitutional grounds. The case went all the way to the Supreme Court of Canada, which determined that the Education Act, as amended by Bill 160, the Education Quality Improvement Act 1997, did not prejudicially affect rights held under s. 93(1) of the Constitution Act, 1867 (Supreme Court of Canada, 2001).

Today district school boards must meet all the needs within their jurisdictions with the funding determined by the Ministry of Education. A provincial formula decides education funding, and school boards must make their annual financial statements public. District school boards receive revenues from both the provincial government and their own municipal governments. However, municipal governments across the province provide the same percentage of their income to school boards as education tax, and the provincial Finance Minister decides this percentage; with the consideration of the funding formula, the provincial government provides the balance. In 2020-2021 the provincial government provided approximately 70% of the education funding and 30% was from local property tax (author's calculation based on information from T. Dias, Team Lead, Funding, Special Education / Success for All Branch, Ontario Ministry of Education, personal communication, March 16, 2021).

Ontario teachers' collective agreements used to be negotiated by school boards and teacher union locals. In the 1990s there was a concern that school board trustees seemed unwilling to restrain ever-rising spending and taxation (Bedard & Lawton, 1998). Since 1997 the province determined the foundation on which the negotiations were conducted (Education Improvement Commission, 2000). As part of the provincial centralizing process, in 2005 the

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