



**Ontario Ministry of Labour
Changing Workplace Review**

Presentation to Special Advisors:
C. Michael Mitchell and Honorable Justice John C. Murray
September 18, 2015 - 4:30 PM

**The Conference of Independent Schools of Ontario (CIS Ontario)
Presentation Team:**

1. Arnie Temple

Arnie Temple is currently a board member of CIS Ontario and is also the Chair of Finance. Formerly, Arnie was the Assistant Deputy Minister in the Ministry of Municipal Affairs and Housing.

2. Jim Nelles

Jim Nelles is a long-standing CIS Ontario Board member and currently the Board Chair. Jim was also a Board Chair for one of the member schools and currently sits on the Board of a member residential school. In his professional life, Jim is a broadcast executive.

3. David Thompson

David Thompson is currently one of the 44 Heads of School in our association and sits on the CIS Ontario Board as a representative Head. David's experience as an education administrator extends to schools with junior and senior grades, day and boarding compliments and co-educational and single-gendered student populations.

4. Jan Campbell

Jan Campbell is currently the Executive Director of CIS Ontario. Her leadership experience includes positions in the public and independent schools, single-gendered and co-educational schools, as well as senior management in day and boarding schools. Most recently Jan was a Faculty Advisor at the Faculty of Education, University of Ontario Institute of Technology.



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What is CIS Ontario?

- 44 Independent schools from across Ontario
- Independent schools are categorized as not-for-profit with independent boards that provide strategic oversight
- 25,000 students and over 4,000 faculty/staff and administrators

What are we Asking For?

- Teachers employed in CIS Ontario schools to be treated the same way as teachers are in the public system under the Employment Standards Act, specifically Regulation 285/01 which contains an exemption pursuant to the Teachers Profession Act for teachers who teach in a board

Who are Our Teachers?

- Well over 85% of our teachers are members of Ontario College of Teachers and belong to the Ontario Teachers' Pension Plan
- Day schools perform the same work as public school teachers and boarding school teachers assume a residential responsibility

Rationale:

- Ministry of Labor currently defines teachers under the Teaching Profession Act-that is-a teacher that is employed by a board and therefore such a definition would preclude independent school teachers. As a result they are subject to the hours of work and overtime provisions of the Employment Standards Act and not provided with the public school teachers exemption
- Submit that there is no distinction between public and independent school teachers for the purposes of the Employment Standards Act:
 - Ministry of Education assigns a "board" number to each independent school for the purposes of tracking students under the Ontario School Information System

- Independent and public schools are treated the same by the Ministry of Revenue under the HST system
- Qualified teachers are required to join OTPP
- Entitled to elect a representative at the Ontario College of Teachers
- Inspected by the Ministry of Education for the purposes of granting Ontario high school credits

Proposed Amendment

- Because of the lack of clarity in regulation 285/01 teachers in independent schools are subject to hours of work and overtime provisions under the Employment Standards Act as enforced by the Ministry of Labor, but public teachers are not
- Effectively creates a difference based solely upon the status of the employer and as a result creates inequity and uncertainty
- Believe that this ambiguity and inequity in the regulation can be easily corrected such that we acknowledge the roles that both public and independent school teachers play in the province
- The proposed amendment would be to paragraph 2(1)(i) of the Regulation to (i) as a teacher employed by a private school as defined in subsection 1(1) of the Education Act and/or operated in accordance with section 16 of the Education Act

Conclusion:

- The Ministry of Labor has initiated a Changing Workplace Review to examine how the Employment Standards Act 2000 and the Labour Relations Act might be amended to best support workers while supporting businesses in our changing economy.”
- Our proposed amendment is not taking advantage of employees but rather provides clarity and equity to deal with an anomaly in the legislation