

EMPLOYMENT SERVICES SEMINAR

Employment Law & Educational Law

By Joe Czackowski, Thunder Bay, CPCO Member Security Chair



Based on feedback from several surveys, the theme of this year's sixth annual Employment Services Seminar held on January 19 and 20, 2007 in Mississauga was Employment Law & Educational Law. Participants gained valuable insight as to how employment law and educational law affect the Terms and Conditions in the Personal Services Contracts of principals and vice-principals.

Job Security Legal Review

Victoria and Kevin Girling from STERLON and CPCO executive director Lou Rocha presented five case scenarios, on legal issues that could affect administrators' job security. These issues ranged from fiduciary duties, arbitrary transfers, discipline issues, dismissal/termination and indemnification. They discussed the rights and obligations of the principal/vice-principal and the employer. The team from STERLON discussed the process they follow and the type of support they will provide for CPCO members. In addition, they reviewed the changes that could be made to personal service contracts to address these issues.

Labour Relations and the Principal

Eric Roher, a partner with Borden Ladner Gervais LLP, practices in the areas of employment law, labour relations and educational law. Eric stated that the job of principal has become much more demanding and many issues have contributed to a complex environment. The role is one of leadership, driven by mission, direction, management, and a need to get things done. The role of the principal is not just about innovation, it is about transforming the culture of the school for improved student learning.

The role of the principal has evolved with amendments to the Education Act and the impact of the Labour Relations Act. Prior to 1998, negotiations were under the Teachers' Collective Bargaining Act; now the Labour Relations Act provides the framework. Eric went on to outline the impact of unfair labour practice, duty of fair representation, expedited grievance procedure and duty not to strike. Principals were given new duties with teacher performance appraisals (TPA), school councils, Safe Schools Act, legislative bargaining units, and supervision - leading to an enhanced role as senior managers.

In his presentation Eric suggested some proactive strategies in dealing with this changing role:

- Use your problem-solving skills to resolve issues.
- Use good judgment and common sense.
- Strive to be consultative and inclusive.
- Focus on really listening, keeping your ear to the ground.
- If you are not hopeful in your school who will be?
- You provide the leadership and you provide the vision.

He concluded his presentation by recognizing that the role of the principal is not easy and that we must "pursue high hopes and pursue the interest of our children" to re-culture our schools.

Educational Funding Review

Jim Hardy, a chartered accountant and former superintendent of business for the London District Catholic School Board is presently with the Ontario Catholic School Trustees' Association (OCSTA). He provides assistance and advice to the board of directors, senior staff and member boards of the association on a broad range of finance related topics.

Jim outlined the current funding model, what it looks like and the challenges associated with it that created difficulties for many boards in balancing their budgets in 2005-06. The boards that used their reserves to pay their deficits will have an even more difficult time to balance their budgets in future years.

The funding formula, introduced in 1997, is more equitable than the previous model because it is based on the number of pupils the board is educating and not on the wealth of the community. It is highly transparent. Educational funding consists of a pupil foundation grant, a school foundation grant, ten special purpose grants and a pupil accommodation grant.

In the Radwanski Report, thirty-three recommendations were made to solve specific financial problems boards were experiencing. Even though the present government is spending more on education, there are still challenges facing school boards. This is because the benchmarks have not been updated in many areas. Salary benchmarks for the most part have been met. Special Education has not seen any new money to reflect the needs of new students entering the education system. Transportation is also a problem for most boards because it is still based on 1997 data. There is a lot of money going into new initiatives (literacy, numeracy, labour) but a shortfall remains for day-to-day operations.

Jim left the group with an important insight. The funding formula works but it has to be fixed to provide for all students and in particular, the needs of Catholic school boards.

Other Resources

Several other resources that could be beneficial to local units when they are in discussion with senior administration regarding changes to their personal services contracts were presented. These included the results of the 2006 Terms and Conditions survey, Contract Manager, and the resource binders. Carole Allen provided each unit representative with a copy of the 2006 Terms and Conditions survey results from their members. This survey provided a balanced perspective of the needs identified by the 1100 respondents.

Paul McGuire, a consultant in the application of educational information communication technology (ICT) discussed the benefits of Contract Manager. It provides a centralized electronic database of all provincial contract information that can be used for central research, local research and as a repository for historical research. Paul indicated that this web-based resource is a secure site, which is continuously updated; however, data is needed from local associations for it to be as current as possible.

Dan Tighe outlined the two main purposes for the resource binder - for statistical data and as a contract resource. Contract Manager is now used for the statistical data. The binder and Contract Manager will assist in preparation for contract discussions with school boards.

Town Hall – Employment Services Committee

Participants had an opportunity to discuss issues in an open forum Town Hall. The dialogue revolved around best practices, possible topics for next year's Employment Services Seminar, the timing of the seminar, surveys and maintaining open two-way communication to support local associations.

CPCO president, Don Rait ended the Employment Services Seminar with congratulatory remarks for the committee. Appreciation was expressed to the exhibitors from Canada Law Book, STERLON/Curtis Insurance, Johnson Insurance, and the Retired Teachers of Ontario (RTO) who generously provided door prizes for our participants.

Share Your Story...

CPCO invites submissions to its quarterly magazine, *Principal Connections*. We are always looking for good news stories from our members across the province. Share your experiences, strategies and celebrations with your colleagues.

- If there has been a special event in your school or school community of provincial interest, tell us about it.
- If you or a colleague has received special recognition, spread the news.
- If you are especially proud of a staff member, a student, a project or a unique program, let us know.
- If you have met a special or difficult challenge in your school, your colleagues would like to hear about it.
- If you have read a book that you think would be of interest to the membership, send us a book review.
- If you know about an exciting story happening in the school of one of your colleagues, tell us. We'll follow up on your lead.

Articles should be approximately 700 words and pictures (minimum 400 dpi resolution) are always a great addition.

There are a number of ways to submit a story or article. You can write it yourself and e-mail it to editor@cpc.on.ca. Don't have

time to write? Let us know and we can arrange to do an interview by telephone or in person if you are located close to the GTA. Some people prefer to submit the information in point form and ask us to do the writing.

Tell us your story through photos. Send us the pictures with a description of the activity. We truly appreciate all contributions by our members. Please understand, however, that submission does not automatically guarantee publication and we reserve the right to edit all material.

The deadline for articles for the summer issue of *Principal Connections* is May 4, 2007. If you have any submissions, questions or suggestions regarding *Principal Connections*, contact the editor through the CPCO office.

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Happy writing!