

**TEACHER UNION DEMOCRACY IN AN ERA OF CENTRALIZED
BARGAINING**

**PROVINCIAL BARGAINING, PROVINCIAL UNION POWER, AND THE
ONTARIO SECONDARY SCHOOL TEACHERS' FEDERATION: A CASE
STUDY OF ONTARIO TEACHER UNION DEMOCRACY IN AN ERA OF
CENTRALIZED BARGAINING**

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Lay Abstract

This case study explores the impact of the centralization of bargaining in Ontario's education sector on the internal processes of the Ontario Secondary School Teachers' Federation (OSSTF), a union representing 60,000 teachers and education workers in Ontario. It includes an examination of the union's history, its responses to legislative changes in contract negotiations, an analysis of internal union documents, and semi-structured interviews with key informants. The data and analysis reveal a more bureaucratized union, with members having less ability to direct its actions. This study considers whether a more bureaucratized union can be effective in its defense of public education.

Abstract

This thesis explores the impact of the centralization of bargaining in Ontario's education sector on the internal democracy of the Ontario Secondary School Teachers' Federation (OSSTF), the province's second-largest teacher union and self-described defender of public education. Using multiple theoretical lenses of union democracy, public sector unionism, labour geography and teacher professionalism, this thesis examines OSSTF's history and the evolution of its internal processes and structures, with a focus on the union's response to the gradual shift to a centralized bargaining regime.

Initially formed in 1919 as a conservative organization committed to raising the professional status of teachers, OSSTF expanded into a union that represents both teachers and support staff, bargaining contracts for members with local employers. Positioned within a public sector context of austerity and neoliberal governments looking to contain the costs of public education, OSSTF found itself subjected to legislation intended to upscale education funding and bargaining, beginning in the late 1990s.

This thesis finds that the external context of centralization of bargaining has been the most important factor in shaping the internal democratic life of OSSTF, shifting scales of power from the local to the provincial level of the union, exacerbating tensions between provincial and local actors, increasing the overall bureaucracy of the organization, and reducing democratic participation by the rank-and-file. These findings lead to the greater question of whether these internal changes have enhanced or limited the ability of OSSTF to effectively further their members' interests and resist the neoliberalization of the school system, with a view to considering the role of teacher unions within the future of public education in Ontario.

Dedication

This dissertation is dedicated to my mother, Claudette Belair Mancini. Her father believed that it wasn't worth educating a girl, so she pursued teacher training because it was free. At the age of 52, while raising two children, my mother graduated from McMaster University with a B.A. in Anthropology and Indigenous Studies. With perseverance and determination, despite the many obstacles placed in her path, my mother never wavered in the pursuit of her dream. It is her inspiration, and her resolute belief in her daughter, that has seen me achieve my own.

Acknowledgments

I came to this study with a story to tell, and I am deeply grateful to my supervisory committee, who provided me the theoretical tools to understand it. Dr. Wayne Lewchuk impressed upon me that the resistance of workers can never be fully contained. Dr. Suzanne Mills challenged me to see the importance of scales of power in that resistance. Dr. Stephanie Ross has illuminated for me the contradictions within trade unions, as organizations that can both structure worker resistance but also suppress it. I thank them all for their guidance and encouragement.

Dr. Stephanie Ross, my supervisor, is a model of everything that a supervisor should be. Both a mentor and a cheerleader, she has continually provided me with opportunities to showcase my work, guided me on how to structure my journey so that all points led to its successful completion, and was unwavering in both her belief in my abilities and in her expectations of academic rigour. This, along with her significant emotional labour, is why I managed to complete my degree despite its near derailment by a global pandemic. I extend to Dr. Ross my deepest gratitude.

As a seasoned labour activist with working class roots, I truly found a home and a community in the School of Labour Studies. I have had the privilege of being surrounded by faculty and students who are committed to the betterment of workers' lives everywhere. In addition, the support of Sharon Molnar, Brenda Morrison, Megan Stokes and Natalie Poplestone has been immeasurable as I navigated university processes and systems. I am most appreciative.

Thank you to my comrades from CUPE 3906, who welcomed me with open arms into a fold of much younger union activists, and inspired me with their energy, commitment to social justice, and mad organizing skills.

I am indebted to the provincial leadership of OSSTF/FEESO for their willingness to allow me access to internal documents, as this study would not have been possible without it. In particular, I wish to thank Dr. Pierre Côté for overseeing this access, and Scott Burgess for his many hours of research assistance.

To all of my key informants, my OSSTF colleagues: thank you for taking the time to speak to me about your experiences and to share your thoughts. Each of you are deeply committed to the cause of public education and to improving the lives of education workers and of young people. It is an honour and a privilege to know you.

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There is no way I could have embarked upon this journey without the support and encouragement of key people in my life. My parents, Thomas and Claudette, have always provided the solid and safe foundation from which my dreams could be launched. Both retired teachers themselves, I credit them with my resolute belief in public education as a public good. My sister Regan Mancini has been a steadfast source of personal support and love throughout this endeavour, and I am deeply grateful for her presence in my life. My son Zane Matthews has patiently, and without complaint, endured endless hours of watching his mother stuck in front of a computer. He is my pride and joy and the reason why I do what I do. Many thanks to Alice Smith and Rick Born, Allison Deans and Jason Penders, and Anthony Marco and Jayoti Edington, my 'circle' who have not only provided friendship and encouragement, but childcare as well.

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Acronyms and Abbreviations

AEFO	Association des enseignantes et des enseignants franco-ontariens
AFT	American Federation of Teachers
AMPA	Annual Meeting of the Provincial Assembly
CBC	Collective Bargaining Committee
CLC	Canadian Labour Congress
COR	Council of Representatives
CUPE	Canadian Union of Public Employees
D/BU	District/Bargaining Unit memo
ERC	Education Relations Committee
ETFO	Elementary Teachers' Federation of Ontario
FWTAO	Federation of Women Teachers' Associations of Ontario
HWDSB	Hamilton-Wentworth District School Board
IRC	Industrial Relations Centre (Queen's University)
ITU	International Typographical Workers' Union
OAC	Ontario Academic Credit
OCE	Ontario College of Education
OCTU	Office, Clerical and Technical Unit
OEA	Ontario Education Association
OECTA	Ontario English Catholic Teachers' Association
OFL	Ontario Federation of Labour
OISE	Ontario Institute for Studies in Education
OLRA	Ontario Labour Relations Act
OLRB	Ontario Labour Relations Board
OPSBA	Ontario Public School Boards' Association
OPSMTF	Ontario Public School Men Teachers' Federation
OSSTF	Ontario Secondary School Teachers' Federation
OTA	Ontario Teachers' Association
OTC	Ontario Teachers' Council
PCC	Parliamentary and Constitution Council
PDT	Provincial Discussion Table
PRN	Provincial Resumption of Negotiations or Provincial Responsibility for Negotiations
PSC	Protective Services Committee
PSSP	Professional Student Services Personnel
SBCBA	School Boards' Collective Bargaining Act
SCOPS	Sector Council of Presidents
TDSB	Toronto District School Board
UAW	United Automobile, Aerospace and Agricultural Implement Workers
WFC	Working Families Coalition

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1. Introduction

1.1: An Uncomfortable Moment Of Truth

On Wednesday, November 28, 2012, I found myself sitting nervously under the stage lights of a local banquet centre in Hamilton, Ontario. As the president of the teachers' bargaining unit for the Ontario Secondary School Teachers' Federation (OSSTF) District 21, I was there as part of the presentation of a tentative collective agreement that had been reached days before between secondary teachers and the Hamilton-Wentworth District School Board. I sat in a row along with our bargaining team and the Provincial Executive member assigned to our district, while a provincial staff person stood at the podium and explained the details of the tentative deal for the several hundred secondary teachers in front of us.

We had arrived at this tentative deal after a tumultuous year. It had been negotiated under the parameters of the *Putting Students First Act*, or Bill 115, that had been enacted by the Liberal government several months before. The bill legislated away retirement gratuities, forced education workers to take unpaid days, and removed our right to strike.¹ Still, OSSTF, the second largest teacher union in the province, had bargained tentative agreements between several teacher bargaining units and Ontario school boards, and when our employer hastily agreed to one as well, our bargaining team felt we had little choice but to

¹ Michael MacNeil, "Collective Bargaining between Teachers and the Province of Ontario, 2012-2013: A Study in Charter Politics." *Education & Law Journal*, 23, no. 2 (2014): 139.

sign on. However, by the time we met with our members to lay out the deal, teachers in two other districts had voted their respective agreements down.² Social media blew up with teachers encouraging their colleagues in other districts to vote down the tentative deals.³ OSSTF responded to the rejection of the first two deals by shutting down all further bargaining.⁴ Despite this direction, at the insistence of our local executive, our district's ratification vote was going forward. In our view, we owed it to our members to let the democratic process unfold, no matter the result.

I remained silent on the stage with the bargaining team, arms crossed as the deal was presented, and members peppered our provincial representatives with questions. I watched as a seasoned teacher I knew approached the microphone on the floor, his eyes on me. He called my name and called out my negative body language. He wanted to hear from me, as the local president directly elected by the members in the room. *Should members vote yes to this deal?* The silence was deafening as I took a moment to gather my thoughts and to choose my words. Everyone in the room had stopped talking, waiting for my answer. Finally, I answered briefly but honestly: in the context of other rejected

² Chantal Mancini, "Austerity, Struggle, and Union Democracy: Bill 115 and the Ontario Secondary School Teachers' Federation, an Insider View," *Labor Studies Journal*, 45 no. 1, (2020): 13.

³ Mancini, "Austerity, Struggle, and Union Democracy," 25.

⁴ OSSTF/FEESO. "OSSTF/FEESO: Negotiations With School Boards Suspended." *Globe Newswire* (Toronto). November 28, 2012. <https://www.globenewswire.com/news-release/2012/11/28/1476055/0/en/OSSTF-FEESO-Negotiations-With-School-Boards-Suspended.html>

deals, I could not recommend ours. Two days later, teachers in Hamilton-Wentworth rejected the tentative agreement.⁵

This dissertation attempts to unpack this moment, which took place thirty-seven years after Ontario teachers won the right to strike in 1975. In 1995, two decades after this right was achieved, successive provincial governments began to fundamentally change the process of teacher collective bargaining.⁶ These changes have both heightened conflict in the bargaining process and generated tensions within and between teachers' unions.⁷ No longer are teacher unions dealing with one school board at a time; they are negotiating directly with the government. Public education in Ontario has become a political battleground, with provincial governments increasingly using their legislative powers to unilaterally impose contracts and changes to working conditions on resistant unions.⁸ This series of events, and the resultant changes to both the bargaining landscape and teacher unions themselves, is why I found myself sitting on a

⁵ Teri Pecoskie, "High School Teachers Reject Contract," *The Hamilton Spectator*. December 1, 2012. https://www.thespec.com/news/hamilton-region/high-school-teachers-reject-contract/article_d1ec9316-e1a4-507f-b3ca-f0abaced4b9e.html

⁶ Joseph B. Rose, "The Assault on School Teacher Bargaining in Ontario." *Relations Industrielles/Industrial Relations*. 57 no.1 (2002): 101.

⁷ While I use 'teachers' unions' in this article to refer to teacher federations in Ontario, it is important to acknowledge that some of these unions no longer exclusively represent teachers. For example, over thirty percent of OSSTF's membership is comprised of educational assistants, office administrative personnel, speech pathologists, university support staff, and others who work in education (OSSTF/FEESO, 2014.)

⁸ Leo Panitch and Donald Swartz, "The Continuing Assault on Public Sector Unions," in *Public Sector Unions in the Age of Austerity*, ed. Stephanie Ross and Larry Savage (Black Point, N.S.: Fernwood Publishing, 2013), 31; Larry Savage and Charles Smith, *Unions in Court: Organized Labour and the Charter of Rights and Freedoms*, (Vancouver: UBC Press, 2017), 51.

stage, telling several hundred teachers to reject a tentative contract that I had signed just days before.

The purpose of my research is to examine the response of the Ontario Secondary School Teachers' Federation (OSSTF) to the provincial government's centralization of and attempts to control the bargaining process and collective agreement provisions⁹ and, most importantly, the effects of such changes on OSSTF's internal decision-making processes and representative structures. Has centralization of bargaining also increased the centralization and bureaucratic character of this teacher union? If so, have these changes affected OSSTF's internal democratic practices? Finally, have these internal changes enhanced or limited the ability of OSSTF to effectively further their members' interests and to protect quality public education? While there are existing studies of teacher unions and bargaining, there is an absence of studies on how a change in bargaining rules has changed the teacher unions themselves.

Much of the literature on teacher bargaining, whether in Ontario or elsewhere in Canada, has focused on its historical and legislative evolution within the context of neoliberalism, which promotes a public education system that is cost-efficient, accountable, and focused on training future workers for a

⁹ Brendan Sweeney, Susan McWilliams, and Robert Hickey, "The Centralization of Collective Bargaining in Ontario's Public Education Sector and the Need to Balance Stakeholder Interests," in *Dynamic Negotiations: Teacher Labour Relations in Canadian Elementary and Secondary Education*, ed. Sara Slinn and Arthur Sweetman (Montreal: McGill-Queen's University Press, 2012), 248.

competitive economy.¹⁰ Recent discussions of teacher labour relations concern the neoliberal nature of education reform and seek to explain why teacher unions are particularly subject to heavy government interventions that restrain their collective bargaining effectiveness.¹¹ Schucher and Slinn have compared the statutory frameworks that govern teacher collective bargaining structures across Canada.¹² Others have documented the upsurge in teacher militancy in response to neoliberal restructuring of education and the changing collective bargaining regime.¹³ Labour geographers have attempted to illustrate how the state invokes centralization to suppress locally based union activity and manage highly politicized sectors like education.¹⁴

¹⁰ Duncan MacLellan, "Neoliberalism and Ontario Teacher Unions: A "Not-So" Common Sense Revolution," *Socialist Studies: The Journal of the Society for Socialist Studies* 5, no. 1 (2009): 51; Joanne Shilton, "Collective Bargaining for Teachers in Ontario: Central Power, Local Responsibility," in *Dynamic Negotiations: Teacher Labour Relations in Canadian Elementary and Secondary Education*, ed. Sara Slinn and Arthur Sweetman (Montreal: McGill-Queen's University Press, 2012), 233; Rose, "The Assault on School Teacher Bargaining in Ontario," 101.

¹¹ Yonatan Reshef and Sandra Rastin, *Unions in the Time of Revolution: Government Restructuring in Alberta and Ontario* (Toronto, University of Toronto Press, 2003); Alan Sears, *Retooling the Mind Factory: Education in a Lean State* (Toronto: University of Toronto Press, 2003); Mary Compton and Lois Weiner, *The Global Assault on Teaching, Teachers, and their Unions* (New York: Palgrave Macmillan, 2008); Panitch and Swartz, "The Continuing Assault on Public Sector Unions," 31.

¹² Karen Schucher and Sara Slinn, "Crosscurrents: Comparative Review of Elementary and Secondary Teacher Collective Bargaining Structures in Canada," in *Dynamic Negotiations: Teacher Labour Relations in Canadian Elementary and Secondary Education*, ed. Sara Slinn and Arthur Sweetman (Montreal: McGill-Queen's University Press, 2012), 13-49.

¹³ David Camfield, "Sympathy for the teacher: Labour law and transgressive workers' collective action in British Columbia, 2005," *Capital and Class* 33 no. 3 (2009): 82; Bob Barnetson, "Alberta's 2002 Teacher Strike: The Political Economy of Labor Relations in Education," *Education Policy Analysis Archives* 18 no. 3 (2010): 8; Andy Hanson, "Classroom Struggle: Teachers' Unions, Collective Bargaining, and Neoliberal Education Reform," in *Public Sector Unions in the Age of Austerity*, ed. Stephanie Ross and Larry Savage (Black Point, N.S.: Fernwood Publishing, 2013), 110.

¹⁴ Andrew Herod, "Labor's spatial praxis and the geography of contract bargaining in the US east coast longshore industry, 1953-89," *Political Geography* 16, no. 2 (1997): 146; Sweeney, McWilliams, and Hickey, "The Centralization of Collective Bargaining," 248; Brendan Sweeney,

Missing from this research is a discussion of how teacher unions have adapted and changed their internal processes and structures in response to new bargaining regimes, and in particular what impact external changes have had on internal union democracy, cohesion and solidarity, and effectiveness in representing members' interests. Shilton does identify the mismatch between the new centralized bargaining structures and the locally rooted forms of representation and democratic decision-making that characterize Ontario's teacher unions, and Sweeney et al highlight how centralization shifts power within the union from local union leaders to provincial leaders and staff.¹⁵ However, to date, there is little exploration of whether that mismatch and shift from local to central union authority has been rectified internally by the unions themselves or served instead to exacerbate internal conflicts.

This study examines the evolution of OSSTF, one of the largest and most diverse Ontario teacher union's structures and processes since the first round of central bargaining in 2004. This examination is situated within debates surrounding union democracy and how centralization and decentralization impact the democratic participation of union members.¹⁶ It draws further on explorations

"The labour geographies of education: The centralization of governance and collective bargaining in Ontario, Canada," in *Geoforum* 44 (2013): 121.

¹⁵ Shilton, "Collective Bargaining for Teachers in Ontario," 222; Sweeney, McWilliams, and Hickey, "The Centralization of Collective Bargaining," 248; Paul Bocking, *Public Education, Neoliberalism, and Teachers* (Toronto, University of Toronto Press, 2020): 184.

¹⁶ Seymour Martin Lipset, Martin Trow, and James Coleman, *Union Democracy: The Inside Politics of the International Typographical Union* (Illinois, The Free Press, 1956); Robert Michels, *Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy* (New York: Collier Macmillan, 1962); Carole Pateman, *Participation and Democratic Theory* (Cambridge: Cambridge University Press, 1970); Richard Hyman, *Industrial Relations: A Marxist Introduction* (London: The MacMillan Press Ltd., 1975), 74; J. David Edelstein and Malcolm Warner,

of how changing internal structures of democratic representation affects member solidarity and unions' overall effectiveness in furthering member interests, including the defense of public education.¹⁷ From this, I draw conclusions about the impact of centralization on OSSTF's internal structures and democracy and its potential as a defender of quality public education in the province of Ontario.

1.2: Dissertation Overview and Key Ideas

Chapter 2 provides the theoretical frameworks through which I have analyzed the data for this study. The first, and most prominent, are theories of union democracy, which allow me to assess OSSTF's internal democratic processes and how these shifted as centralized bargaining took hold. In particular, I consider centralized bargaining as a key external factor in shaping the union's internal democracy. As this new bargaining regime was imposed by the state, I examine how OSSTF's position as a public sector union exposes them to continual legislative intervention and coercion. I then utilize labour geography's concept of *scale* to understand the state's upscaling of bargaining, as well as apply it to OSSTF's upscaling of power internally as a necessary response. Finally, I assess narratives of teacher professionalism, which have

Comparative Union Democracy: Organisation and Opposition in British and American Unions (New Jersey, Transaction Books, 1979), 341; Richard Hyman, *The Political Economy of Industrial Relations* (London: The Macmillan Press, 1989), 246.

¹⁷ Stephanie Ross, "The Making of CUPE: Structure, Democracy, and Class Formation," PhD diss., (York University, 2005); David Camfield, "Renewing Public Sector Unions," in *Public Sector Unions in the Age of Austerity*, ed. Stephanie Ross and Larry Savage (Black Point, N.S.: Fernwood Publishing, 2013), 74; Nina Bascia, "Introduction," in *Teacher Unions in Public Education*, ed. Nina Bascia (New York, Palgrave Macmillan, 2015), 2.

loomed large in the history of teaching, and how they have shaped the unique character of teacher unions such as OSSTF. All of these theoretical areas contribute to my overall finding that centralization has furthered OSSTF's character as a highly bureaucratic union, with lessened potential for democracy.

The methodology used for this study is the subject of Chapter 3. I begin with a section on insider research and the ethical considerations this brought to this study, made necessary by my insider status as a secondary teacher and over two decades of involvement with OSSTF, including as a local teacher bargaining unit president. I explain the methods I used to gather data for this study: extensive documentary research, gleaned from hundreds of OSSTF's internal documents, and in-depth semi-structured interviews of twenty key informants. Access to this data was greatly enhanced by my insider status and my many contacts within the union. Still, even as an insider, the research did not come without its challenges, which I also convey in Chapter 3.

Chapter 4 weaves together OSSTF's history and the history of education sector bargaining in Ontario between 1919-1990. I characterize this period as 'pre-centralization,' as bargaining between teacher unions and school boards, officially legalized by Bill 100 in 1975, was a local endeavour. This chapter draws from a variety of sources: official union narratives, historical media accounts, scholarly sources, and, to a lesser extent, first-hand accounts by three informants whose history with OSSTF extends back into the pre-centralization period. I consider the social and political contexts that existed both before and during

OSSTF's formation, and the narratives of teacher professionalism promulgated by both the state and teachers themselves.

Chapter 4 frames OSSTF's history and bargaining processes via two key legislative interventions: the *Teaching Profession Act* (1944) and Bill 100, the *School Boards and Teachers Collective Bargaining Act* (1975). It details how OSSTF evolved from a professional association to a trade union and began to organize education workers who were not teachers. Chapter 4 concludes with three themes. First, the state has long inserted itself into the affairs of teacher federations in Ontario, right from their inception. Second, the continual tension between narratives of professionalism and unionism has shaped teachers' organizations, with the latter manifesting in episodes of teacher militancy. Third, OSSTF has utilized both local and provincial scales of power to further their members' interests throughout its history. All these themes have implications for OSSTF's internal democracy.

I continue the historical narrative of Chapter 4 into Chapter 5, but I posit this within the context of centralization of education sector bargaining. I demonstrate the gradual shift to this centralization by consecutive governments, and OSSTF's response, from 1990-2015. I begin to examine the internal changes in OSSTF's bargaining processes, illustrated by internal union documents dating back to 2004, and interviews with key informants. I propose that two key events that were drivers of these internal changes: the Liberals' imposition of Bill 115, and their subsequent passing of the *School Boards' Collective Bargaining Act*,

which replaced Bill 100. Both legislative interventions produced labour unrest. However, as I argue in this chapter, they also heightened tensions between Ontario's largest teacher unions and led to inner turmoil within OSSTF. I make the case that the shift to centralized bargaining is the most significant external factor to consider in the analysis of the union's internal democratic processes.

Chapter 6's purpose is to provide an overview of OSSTF's structure and decision-making processes, as a foundation for understanding the changes to these processes that I describe in Chapter 7. Chapter 6 outlines the union's provincial and local structures, as well as how these are connected. It establishes that OSSTF is a representative democracy and contains a brief discussion of how its decision-making bodies are run. Chapter 6 concludes with an assessment of OSSTF's capacity for democratic input by members.

Chapter 7 is the longest chapter in this dissertation: here I provide an in-depth insider view of the key internal changes that OSSTF made in response to centralization of bargaining. I propose that the provincial government's upscaling of bargaining produced an internal struggle between those occupying the provincial and local scales of power within the union. Specifically, this struggle took place between elected provincial leaders, provincially appointed staff, and elected local leaders, which becomes apparent in an analysis of internal reports and meeting minutes. This power struggle resulted in structural changes within the union. First, OSSTF made a series of constitutionally entrenched changes OSSTF to bargaining and ratification processes, intended to shift the decision-

making power to the Provincial Executive but maintain some form of local leader input. However, as I detail using interview data, most local leaders didn't think that their input was meaningful or had significant impact on bargaining outcomes, leaving them feeling that the new processes were largely performative. Second, OSSTF's Provincial Office was also restructured, with an expanded complement of senior level management, and power shifted to these senior managers and the Provincial Executive. This resulted in greater bureaucracy and central management of staff, and greater emphasis on the bureaucratic functions of the union at the expense of organizing and empowering rank-and-file members. Finally, two of OSSTF's key decision-making bodies, Provincial Council and the collective bargaining committee, were also restructured in response to the legal changes that situated the Provincial Executive at the locus of bargaining. The new iterations of these bodies further reduced the likelihood that rank-and-file members could be part of central-level decision-making, with the changes to Provincial Council focused on the inclusion of those elected as local leaders in their OSSTF districts. In the case of the collective bargaining committee, its restructuring to a protective services committee was premised upon expertise, training, and member protection (such as grievances and arbitrations), the more passive functions of OSSTF. It appears that those sitting on these bodies became more passive as well: most key informants commented on the reduced level of debate that was taking place. I present the potential reasons for this in Chapter 7.

Overall, my findings point to a union that, in response to new centralized bargaining processes, became increasingly more centralized and bureaucratic in its approach. Centralization has reduced the union's capacity for democracy and disempowered those at the local level of the union. The data here finds that this erosion of democratic capacity has seemed to be of little concern to OSSTF's provincial body as it faces the continual threat of provincial governments who will legislate their will with little hesitation. Instead, the union has placed a greater focus on bureaucratic responses such as legal challenges, arbitration processes, and electoral politics, with provincial actors driving these decisions.¹⁸ This dissertation concludes with a discussion of the implications of these findings, and most importantly, what they mean for the union's ability to defend education as a public good.

¹⁸ Bradley Walchuk, "Changing Union-Party Relations in Canada: The Rise of the Working Families Coalition," *Labor Studies Journal* 35 no.1 (2010): 37; Larry Savage and Nick Ruhloff-Queiriga, "Organized Labour, Campaign Finance, and the Politics of Strategic Voting in Ontario," *Labour/Le Travail* 80 (November 2017): 266; Larry Savage and Chantal Mancini, "Strategic Electoral Dilemmas and the Politics of Teachers' Unions in Ontario," *Canadian Political Science Review* 16 no.1 (2022): 8.

2. Theoretical Framework and Literature Review

2.1: Introduction

The overall conceptual framework for this dissertation draws upon four theoretical areas that are fundamental to its approach. Each provides tools for the analysis of the data collected for this case study of OSSTF and its internal democratic processes in an era of centralized bargaining. This chapter will provide an overview of each of these four areas and the associated literature. The first theoretical area, union democracy, provides an overarching framework for analysis. The following three theoretical areas, public sector unionism, labour geography, and teacher professionalism, serve as additional lenses through which to view the unique contexts in which a teacher union like OSSTF operates. Finally, I will synthesize the concepts taken from these four theoretical areas at the end of this chapter, demonstrating their combined usefulness as a framework for the analysis of external contexts, internal structures, and democratic practices of OSSTF.

2.2: Union Democracy

2.2.1: Why Union Democracy?

This study is based upon the premise that union democracy is fundamental to a participatory society.¹⁹ Like Gindin, this work takes the stance

¹⁹ Sam Gindin, "Socialism 'with Sober Senses': Developing Workers' Capacities," in *The Socialist Register 1998*, ed. L. Panitch and C. Leyes (Suffolk: Merlin, 1998), 86; Stephanie Ross, "Social Unionism and Membership Participation: What Role for Union Democracy?" *Studies in Political*

that unions are in the best position to build a working-class consciousness based upon socialist ideals. “The fact is,” Gindin writes, “that unions remain central to the socialist project, even though the relationship between socialists and unions is characterized, at best, by an uncomfortable tension.”²⁰ Unions are a product of capitalism, but their structures and financial and human resources make them an organized source of collective power and resistance. Despite many unions’ tendency to engage in a business approach to bargaining, they still hold the potential to push agendas that move beyond their own interests into the realm of broader social justice.²¹

In the case of teacher unions, that social justice realm includes public education. Neoliberal threats to public education have been well documented, both in Canada and elsewhere, and teacher unions have emerged as important sources of resistance against this neoliberalization.²² However, chronic underfunding of education and restrictive legislation by governments have increasingly left teacher unions unable to meaningfully negotiate many of the

Economy 81 (December 2008): 149; Tom Langford, “Union Democracy as a Foundation for a Participatory Society: A Theoretical Elaboration and Historical Example,” *Labour/Le Travail* 76 (Fall 2015): 79; Jane McAlevey, *No Shortcuts: Organizing for Power in the New Gilded Age* (New York: Oxford University Press, 2016), 6.

²⁰ Gindin, “Socialism ‘with Sober Senses’,” 89.

²¹ Ross, “Social Unionism and Membership Participation,” 150; Langford, “Union Democracy as a Foundation for a Participatory Society,” 98-99.

²² MacLellan, “Neoliberalism and Ontario Teacher Unions,” 57; Bocking, *Public Education, Neoliberalism, and Teachers*, 4; Compton and Weiner, *The Global Assault on Teaching*, 7; Bascia, “Introduction,” 3; Eric Blanc, *Red State Revolt: the Teachers’ Strike Wave and Working-Class Politics* (London: Verso, 2019); Wendy Poole, “Defending Teachers’ Rights and Promoting Public Education: Evolving and Emerging Union Strategies within a Globalized Neoliberal Context,” in *Teacher Unions in Public Education*, ed. Nina Bascia (New York: Palgrave Macmillan, 2015), 36; Mihajla Gavin, “Reframing the narrative: Renewing power resources and capabilities in union campaigns for public education,” *Journal of Industrial Relations* 0 no. 0 (2021): 1.

important issues that impact their work and their students' learning.²³ As Bascia

notes:

Teacher unions have become key defenders of public education at exactly the same time that they face significant challenges: their marginalization is in fact a goal of many reform efforts, and this marginalization, in turn, may lead to teachers' inability to recognize the importance of organized action.²⁴

Weiner contends that union renewal is essential to counter the power imbalance that exists between teachers and management. This union renewal must be inclusive of union democracy, with a view to building democracy directly at the school level:

Teacher unions plant the seed of democracy in schools by giving teachers a collective voice about the conditions of their labor. Even when collective bargaining restricts the union's legal authority, a teacher union with a highly conscious, active membership that has assimilated the lesson that members are the union, not staff or elected officials, can exert pressure over many informal work arrangements.²⁵

In Weiner's view, mobilizing members during contract disputes and bargaining for the common good aren't enough of a challenge to capitalism. Instead, unions must foster democracy and solidarity on the 'shop floor.'²⁶

Building truly democratic unions involves moving beyond practices that are performative. Ross deconstructs the myth that "unions are actually paragons

²³ Bascia, "Introduction," 3; Nina Bascia and Pamela Osmond-Johnson, "Fragility and Volatility in Teacher Union-Governmental Relations," in *Teacher Unions in Public Education*, ed. Nina Bascia (New York: Palgrave Macmillan, 2015), 74

²⁴ Bascia, "Introduction," 2.

²⁵ Lois Weiner, "The Teachers' Trifecta: Democracy, Social Justice, Mobilization," in *Teacher Unions in Public Education*, ed. Nina Bascia (New York: Palgrave Macmillan, 2015), 196

²⁶ Weiner, "The Teachers' Trifecta," 193.

of democratic process and accountability and [are] merely misunderstood.”²⁷ As she asserts, even unions that engage in social unionism and have high levels of member participation are not necessarily democratic if they adhere to a top-down, hierarchical approach.²⁸ Weiner echoes this sentiment, noting that “when unions are not democratic, even if they fight for social justice, they perpetuate the hierarchical relations that disempower working people, allowing bigotry and oppression to remain embedded in social relations.”²⁹ Rather, unions that are truly committed to democracy build members’ leadership capacities, promote the sharing of power, encourage deep organizing and broad coalition-building, and involve informed, empowered decision-making.³⁰ They move beyond being “managers of discontent,” and instead lead the way in constructing “the very democratic institutions many would like to see developed in the rest of society.”³¹

This study is not intended to provide a roadmap for the transformation of the democratic practices of a single teacher union. It is, however, interested in examining OSSTF’s claims to democracy and how these have been shaped and developed over time, most notably in response to centralized bargaining. Is OSSTF truly a democratic union? If so, what does this democracy look like? How might teacher union democracy help build a stronger public education system for all? These questions are key.

²⁷ Ross, “Social Unionism and Membership Participation,” 153.

²⁸ Ross, “Social Unionism and Membership Participation,” 153.

²⁹ Weiner, “The Teachers’ Trifecta,” 195.

³⁰ Langford, “Union Democracy as a Foundation for a Participatory Society,” 98-99.

³¹ Ross, “Social Unionism and Membership Participation,” 149.

2.2.2: Defining Union Democracy...Or Not?

The literature reviewed for this study does not provide a concrete definition of union democracy, and some scholars go so far as to explicitly point out that there is no single trait that can determine whether a union is fundamentally democratic or not.³² Cook describes it this way:

democracy is not to be measured by any single element. It does not exist because a union practices majority rule or uses the secret ballot or relies on rank-and-file participation in the executive board. Rather, it is a complex cluster of practices and values which have to be seen in their totality.³³

Rather, the overall body of literature on union democracy offers insight into what might be measurable features of a democratic union, which are fleshed out in more detail in the next section of this chapter. One such feature is electoral competition for union leadership positions, which presents a measure of accountability for leaders.³⁴ Another is the amount of opportunity union members have in guiding their organization's most important decisions.³⁵ Some scholars argue that strong union constitutions, which members construct and debate, protect internal democracy.³⁶ Still others argue that a union's shift to democracy

³² Edelstein and Warner, *Comparative Union Democracy*, 30. Langford, "Union Democracy as a Foundation for a Participatory Society," 98; Alice Cook, *Union Democracy: Practice and Ideal: An Analysis of Four Large Local Unions* (Ithaca: Cornell University, 1963), 4. Ross, "Social Unionism and Membership Participation," 153.

³³ Alice Cook, *Union Democracy: Practice and Ideal*, 4.

³⁴ Lipset, Trow, and Coleman, *Union Democracy*, 416; Edelstein and Warner, *Comparative Union Democracy*, 29; Judith Stepan-Norris, "The Making of Union Democracy," *Social Forces* 76 no.2 (1997): 487.

³⁵ Edelstein and Warner, *Comparative Union Democracy*, 30.

³⁶ Edelstein and Warner, *Comparative Union Democracy*.

from bureaucracy is not due to the internal workings of an organization itself, but is dependent on external political crises and contexts.³⁷

Langford offers that “any fair study of union democracy must take into account multiple dimensions, each in connection to others.”³⁸ With this in mind, the ideas about union democracy that will guide this analysis will borrow from Edelstein and Warner, who broadly define it as “majority rule with minority rights.”³⁹ This study will examine the active direct or indirect participation of OSSTF members in guiding the policy and direction of the union. It will look for mechanisms of accountability via elections and formal rules, such as constitutions, and whether these rules are upheld or ignored. In sum, democracy will be defined here as *members’ ability to determine the direction of the union*.

Within this definition, I will also incorporate ideas from Polletta’s thinking about participatory democracy, which move the definition of democracy beyond opportunities to vote. Polletta defines ‘participatory democracy’ somewhat differently than others. She argues that many assume that people engaging in democratic discourse know what they want prior to engaging in debate. Instead, Polletta sees participatory democracy as having the purpose of discourse, rather than a specific outcome. In her view, it is developmental, in that it helps everyone

³⁷ Cook, *Union Democracy: Practice and Ideal*, 29; Hyman, *Industrial Relations*, 150; Kim Voss and Rachel Sherman, “Breaking the Iron Law of Oligarchy: Union Revitalization in the American Labor Movement,” *The American Journal of Sociology* 102 no. 2 (September 2000), 341.

³⁸ Langford, “Union Democracy as a Foundation for a Participatory Society,” 85.

³⁹ Edelstein and Warner, *Comparative Union Democracy*, 29.

understand and consider other points of view through “deliberative talk.”⁴⁰ She believes that deliberative talk allows citizens to become more informed and willing to connect their own interests with others, as a view to compromise and consensus. This deliberative talk is successful when there are shared normative understandings as to how it will occur, which she calls “an etiquette of deliberation.”⁴¹ Polletta sees ‘endless meetings’ as purposeful rather than inefficient and unwieldy, which, she notes, sets her apart from traditional opinion. Whether OSSTF provides spaces for this ‘deliberative talk’, as a strategy for full participatory democracy, will form part of my analysis.

2.2.3: The Iron Law of Oligarchy and the impact of centralization

Broadly speaking, there are two ‘camps’ of theorists on union democracy—one that argues that democracy is either impossible or nearly impossible within unions, and another that argues that democracy is possible in certain conditions. Many of these theorists speak to centralization of unions and take positions on whether centralization inevitably leads to bureaucracy. Their ideas will provide a lens by which to evaluate the quality of democratic structures and participation within OSSTF.

In the completely pessimistic camp is the work of Michels, who doubted any political organization’s ability to engage the masses in the participatory

⁴⁰ Francesca Polletta, *Freedom is an Endless Meeting: Democracy in American Social Movements* (USA: University of Chicago Press, 2004), 6.

⁴¹ Polletta, *Freedom is an Endless Meeting*, 16.

democracy required for long-term societal transformation. His position is that democratic organizations, including trade unions, inevitably become subject to what he called the “iron law of oligarchy.”⁴² In Michels’ view, several factors cause democratic organizations to become oligarchic, that is, operating in the interests of the few who control the organization. In the early stages of an organization’s life, the leadership is subject to the will of the masses, who engage in direct democratic decision-making. However, as the organization expands, it becomes a centralized bureaucracy in order to maintain its efficiency, which in turn limits democratic participation by the majority. As it grows it also becomes increasingly complex, resulting in the creation of a small minority with the ‘expertise’ to navigate its structure and activity. These ‘experts’ include the organization’s leadership as well as employed staff. The masses become convinced that they require this leadership, to the point of deep gratitude and veneration of those who lead. They no longer participate in setting the direction of the organization, entrusting this instead to those in power. Leaders and staff become a separate ‘leadership class’ distinct from that of the masses by their social and economic privilege and power. Aggressively leading struggle is no longer in their interests; preservation of their own personal power is. This shift is at the heart of Michels’ critique of democratic organizations, including trade unions. Working-class consciousness cannot effectively be built by those who no longer identify as working class.

⁴² Michels, *Political Parties*.

Lipset draws from Michels' observations but is specifically focused on trade union democracy. While he generally subscribes to Michels' premise of unions' inevitable slide into oligarchy to, Lipset's work takes into greater account the complexities of unions' roles within capitalism. Lipset acknowledges that the bureaucratic centralization within a union grows necessarily in response to "the extent of centralization in the outside groups with which they must deal."⁴³ In his view, when a large, centralized industry bargains with a union, the union must have an "authority structure which parallels that of corporations."⁴⁴ The same applies when unions are expected to bargain with the state. Rules, regulations, processes and strategies must be centrally determined and controlled, allowing for little autonomy at the local level. Within the centralized structure must be the ability to manage any member discontent, which is an expectation of employers in exchange for the union's ability to collectively bargain the conditions of work. In this way, unions become aligned with management in preventing barriers to profit. Within their own internal organization, they become focused on stability and repression of conflict, rather than on democratic participation and working-class struggle. Lipset's thoughts on the impact of centralization are of particular interest to this study, as OSSTF and its counterparts had no choice but to go to a central table and bargain with the government. Lipset would argue that this necessitated

⁴³ Seymour Martin Lipset, "The Political Process in Trade Unions: A Theoretical Statement," in *Labor and Trade Unionism: An Interdisciplinary Reader*, ed. W. Galenson and S. M. Lipset (New York: Wiley, 1960), 217.

⁴⁴ Lipset, "The Political Process in Trade Unions," 217.

these unions to centralize their structures in response in order to further the interests of their membership.

While Michels argues that oligarchy is the ‘natural state’ of organizations like unions, and that only an all-out revolt by the masses could interrupt it,⁴⁵ Lipset and Lipset, Trow & Coleman offer us slightly more hope by identifying some union characteristics that may increase internal democracy.⁴⁶ To them, evidence of democracy is found in the existence of organized opposition within the union. Lipset offers up a number of factors that can positively impact union democracy. The first is when union members are part of an ‘occupational community,’ or a group who are similar in high social status, occupation, sometimes in an isolated geographic region, and whose lives are entwined socially. A second is determined by whether a union is formed from the ‘bottom up’ or ‘top down’. By ‘bottom up’, Lipset means a union that formed via the joining of already existing independent locals, while ‘top down’ means that workers were organized by single local or parent union. Lipset sees ‘bottom up’ unions as having greater capacity for democracy, as bureaucracy wasn’t formed right at the start. A third factor is the size of the union, as Lipset believes that smaller unions have a better chance of direct participation by members. The fourth is the individual characteristics of leaders as well as the way in which succession occurs. Lipset distinguishes ‘calling’ from ‘career’ types of leaders, contending

⁴⁵ Michels, *Political Parties*, 170.

⁴⁶ Lipset, “The Political Process in Trade Unions”; Lipset, Trow, and Coleman, *Union Democracy*.

that ‘calling’ types have more commitment to democracy, though he does state that a leader may originally take on a union position as a ‘calling’ and then devolve into a ‘career’ type. Finally, he argues that the value system of a union also determines whether it upholds democracy. Despite these potential variations that could prevent or slow down the development of oligarchic structures, Lipset ultimately concludes that “the functional requirements for democracy cannot be met most of the time in unions.”⁴⁷ It is interesting to note that OSSTF meets at least one of Lipset’s factors for fostering potential union democracy: it was formed around a specific occupational community (teaching).⁴⁸

Lipset, Trow & Coleman make additional observations about union democracy in their study of the US-based International Typographical Union (ITU).⁴⁹ They argue that the ITU represented an example of a union that retained democracy, though they notably refer to it as a “deviant case.”⁵⁰ While they warn that “the implications of our analysis for democratic organizational politics are almost as pessimistic as those postulated by Robert Michels,”⁵¹ they cite reasons why they believe that some unions are able to resist oligarchy. This includes a homogenous membership that is equal in its financial and social status, and whose lives are entwined beyond the workplace; a union that is small and

⁴⁷ Lipset, “The Political Process in Trade Unions,” 237.

⁴⁸ Harry Smaller, “Gender and Status: Ontario Teachers’ Associations in the 19th Century,” in *Teacher Unions in Public Education*, ed. Nina Bascia (New York: Palgrave Macmillan, 2015).

⁴⁹ Lipset, Trow, and Coleman, *Union Democracy*, 17.

⁵⁰ Lipset, Trow, and Coleman, *Union Democracy*, 12.

⁵¹ Lipset, Trow, and Coleman, *Union Democracy*, 405.

therefore allows for more direct democratic participation by all members; a membership that is more or less aligned in their struggles from the moment of the union's creation, and practices tolerance of difference; and, most importantly, what they describe as a 'two party system'. They identify that the ITU had a constitutionally entrenched two-party system that allowed for opposition to not only become the norm, but also be legitimized in the rules and processes of the union. Overall, while Lipset et al. make it clear that their study isn't meant to refute the law of oligarchy promulgated by Michels, they provide some evidence that it is not absolute.

Hyman & Fryer concur with Lipset and Lipset, Trow & Coleman in several ways. They agree that a larger union membership, spread out over a wider geographical region, can sway a union towards oligarchy.⁵² Like Lipset et al., they also point out that the existence of rival factions within a union can limit the complete establishment of oligarchy. However, they also contend that a high degree of membership homogeneity, including the existence of strong 'occupational communities' defined by skill, status and educational qualifications *contributes* to oligarchy, rather than prevents it. This contradicts Lipset's position and is perhaps due to how their analysis places more emphasis on the context in which unions operate. A key point of the work of both Hyman and Hyman & Fryer, and where they break from Michels and Lipset, is their consideration of the

⁵² Richard Hyman and Robert Fryer, "Trade Unions: Sociology and Political Economy," in *Trade Unions Under Capitalism*, ed. T. Clarke and L. Clemens (Glasgow: William Collins & Co. Ltd., 1978), 164.

political, social, and economic contexts in which unions bargain for their members.⁵³ The work of Hyman and Hyman & Fryer is especially useful for this case study of OSSTF as I consider the unique contexts that have impacted the union's internal democracy.

2.2.4: Cracks in the Iron Law

Citing social and political contexts, Hyman and Hyman & Fryer identify the complexity of the pressures put onto unions and their leaders by employers, members, and even the state. These pressures have implications for democracy and the prevention of oligarchy, especially in particular times and places. Hyman & Fryer argue that leaders who find themselves caught between the demands of members and the possibility for the accommodation of these demands by their employers are potentially more open to democratic practices within the union. This can include the entrenchment of democratic practices into union constitutions and bylaws, especially if they are written during times of extreme struggle. Constitutional entrenchment has a more long-term effect on democratic practice, as it binds not only the leaders of the moment, but the leaders of the future. Hyman & Fryer present a more optimistic view of the potential for democracy within unions.

⁵³ Richard Hyman, *Marxism and the Sociology of Trade Unionism* (London: Pluto Press, 1971), 37-8; Hyman and Fryer, "Trade Unions: Sociology and Political Economy," 153-4; Richard Hyman, *Industrial Relations: A Marxist Introduction* (London: MacMillan, 1975), 92.

Hyman's views on centralization of bargaining are also important as this was the catalyst that drove the changes to OSSTF's internal structures.⁵⁴ Hyman notes that centralized bargaining has the potential to undermine union democracy, as it reduces member involvement in decision-making, but he doesn't necessarily consider this outcome to be inevitable. He believes that these external pressures--which for teacher unions would include the state, the public, the employer, the differing views of members themselves--impact the decisions made by unions and their leaders. Hyman points out the central paradox of trade unionism, which is to serve members but also to maintain structures that serve employers, placing them under contending pressures that can pull towards either democracy or oligarchy. Unions aren't class organizations, in his view, and he does agree with Michels' premise that they can tend towards bureaucratization. However, he refutes assumptions that all union leaders' decisions are a result of individual personality or deficiency, again pointing to the enormity of the pressures that they face. Hyman also dislikes the description of 'bureaucracy' versus 'rank-and-file' in reference to internal union processes and rejects the notion that efficiency and democracy cannot co-exist.⁵⁵ With that, Hyman does not see the challenges facing unions, including centralization, as an absolute death sentence for democracy. To him, the iron law of oligarchy is subject to important limitations that must be acknowledged.⁵⁶

⁵⁴ Hyman, *Industrial Relations*, 165.

⁵⁵ Richard Hyman, *The Political Economy of Industrial Relations: Theory and Practice in a Cold Climate* (London: MacMillan, 1989), 157-8.

⁵⁶ Hyman, *Marxism and the Sociology of Trade Unionism*, 37.

Critics of those who promulgate the iron law of oligarchy generally point out the lack of attention to complexity and challenge their assertions of ‘absolutes.’ Edelstein & Warner claim that “ideas about oligarchy have generally been confused or oversimplified.”⁵⁷ They argue that all unions have an element of democracy, but that some are more democratic than others. They determine this via the study of numerous British and American unions, examining their processes, particularly those related to democratic participation. The key, they contend, is to have formal organizational processes, such as union constitutions, that protect democracy. The elements of these democratic organizational processes, they contend, emphasize the right of the majority to ultimately make decisions, but also protect the rights of the minority.⁵⁸ This is a view different from Lipset et al, who argue that written rules don’t necessarily guarantee the behaviour or practice of union leaders or members.⁵⁹ Ross, in her study of the history and structure of CUPE, characterizes Lipset et al’s view as one that sees the emphasis on constitutional rules as “a bit naïve.”⁶⁰ She notes Lipset et al’s claim that formal mechanisms, such as constitutions, have failed in countering the growth of oligarchy within unions.⁶¹

Edelstein & Warner propose nine types of oligarchies on a spectrum from most to least democratic. They also maintain that there is no systematic way to

⁵⁷ Edelstein and Warner, *Comparative Union Democracy*, 29.

⁵⁸ Edelstein and Warner, *Comparative Union Democracy*, 29.

⁵⁹ Lipset, Trow, and Coleman, *Union Democracy*, 4.

⁶⁰ Ross, “The Making of CUPE,” 69.

⁶¹ Ross, “The Making of CUPE,” 69.

categorize degrees of democracy in unions. Instead, democracy is characterized by active membership participation in decision-making and in the election of leaders at all levels, “political equality and majority rule,” and includes legitimized opposition, accountability of officials, and the protection of minority rights.⁶²

Edelstein & Warner’s nine types of oligarchies are useful in that they provide a wider lens through which to view potential oligarchical tendencies within specific unions, such as OSSTF.

Edelstein & Warner also specifically take up centralized bargaining in their discussion of union democracy. They note that “an excessive centralisation of collective bargaining may make it appear to the typical member that participation within the union is ineffective as a means of influencing policy or redressing grievances,”⁶³ which they caution can suppress members’ interest in the politics of a national union or result in “electoral revolt.”⁶⁴ However, using examples of centralized bargaining in large industries in the US and Britain, Edelstein & Warner argue that they don’t consider the centralization of bargaining to be an impediment to union democracy in itself. While they admit that locals in general lose autonomy, they reject the assumption that local leaders completely lose their influence on national union representatives “who, when pressed, bend in order to retain control.”⁶⁵ They point out that there is wide variation amongst American unions in the levels in the extent to which “rank-and-filers, or local union officials,

⁶² Edelstein and Warner, *Comparative Union Democracy*, 30.

⁶³ Edelstein and Warner, *Comparative Union Democracy*, 19.

⁶⁴ Edelstein and Warner, *Comparative Union Democracy*, 20.

⁶⁵ Edelstein and Warner, *Comparative Union Democracy*, 20.

participate directly in drawing up demands.”⁶⁶ Edelstein & Warner’s position, then, is in contrast to Lipset et al⁶⁷ but in concurrence with Hyman.⁶⁸ From my own experiences and observations within OSSTF, their arguments that it is possible for centralized unions to maintain varied levels of democratic practice are compelling. Ultimately, Edelstein & Warner ask us to consider whether centralization has been aptly characterized as oligarchy.

2.2.5: Characteristics of Democratic Unions

In contrast to the thinkers who have theorized the growth of oligarchy in unions, others have instead given attention to the markers of democracy within unions and reflected upon how and why this democracy is created and sustained. Stepan-Norris challenges Lipset, Trow & Coleman’s pessimism that the chances for democracy within unions are slim.⁶⁹ She does this via an analysis of UAW (United Automobile, Aerospace and Agricultural Implement Workers of America) Local 600’s history of electoral contestation. Like Edelstein & Warner, Stepan-Norris flags election contests as a measure of democracy within unions, and her findings lead her to conclude that the UAW Local 600 was a highly democratic union, even though it had different “structural and political characteristics” than Lipset et al’s ITU.⁷⁰ These characteristics included members with varied levels of

⁶⁶ Edelstein and Warner, *Comparative Union Democracy*, 20.

⁶⁷ Lipset, Trow, and Coleman, *Union Democracy*, 79-80.

⁶⁸ Hyman, *The Political Economy of Industrial Relations*, 167.

⁶⁹ Stepan-Norris, “The Making of Union Democracy,” 478.

⁷⁰ Stepan-Norris, “The Making of Union Democracy,” 475.

skill and a size not ideal for facilitating direct individual member participation in decisions, both characteristics that Lipset et al. identified as precursors to oligarchy. However, UAW Local 600 had a two-caucus system, similar to that of the ITU, which stimulated debates between opposing factions in the union, and allowed for greater member input. Constitutional rules also supported this arrangement, allowing both sides to direct the actions of those in positions of power. Like Lipset et al., Stepan-Norris argues that the existence of formalized opposition within the union is what resulted in the maintenance of democracy. Where they part ways is in their positions on the influence of outside ideology. While Lipset et al. argued that any influence by communist ideology on a union would impede democracy, Stepan-Norris asserts that, in the case of UAW 600, communism served to promote it. Stepan-Norris concludes that Michels 'iron law' is in fact "an elastic law."⁷¹

Voss & Sherman point to other factors they believe can help unions "break out of bureaucratic conservatism," factors they claim Michels ignored in his application of the 'iron law'.⁷² Similar to Hyman who discussed the various external pressures on unions, Voss & Sherman identify the importance of political crises in shaping the renewal of private sector unions in the United States. They raise the increasing resistance by employers to labour's demands post-1980. This included the shutting down or relocation of businesses, outright violations of

⁷¹ Stepan-Norris, "The Making of Union Democracy," 502.

⁷² Voss and Sherman, "Breaking the Iron Law of Oligarchy," 303.

labour laws, global competition, and overall union decline. Traditional union tactics no longer worked. Threatened with the loss of their very existence, unions needed to find new ways of doing things. They turned to organizing that included a more diverse group of workers, training more rank-and-file members, and “increasingly aggressive and disruptive methods to counteract virulent employer opposition.”⁷³ Some unions extended their activities to struggles beyond the workplace, engaging in more social unionism. Through an analysis of unions that began to engage in these activities, Voss & Sherman found evidence that these ‘revitalized’ unions successfully shifted their culture from one of service-based unionism to one that viewed unions as agents of social change. While they admit that not all unions have become revitalized, and don’t offer further analysis on how their research might apply to public sector unions, their study persuasively challenges the assertion that the quest for union democracy is futile.

While all the writers discussed have theorized whether union democracy is possible, and what it looks like if it is, none have applied their conclusions to public sector unions. These theorists have largely studied private sector industrial unions, none of whom bargain with the state, with no mention of the unique pressures and constraints that public sector unions face. Only Hyman and Hyman & Fryer have emphasized external factors that can potentially impact union democracy at all.⁷⁴ The remaining sections of this chapter presents these

⁷³ Voss and Sherman, “Breaking the Iron Law of Oligarchy,” 311.

⁷⁴ Hyman, *Marxism and the Sociology of Trade Unionism*, 37; Hyman and Fryer, “Trade Unions: Sociology and Political Economy,” 153-4; Hyman, *The Political Economy of Industrial Relations*, 38-9.

external factors – the unique contexts in which a public sector union like OSSTF exists.

2.3: Public Sector Unionism

As teachers who work in publicly funded school systems serve the public and are employees of the state, any analysis of their unions, including their internal debates and processes, must broadly consider their position within the public sector. As Swimmer aptly notes, “the most important factor distinguishing public sector collective bargaining from the private sector is politics.”⁷⁵ Johnston offers further insights into this public sector context and its implications for workers and unions. Writing on public sector unions in the United States, Johnston asserts: “public workers’ movements are shaped by—and in turn shape—the distinctive context within and against they operate: public organization.”⁷⁶ Johnston argues that the power of public sector unions comes not from their market position but rather from “their political position and involvement in the coalitions that govern public agencies.”⁷⁷ In addition to the bargaining they do for their own wages and working conditions, public sector unions can influence how public agendas are executed and how the public interest is served. As public sector workers, teachers fit particularly well within

⁷⁵ Gene Swimmer, *Public-Sector Labour Relations in an Era of Restraint and Restructuring* (London: Oxford University Press, 2001), 2.

⁷⁶ Paul Johnston, *Success While Others Fail: Social Movement Unionism and the Public Workplace* (Ithaca: Cornell University Press, 1994), 4.

⁷⁷ Johnston, *Success While Others Fail*, 4.

Johnston's analysis due to their daily contact with members of the public. Furthermore, they also tend to align their own interests with those of their students and the public. As Ross explains, some public sector workers like teachers "are exposed to the challenges faced by service recipients" and this positions them to hold a shared interest in improving public services like education.⁷⁸ "Put another way," Ross asserts, "the material conditions of public sector workers' labour tends to encourage an occupational consciousness based on identification with the public."⁷⁹ This consciousness, and the way it is expressed, is impacted further by public sector workers' specific roles within the larger body of the state.⁸⁰ With a large part of their work falling in the social reproductive realm, teachers and their unions have not just fought for improved wages; they have also fought for the learning conditions of students, often focusing on issues such as class size and adequate supports for children. This approach has garnered them public support.⁸¹ OSSTF and its counterparts have well-resourced political action and communication departments, as they have long recognized that building influence within the political arena and with the public are essential components of advancing the interests of the members.⁸²

⁷⁸ Stephanie Ross, "Social Unionism and Union Power in Public Sector Unions," in *Public Sector Unions in the Age of Austerity*, ed. Stephanie Ross and Larry Savage (Blackpoint N.S.: Fernwood Publishing, 2013), 60.

⁷⁹ Ross, "Social Unionism and Union Power in Public Sector Unions," 60.

⁸⁰ Ross, "Social Unionism and Union Power in Public Sector Unions," 62.

⁸¹ Poole, "Defending Teachers' Rights and Promoting Public Education."

⁸² Walchuk, "Changing Union-Party Relations in Canada," 29-30; Savage and Ruhloff-Queiriga, "Organized Labour, Campaign Finance, and the Politics of Strategic Voting in Ontario," 247.

2.3.1: Implications of Working for The State

Noting that public sector unionism is understudied, Ross & Savage gather insights from several scholars who have written on public sector unionism in Canada. Like Johnston, Ross & Savage acknowledge that public sector unions' power comes from their ability to strike the state, rather than capitalist business. They also frame the current political context for public sector unions as one of neoliberal ideology and austerity, often resulting in a backlash against public sector workers.⁸³ Evans writes how public sector unions must deal with an employer that simultaneously acts as boss and legislator/policymaker. This paradox, he argues, creates a situation different from that of private sector workers, as public sector "workers' issues and concerns exist within a very different context of power relations."⁸⁴ For public sector workers, their employer has the ability to create legislation to suit their interests, unlike private companies, in order to discipline labour. Panitch & Swartz explain how Canadian governments of all political stripes have used legislation to control the demands of public sector workers since the 1970s.⁸⁵ According to Panitch & Swartz, both legislation itself and its mere threat present a distinct context of consent and coercion for the public sector. They argue that this context of continual threat of

⁸³ Stephanie Ross and Larry Savage, "Introduction: Public Sector Unions in the Age of Austerity," in *Public Sector Unions in the Age of Austerity*, ed. Stephanie Ross and Larry Savage (Blackpoint N.S.: Fernwood Publishing, 2013), 9.

⁸⁴ Bryan Evans, "When Your Boss is the State: The Paradoxes of Public Sector Work," in *Public Sector Unions in the Age of Austerity*, ed. Stephanie Ross and Larry Savage (Blackpoint N.S.: Fernwood Publishing, 2013), 18.

⁸⁵ Leo Panitch and Donald Swartz, *From Consent to Coercion: The Assault on Trade Union Freedoms, 3rd Edition* (Toronto: University of Toronto Press, 2003).

intervention has had a corrosive effect on union democracy, as unions spend a great deal of time and resources using the courts rather than membership mobilization as a means of resisting such legislation. Reliance on courts, Panitch & Swartz argue, works to “reduce the capacity to apply the most effective union response to state and employer attacks—the mobilization and political education of their own membership.”⁸⁶ Additionally, as unions are subjected to the jail time and heavy fines prescribed by coercive legislation, they look for ways to contain their member militancy, choosing ‘responsible unionism’ instead of disruption.⁸⁷

Panitch & Swartz’s ideas certainly apply to public education and to unions that represent education workers. The trend towards centralized control of education across Canada has greatly increased the state’s ability to unilaterally impose contract provisions and end strikes, all with a view to facilitating the capital accumulation process.⁸⁸ This has exposed the dual but contradictory roles of education unions as both facilitators and resisters of the capitalist system.⁸⁹ Barnettson illustrates this via his analysis of the 2002 Alberta teachers’ strike, where the provincial government attempted to pit public interests against those of Alberta teachers before finally legislating teachers back to work.⁹⁰ Ontario teachers and their unions faced a similar struggle in 2012, with the provincial government’s enactment of Bill 115, legislation that imposed contract provisions

⁸⁶ Panitch and Swartz, *From Consent to Coercion*, 152.

⁸⁷ Savage and Smith, *Unions in Court*, 6.

⁸⁸ Barnettson, “Alberta’s 2002 Teacher Strike,” 4.

⁸⁹ Hyman, *The Political Economy of Industrial Relations*, 36; Barnettson, “Alberta’s 2002 Teacher Strike,” 3.

⁹⁰ Barnettson, “Alberta’s 2002 Teacher Strike,” 1.

and ended strikes, all under the guise of ‘putting students first.’⁹¹ In her study of OSSTF’s response to Bill 115, Hewitt-White argues that OSSTF sacrificed the potential member militancy within the union for a less effective, business unionism approach.⁹² Instead of member organizing and mobilization, OSSTF spent considerable resources challenging Bill 115 in court. While this was successful from a legal perspective,⁹³ the impact this strategy had on the democratic practices of the union has not been studied. It is likely that the external threat of legislation during rounds of centralized bargaining has come into play as OSSTF grapples with internal decision-making processes.

Hanson contends that while the move to centralized bargaining and increased legislative control was intended to contain costs, it was also intended to leave “education’s social reproductive role intact.”⁹⁴ Teachers, Hanson points out, carry out a specific role within capitalist societies in that they impart future workers with the skills and knowledge required for “productive” employment. However, at the same time, teachers socialize children as future citizens who can potentially challenge capitalism’s hegemony. Hanson explains:

Because of their position at the nexus between worker training and socialization of norms of citizenship and human development, teachers have always been of particular concern to political and economic elites, as

⁹¹ See MacNeil, “Collective Bargaining between Teachers and the Province of Ontario,”; Caitlin Hewitt-White, “The OSSTF Anti-Bill 115 Campaign: An Assessment from a Social Movement Unionism Perspective,” *Alternate Routes: a Journal of Critical Social Research*, 26 no. 1 (2015): 170-198; Mancini, “Austerity, Struggle, and Union Democracy,” 18.

⁹² Hewitt-White, “The OSSTF Anti-Bill 115 Campaign,” 188.

⁹³ Mancini, “Austerity, Struggle, and Union Democracy,” 17.

⁹⁴ Hanson, “Classroom Struggle,” 109.

reflected in the various forms of legislation meant to govern their behaviour and power.⁹⁵

Like Johnston who argues that some public sector workers' positioning within the social reproductive sphere of capitalist production can enhance their ability to successfully exercise agency in their struggles for improved working conditions,⁹⁶ Hanson identifies the work of teachers as a gendered form of reproductive labour that complicates any job action that they undertake.⁹⁷ On one hand, their positioning as caregivers can negatively impact public perceptions when they withdraw their labour; on the other, public support for teachers can arise *because* of their roles as workers who care for children. Such involvement in caring work potentially provides teachers' unions with an important resource. Hanson argues that, despite the move to centralize contract negotiations and the subsequent fragmentation of teacher activism, teachers' unions across Canada have still been able to resist governments' neoliberal agendas. Teacher unions have done this, he contends, by aligning their issues with issues of the public interest, such as class size and preparation time.⁹⁸ This is certainly the case for OSSTF, who strongly pushed back against the Ford Conservative government's recent campaign to significantly raise class sizes in secondary schools.⁹⁹

⁹⁵ Hanson, "Classroom Struggle," 105.

⁹⁶ Johnston, *Success While Others Fail*, 14.

⁹⁷ Hanson, "Classroom Struggle," 105.

⁹⁸ Hanson, "Classroom Struggle," 105.

⁹⁹ Martin Regg Cohn, "Doug Ford thinks bigger classes are better, no matter what you think," *The Toronto Star*. February 29, 2020. <https://www.thestar.com/politics/political-opinion/2020/02/29/doug-ford-thinks-bigger-classes-are-better-no-matter-what-you-think.html>

The public sector context is an important consideration for Ontario teachers and their unions as they strategize the best ways to further their interests, and thus, it is a crucial lens for the consideration of their internal democracy. The social reproductive role of education workers, and the way they exercise agency within it, complicates any analysis of their collective struggles. That teacher unions have repeatedly become subject to legislation is a significant constraint placed upon them, one that undoubtedly has loomed large as they consider strategies for contract negotiations and the decision-making processes used to construct them.

2.4: Labour Geography

Labour geographers are interested in how working people's spatial practices shape the location of economic activity and economic geography of capitalism, and the ways that workers locate agency in geographical contexts to resist exploitation by capitalism.¹⁰⁰ A labour geography lens is important for this study, as the main context for this research is the Ontario government's shift to centralized bargaining. Understanding how the shift of power from the local to the

¹⁰⁰ Andrew Herod, "From a Geography of Labor to a Labor Geography," *Antipode*, no. 29 (1997); Noel Castree, "Labour Geography: A Work in Progress," *International Journal of Urban and Regional Research*, 31 no.4 (December 2007); David Chrisstoffer Lier, "Places of Work, Scales of Organising: A Review of Labour Geography," *Geography Compass* 1/4 (2007); Steven Tufts and Lydia Savage, "Labouring geography: Negotiating scales, strategies and future directions," *Geoforum* 40 no. 6 (2009); Neil Coe and David C. Jordhus-Lier, "Constrained Agency? Re-evaluating Geographies of Labour," *Progress in Human Geography* 35 no. 2 (2010); Sweeney, "The labour geographies of education."

provincial scale shaped union responses, both in strategy and in internal democratic processes, is an essential part of my theoretical framework.

2.4.1: Understanding Scale

Central to this framework is the concept of *scale*. In his discussion of global and local scales, Swyngedouw asserts that “spatial scales are never fixed, but are perpetually redefined, contested, and restructured in terms of their extent, content, relative importance, and interrelations.”¹⁰¹ He is concerned with sociospatial processes that change the importance of particular scales at particular moments in time, including the creation of new scales. Swyngedouw discusses the reconfiguration of scale and its usefulness in “the reordering of sociospatial power” to benefit capital.¹⁰² An example he provides is that of capital’s tendency to ‘jump scales’ or relocate, in order to escape government regulation that has slowed down the growth of profit. Swyngedouw’s work is informed by that of Peck, who theorized that labour markets are regulated via social and demographic factors that drive inequality. According to Peck, capital can jump scales, but labour markets remain local.¹⁰³ Both Swyngedouw and Peck theorize the scalar tactics used by capital to control and regulate labour.

¹⁰¹ E. Swyngedouw, “Neither global nor local: ‘Glocali-sation’ and the politics of scale,” in *Spaces of globalization: reasserting the power of the local*, ed. K. R. Cox (New York: The Guilford Press, 1997), 141.

¹⁰² Swyngedouw, “Neither global nor local: ‘Glocali-sation’ and the politics of scale,” 155.

¹⁰³ Jamie Peck, *Workplace: The Social Regulation of Labor Markets* (New York: The Guilford Press, 1996).

While Swyngedouw's focus is on capital's ability use scale to exert power over labour, Herod contends that workers can also use scalar strategies in order to further their own interests.¹⁰⁴ Herod's work is viewed as seminal to labour geography in its consideration of labour as "active agents in the shaping of economic landscapes" despite the constraints placed upon workers by capital.¹⁰⁵ In his study of the US East Coast Longshore Industry, Herod demonstrates how the International Longshoremen's Association initiated shifts to and from centralized bargaining in order to best meet the needs of their members, at different points in history.¹⁰⁶ While Herod's study is that of a private sector union, not a public sector one, it remains very useful in its demonstration of how workers and their unions, like employers and the state, can also manipulate scale to meet their interests. Herod also highlights the importance of the historical, political, and economic context in the consideration of a union's actions, which are important insights for this analysis.

Not all scholars agree that the concept of scale is useful for human geographers, however. Marston, Jones & Woodward suggest that geographers abandon scale because they view it as unproductive and harmful.¹⁰⁷ They argue that discussions of scale are still dominated by the imposition of 'vertical' and 'horizontal' hierarchies onto social-spatial relations where they don't actually

¹⁰⁴ Andrew Herod, "From a Geography of Labor to a Labor Geography," 18-19; Andrew Herod, "Labor's spatial praxis," 161.

¹⁰⁵ Brendan Sweeney and John Holmes, "Problematizing Labour's Agency: Rescaling Collective Bargaining in British Columbia Pulp and Paper Mills," *Antipode*, 45 no. 1 (2012): 221.

¹⁰⁶ Andrew Herod, "Labor's spatial praxis," 161.

¹⁰⁷ Marston, Jones, and Woodward, "Human Geography Without Scale."

exist, which limits analysis of these social-spatial relations and their resulting structures. Marston et al use the example of how the 'local' becomes marginalized as the 'global' is assigned more importance. They argue for a human geography analysis that views the social world as 'ontologically flat', contending that this would allow for more imaginative thinking and more openings for political resistance. Leitner & Miller reject Marston et al.'s position, arguing that the idea of a 'flat ontology' is abstract and will potentially marginalize how processes of power play out in the social production of scale.¹⁰⁸ Coe & Jordhus-Lier also argue against the premise of a flat ontology, noting "labour's ability to engage with political scales, and its position in class maps and global networks of production, help define its potential as a political actor."¹⁰⁹ Bocking takes a similar view within a public sector context, asserting that arguments against the use of scale "are unhelpful for understanding movements and organizations that must confront and negotiate with the state,"¹¹⁰ such as teacher unions. I side with Leitner & Miller, Coe & Jordhus-Lier, and Bocking. In my view, in order to resist oppressive power, it is important to think about where it is located, as well as how it is exercised and by whom. Scale is an essential concept for this resistance, and the findings of this study highlight how it has played out in the internal democratic processes of OSSTF when faced with centralization.

¹⁰⁸ Helga Leitner and Byron Miller, "Scale and the Limitations of Ontological Debate," *Transactions of the Institute of British Geographers*, 32 no.1 (January 2007): 121.

¹⁰⁹ Coe and Jordhus-Lier, "Constrained Agency?" 9.

¹¹⁰ Paul Bocking, "Understanding the Neoliberalization of Education Through Spaces of Labour Autonomy," PhD diss., (York University, 2017); 59.

I have not specifically defined *scale* up to this point, and it is interesting to note that not all discussions within labour geography actually do. Marston provides a broad definition, pointing to many human geographers' view that scale is a social construct, one that is used by capital, labour, and the state for political purposes.¹¹¹ However, in the context of this study, scale will have a specific meaning, one which Coe & Jordhus-Lier offer in their re-evaluation of the geographies of labour:

Another geographical concept, which perhaps has been even more helpful as an analytical tool, is that of *political scale*. Scale, here, might quite practically refer to the level at which negotiations take place, for whom decisions are made, or the territories across which solidarity is being sought.¹¹²

This notion of scale fits Herod's discussion of central versus local bargaining in the US East Coast Longshoremen's Industry,¹¹³ as well as Sweeney & Holmes' research on the rescaling of bargaining in British Columbia pulp and paper mills.¹¹⁴ With regard to bargaining between Ontario teacher unions, scales of bargaining involve the 'local' and 'provincial' levels, with school boards and union districts constituting the local level, and the state and provincial union bodies constituting the provincial one. Making this distinction is important in the analysis

¹¹¹ Sallie Marston, "The social construction of scale," *Progress in Human Geography*, 24 no. 2 (2000): 221.

¹¹² Coe and Jordhus-Lier, "Constrained Agency?" 9.

¹¹³ Herod, "Labor's spatial praxis."

¹¹⁴ Sweeney and Holmes, "Problematizing Labour's Agency."

of how the state has used scalar strategies—and, in particular, has actively shifted the scales on which power is exercised—to try and undermine teacher unions' power, and it is also important in the analysis of how these unions have resisted.

2.4.2: Upscaling Bargaining, Upscaling Resistance

Sweeney takes up the use of scale in teacher bargaining in his discussion of Ontario teacher unions' actions in the face of province-wide negotiations.¹¹⁵ He argues that the state's motivation behind centralized bargaining was largely to reduce costs, but also to disempower teacher unions at the local level. Sweeney points out how the centralization of education bargaining shifted most of the power and decision-making to bureaucrats, politicians, and union leaders in Toronto. In his view, this shift reduced worker agency and neutralized resistance at individual workplaces, making it easier for the provincial government to control school boards and for provincial union bodies to control their locals. Sweeney contends that by shifting the scale of bargaining to the provincial level, the "likelihood of interventions by the state that reduce the power and agency of unionized workers" is increased.¹¹⁶ Despite these factors, Sweeney argues that teachers have been able to exercise agency because of the legislative requirement that all Ontario teachers belong to unions, which provides them with

¹¹⁵ Sweeney, "The labour geographies of education."

¹¹⁶ Sweeney, "The labour geographies of education," 122.

a shared community of interest, provincial solidarity, and power in numbers, as well as political mobilization and pressure coordinated by their well-resourced provincial organizations. Still, he notes that within the recent context of centralized bargaining, “questions remain regarding whether or not Ontario’s teachers were able to increase their aggregate bargaining power through centralization or merely transferred agency and authority from one scale to another.”¹¹⁷

In his study of teachers’ resistance to neoliberalism in Mexico, New York, and Toronto, Bocking argues that “scale has real, tangible meaning for social movements and workers contesting state strategies.”¹¹⁸ He argues that in Ontario, the shift to centralized bargaining has made the provincial level the “most important scale in education governance,”¹¹⁹ causing Ontario teacher unions to scale up negotiations in response. What resulted is the two-tiered bargaining process that is now in place.¹²⁰ Bocking notes some of the internal tensions this centralization created in the 2012 bargaining round, such as those caused when the OSSTF local in Toronto fought to keep strong local contract language regarding on-calls and supervisions that did not exist elsewhere in the province. He writes how OSSTF leaders in Toronto, at both the local and

¹¹⁷ Sweeney, “The labour geographies of education,” 120.

¹¹⁸ Bocking, “Understanding the Neoliberalization of Education,” 58.

¹¹⁹ Bocking, “Understanding the Neoliberalization of Education,” 358.

¹²⁰ As Bocking (2017) explains: “‘Two tiered’ is the term most often used in official governmental and journalistic reports on provincial/local collective bargaining in Ontario. It is not related to its usage elsewhere in labour studies research to refer to collective agreements where new workers are placed on an inferior salary and benefits scale,” 359.

provincial levels, “struggled to adapt to the new [centralized bargaining] context, to the frustration of members.”¹²¹ This example speaks to the work of Coe & Jordhus-Lier, who argue that unions learn how to exercise agency in a “trial and error” fashion, in accordance with the specific contexts of the moment.¹²² The context for bargaining in 2012 included not only the shift in scales of contract negotiations but also the coercive backdrop of Bill 115.¹²³

The fact that the work of teachers in Ontario is territorially fixed has historically been beneficial to their struggles and has allowed their unions to grow into potentially powerful, well-resourced organizations.¹²⁴ Sweeney points out how this fixedness has meant that teachers, as public sector workers, have been able to exercise agency by disrupting important government functions at both the local and provincial levels.¹²⁵

According to Herod:

Space and spatial relations, then, can readily be manipulated in the pursuit of certain political goals, whilst the form of the economic landscape may enable or it may constrain the political praxis of various social actors. Social actors’ geographic rootedness and their spatial sensibilities can lead them to adopt particular strategies and to pursue particular agendas at different times in different places.¹²⁶

That said, some of the scholars cited in this section have discussed the impact of spatial manipulation by the state, in the form of centralized bargaining, on the

¹²¹ Bocking, “Understanding the Neoliberalization of Education,” 376.

¹²² Coe and Jordhus-Lier, “Constrained Agency?,” 33.

¹²³ Bocking, “Understanding the Neoliberalization of Education,” 368.

¹²⁴ MacLellan, “Neoliberalism and Ontario Teacher Unions,” 57; Sweeney, “The labour geographies of education,” 122.

¹²⁵ Sweeney, “The labour geographies of education,” 122.

¹²⁶ Herod, “Workers, Space and Labour Geography,” 134.

power and agency of Ontario teachers and their unions. This manipulation has caused these unions to respond in kind, as they wrestle with how to further their interests within the new bargaining reality. This ‘scaling up of negotiations’¹²⁷ is thus an inextricable factor in how OSSTF has reconfigured their internal democratic processes. This is because as the state shifted scales of power external to the union, the union had to grapple with *internal* shifting scales of power in response. As this study will demonstrate, internal tensions between these two scales became a major factor as OSSTF engaged in increasingly centralized bargaining.

2.5: Teacher Professionalism

The discourse of ‘professionalism’ has long been intertwined with the history of teachers and their organizations in Ontario. Thus, in a study of teacher unions, it is salient to consider how this discourse has shaped their structure, organization, external goals, and internal processes. While the literature reviewed for this study is specific to teachers and professionalism, much of it is centred around the ideas of Terence Johnson. Johnson noted that literature on ‘professions’ contained little theoretical framing, relied mostly on professionals’ own definition of themselves, and changes frequently. Still, he asserts that “professionalism is a successful ideology and as such has entered into the political vocabulary of a wide range of occupational groups who compete for

¹²⁷ Bocking, “Understanding the Neoliberalization of Education,” 391.

status and income.”¹²⁸ As the histories of Ontario teacher unions reveal, this competition for status and income is ultimately what drove Ontario teachers to form professional organizations and eventually unionize.¹²⁹

Johnson’s central premise is that a profession does not constitute a set of specific traits inherent to an occupation. Rather, a profession is “a means of controlling an occupation.”¹³⁰ This is demonstrated by the work of Cavanagh, whose research describes how early Ontario teacher federations like the Federation of Women Teachers of Ontario (FWTAO) wished to exert control over who could gain entry to the teaching profession, with a view to raising the economic and social status of teachers. Through an examination of numerous teacher discipline records, Cavanagh contends that the FWTAO sought to keep rural women teachers out of their ranks by embedding ‘professionalism’ with white, middle-class values.¹³¹ In an attempt to resist subordination, the form of professionalism promulgated by FWTAO was also highly gendered. It included the notions of caring and sacrifice as professional traits of a woman teacher, but if this caring and sacrifice extended into the stereotypical feminine terrain of emotion and irrationality, a teacher would face discipline for unprofessional

¹²⁸ Terence A. Johnson, *Professions and Power* (London: the Macmillan Press Ltd., 1972): 32.

¹²⁹ Sheila L. Cavanagh, “The Gender of Professionalism and Occupational Closure: the management of tenure-related disputes by the Federation of Women Teachers’ Associations of Ontario, 1918-1949,” *Gender and Education* 15 no.1, (2003); Elizabeth Graham, “Ontario Schoolmarm and Early Teaching in Ontario,” in *Women at Work: Ontario 1850-1930*, ed. Bonnie Shepard, Penny Goldsmith, and Janice Acton (Toronto: Canadian Women’s Educational Press, 1974); Smaller, “Gender and Status”; Hanson, “Classroom Struggle.”

¹³⁰ Cavanagh, “The Gender of Professionalism and Occupational Closure,” 45.

¹³¹ Cavanagh, “The Gender of Professionalism and Occupational Closure,” 40.

behaviour.¹³² Cavanagh presents evidence that FWTAO welcomed, and would even request, that their members be disciplined for behaviour that they deemed ‘unprofessional.’¹³³

Other scholarly studies of teachers in Australia and England point to a shared desire by early teacher organizations and state officials to promote teacher professionalism.¹³⁴ However, while organizations representing teachers promulgated a form of professionalism intended to advance their members’ interests, education officials and governments preferred one they could use as a form of labour control. Australian scholar Alan Reid argues this labour control is rooted in public sector workers’ role in providing surplus value to capital.¹³⁵ Teachers are subject to the state’s ever-increasing demands for more surplus value from their work, because the state is under pressure from capital to keep the cost of public education as low as possible. The cheaper the cost of public education, the more profit capital accumulates, while simultaneously relying upon a public education system that provides cost-effective training for their future workers. Carter and Stevenson, building on Reid’s work, put it this way: “Control strategies are central because the state needs to convert the purchased labour

¹³² Cavanagh, “The Gender of Professionalism and Occupational Closure,” 41.

¹³³ Cavanagh, “The Gender of Professionalism and Occupational Closure,” 41.

¹³⁴ Terri Bourke, John Lidstone, and Mary Ryan, 2015. “Schooling Teachers: Professionalism or Disciplinary Power?” *Educational Philosophy and Theory* 47 no.1 (2015); Jennifer Ozga and Martin Lawn, *Teachers, Professionalism, and Class: A Study of Organized Teachers* (London: the Falmer Press, 1981).

¹³⁵ Alan Reid, “Understanding Teachers’ Work: Is There Still a Place for Labour Process Theory?” *British Journal of Sociology of Education*, 24 no. 5 (2003): 564.

power of teachers into realized labour, and, under conditions of neo-liberal globalized competition, to contain its costs.”¹³⁶

Bourke, Lidstone and Ryan argue that state control of teachers is maintained by layers of surveillance from management, professional bodies, parents, students, communities, colleagues, and finally, teachers themselves. Through analysis of transcripts of interviews with Queensland teachers, Bourke et al note the shift in the narrative of teacher professionalism over time, from one of resistance to “economic nationalism” to one of “imposed standards.”¹³⁷ Using the concepts that Michel Foucault applied to prisons and the military, Bourke et al argue that modern teachers have normalized ideas about professionalism that are “reiterations of 19th century disciplinary technologies.”¹³⁸ They contend that this is the result of governments “colonizing professionalism” for the purpose of disciplining the labour of teachers.¹³⁹

In their 1981 study of organized teachers in England, Ozga and Lawn argue that containing the costs of public education required a state-sanctioned form of teacher professionalism based solely upon duty and service, exclusive of “autonomy, expertise and resistance,” notions that were originally advanced by early craft unions and taken up by early teacher organizations.¹⁴⁰ They contend that against the backdrop of growing capitalism, “professionalization, as a gift of

¹³⁶ Bob Carter and Howard Stevenson, “Teachers, workforce remodeling, and the challenge to labour process analysis,” *Work, Employment and Society* 26 no. 3 (2012): 484.

¹³⁷ Bourke, Lidstone, and Ryan, “Schooling Teachers,” 84.

¹³⁸ Bourke, Lidstone, and Ryan, “Schooling Teachers,” 84.

¹³⁹ Bourke, Lidstone, and Ryan, “Schooling Teachers,” 84.

¹⁴⁰ Ozga and Lawn, *Teachers, Professionalism, and Class*, 118.

the State, could now be seen partly as a controlling technique.”¹⁴¹ According to Ozga and Lawn, this controlling technique serves the state in that it has resulted in teacher unions who operate by “responsible consultation and cooperation” rather than militant action.¹⁴²

Graham, in her study of the history of teachers in Ontario, details how the earliest organized teacher groups represented two distinct camps: one who viewed teachers as workers requiring a union, and another who called for the professional status of teachers. Education officials and teacher federations adopted the latter, a narrative of a more passive teacher professionalism that Graham asserts impeded teachers’ ability to fight for better wages.¹⁴³ Graham contends that ‘professionalism’ as applied to teachers and other feminized professions is unique in that it emphasizes the “service ethic” over other traits normally associated with professionals.¹⁴⁴ She suggests that this gendered version of professionalism has made teachers unable to see that their wages are more comparable to those of other workers rather than other members of the professional class.

Overall, the scholarly work discussed here presents teacher professionalism as a relational concept. Specifically, it argues that the narrative of teacher professionalism has been constructed in relation to capitalism. While historically teachers promoted professionalism to advance their interests, most of

¹⁴¹ Ozga and Lawn, *Teachers, Professionalism, and Class*, 118.

¹⁴² Ozga and Lawn, *Teachers, Professionalism, and Class*, introduction.

¹⁴³ Graham, “Ontario Schoolmarm and Early Teaching in Ontario,” 189.

¹⁴⁴ Graham, “Ontario Schoolmarm and Early Teaching in Ontario,” 202.

the time the state has used it to advance theirs. The capitalist state requires teacher labour to be disciplined, and the most effective way is to have teachers discipline themselves. The presentation of professionalism and unionism as incompatible has also helped contain the militance of teachers and their unions. However, it is important to note that none of the theorists included here view this containment as absolute. Ozga and Lawn put it this way:

In sum, our position is that teachers are workers, who have used professionalism strategically and had it used against them, that they have allied with organized labour in the past, and, as a consequence of pressures of proletarianization, may develop such alliances and strategies again.¹⁴⁵

The ongoing tensions that underscore the meaning of professionalism, as applied to teachers, is an important theoretical thread throughout this study.

2.6: Conclusion

The broad theoretical framework of this study draws heavily on the work of those who have theorized democracy in trade unions. However, it is particularly influenced by the work of Hyman and others who argue that the actions, characteristics, and internal processes of unions must be considered in tandem with external contexts and crises, within the larger structure of capitalism. This case study takes the approach that OSSTF is a product of the historical, social, and political contexts that have fundamentally shaped its actions and internal democratic processes. The provincial government's shift to centralized

¹⁴⁵ Ozga and Lawn, *Teachers, Professionalism, and Class*, 147.

bargaining, after decades of a more localized negotiations process, is centred here as one of the most important external contexts that OSSTF has faced in its 104-year history.

The other theoretical strands outlined in this chapter provide important lenses by which to frame the impact of this external context itself. Labour geography assists with an understanding of how a state-imposed centralized bargaining regime shifted power from the local to provincial scale, with the aim of more government control of the education system, its workers, and associated costs. Recognizing scales of power provides a useful way to understand how OSSTF pushed back as successive governments attempted to use scalar strategies to undermine union resistance to increasingly centralize bargaining. However, a scalar analysis is not just useful for understanding the external context of centralized bargaining. It also allows for a theorizing of the shift of internal scales of power within OSSTF as the union sought to align them more closely with those of the provincial government, for the purpose of maximizing gains for its members. How this reconfiguring of internal scales of power has impacted OSSTF's democratic practice is the focus of this study.

Consideration of OSSTF's position as a public sector union illuminates how the organization's leaders and members, as employees of the state, are subject to the unique pressures that come with their very visible roles as education workers within a politicized public education system. With identities tied to the interests of the province's children, and salaries tied to the public purse,

education workers must grapple with constant public scrutiny. In addition, the threat of government legislation continually looms. It is these pressures that impact the actions that teacher unions, their leaders and even their members take--or do not take. Acknowledging and understanding these unique pressures allows for a deeper analysis of why OSSTF has responded to centralized bargaining in the way that they have.

Tied to the public sector context is the notion of professionalism, which takes on a particular dynamic when considered in relation to teachers' social reproductive roles within capitalism. Teacher professionalism is one of the most enduring social and political narratives for teachers and their unions, and as such it is a continual thread that is woven throughout this study. As the literature illustrates, this narrative has played an important role in shaping OSSTF since its inception, as teachers tried to improve their lot by seeking a professional status that would set them apart from the students and families they served. However, the analysis of OSSTF's history presented here illustrates how teacher professionalism has continually bumped up against unionism, creating an underlying tension that has both surfaced and receded at points in time.

Focusing largely on OSSTF's reconfiguration of its internal processes as a response to state-imposed centralized bargaining, this study considers shifting scales of power, a public sector context, and the impact of narratives of teacher professionalism in its analysis. Using the scholarly work on union democracy discussed in this chapter, this reconfiguration is examined using the democratic

markers that the literature provides. In addition, it considers external and internal factors that may encourage or discourage democracy over time. As the scholars cited here emphasize, democracy is never a fixed state. Accordingly, this analysis is a snapshot of one particular union, facing a particular set of circumstances, at one particular moment in time.

3. Methodology

3.1: Introduction

This dissertation is a case study of the internal responses and democratic processes of an Ontario teacher union to the centralization of bargaining in the education sector, with a view to understanding the impact on the union's ability to effectively bargain for its members and protect quality public education. It is focused on the Ontario Secondary School Teachers' Federation (OSSTF), the second largest of the four teacher unions in Ontario,¹⁴⁶ and seeks to answer the following questions: has centralization of bargaining increased the centralization and bureaucratic character of OSSTF? If so, how have these changes affected their internal democratic practices? Finally, have these internal changes enhanced or limited the ability of OSSTF to effectively further their members' interests and to protect quality public education?

This chapter will provide an overview of the research process, beginning with a critical reflection on my position as an insider researcher. It will then describe in detail the documentary research and semi-structured interviews that formed the basis of the study. Finally, it will outline the ethical considerations necessitated by the undertaking of insider research within a political organization.

3.2: Insider Research

¹⁴⁶ Savage and Mancini, "Strategic Electoral Dilemmas," 5.

Broadly, insider research refers to research that is conducted from within a group by someone who is a member of that group.¹⁴⁷ I am an Ontario certified secondary teacher and a member of the OSSTF, as well as a former teachers' unit president for OSSTF District 21, Hamilton-Wentworth, a position I held between 2007-2017. Therefore, I came to this study as an insider researcher. There is no question that my insider status has provided me with access to data and individuals that outside researchers would not have received. The relationships and trust I forged within the union during my tenure as a local leader have undoubtedly served me well in my foray into academic work, as has the simple fact that I am a dues-paying member of the union itself.

The responses of two other teacher unions to my initial research proposal illuminate the benefits of insider status. This study was originally intended to be a comparative one between OSSTF and the Elementary Teachers' Federation of Ontario (ETFO), the largest teacher union in Ontario,¹⁴⁸ but ETFO declined my requests for internal documents. I subsequently approached the Ontario English Catholic Teachers' Association (OECTA), but following an initial response, my requests went unanswered. While I cannot verify the reasons why ETFO and OECTA did not grant me access to their internal documents, and fully acknowledge that neither union owed me access of any kind, I am aware that the topic of union democracy has been a source of tension within each of these

¹⁴⁷ Melanie J. Greene, "On the Inside Looking In: Methodological Insights and Challenges in Conducting Qualitative Insider Research," *The Qualitative Report* 19 no. 29 (2014): 1-13.

¹⁴⁸ Savage and Mancini, "Strategic Electoral Dilemmas," 5.

organizations.¹⁴⁹ My investigation would potentially cast a light on these tensions to those both inside and outside of these unions.

My insider status comes with many important considerations. As Wisner asserts, “a researcher’s multiple group and professional affiliations, whether consciously employed or tacitly assumed, impact the knowledge that is shared and produced.”¹⁵⁰ In other words, my own beliefs and knowledge, which have been influenced by my years as an OSSTF local leader and secondary school teacher, have informed almost all aspects of my research. This is inevitable because I was on the front lines during many of the key events that will be discussed in this study. I am not just an insider researcher who has fleeting experience with the organization; my involvement spanned seventeen years and included various degrees of decision-making at both the local and provincial levels. I have a depth of knowledge and understanding of teacher union structures, organization, practices, policies, processes, and even terminologies that have benefitted my analyses and allowed for deeper engagement with the data. However, this also opens my work to criticisms of bias, as membership in OSSTF has undoubtedly shaped my views about the union. Similarly, my extensive OSSTF involvement provided me with many contacts and potential

¹⁴⁹ Adrian Di Lullo, “OLRB Dismisses Duty of Fair Representation Applications Against OECTA,” HicksMorley.com, March 12, 2013. <https://hicksmorley.com/2013/03/12/olrb-dismisses-duty-of-fair-representation-applications-against-oecta/>

¹⁵⁰ Melissa C. Wisner, “Opportunities to interpret: a methodological discussion of insider research, perceptions of the researcher, and knowledge production,” *Sport in Society* 21 no.2 (February 2018): 215.

interviewees, yet due to the political nature of my previous role, some valuable informants may not have been comfortable speaking with me.

Wiser characterizes the intersecting and overlapping roles that an insider researcher holds as ‘insider/outsider,’¹⁵¹ while Greene notes that some scholars refute this dichotomy and prefer to consider the role of a researcher on a continuum.¹⁵² No matter how one conceptualizes my various roles as a researcher, it is important that I describe them here in detail. I am an OSSTF member and former local leader, but I left all of my elected positions within the union in June 2017 to conduct the research for this dissertation. While I remained a member, I did not have access to the internal political life of the organization throughout the period during which I conducted my research, nor did I hold decision-making power or political influence outside of a vote at annual general meetings. As a teacher on full-time leave from a school board, I was not engaged in my profession along with teaching colleagues, and instead held employment as a teaching assistant at McMaster which led to active participation in another union, the Canadian Union of Public Employees (CUPE). While I still see myself as an OSSTF ‘insider’ with access to knowledge based upon my previous experience, my actual role while conducting this research was very much outside of OSSTF and the teaching profession. I returned to teaching upon the expiry of my leave in September 2021.

¹⁵¹ Wiser, “Opportunities to interpret,” 217.

¹⁵² Greene, “On the Inside Looking In,” 2.

Because I worked in the District 21 office for over a decade, continue to be a member of OSSTF, and have many collegial relationships within the local and wider organization, some might argue that the insider research carried out in this study lies within a work-based context, even though I no longer hold a paid position within the union.¹⁵³ Costley, Elliott and Gibbs remind researchers within work-based contexts to be cognizant of both the positive and negative impacts the knowledge they produce can have on an organization. For example, I am deeply aware that a detailed description and critique of OSSTF's bargaining strategy may provide valuable information for other teacher unions but have a negative impact if it reveals what would normally be 'insider' information to employers. Costley, Elliott and Gibbs also note that interviewing people who are colleagues within an organization comes with other ethical concerns, such as anonymity and confidentiality, because there is the potential of "possibly challenging the value system of your organization or professional field in some way."¹⁵⁴ As an insider researcher, challenging an organization's value systems may not just have implications for research participants, it could impact my own future involvement within the organization. I expand on the ethical considerations of my involvement with the union later in this chapter.

The general advice scholars provide to insider researchers is to be critical of one's own work throughout all stages of research, and to demonstrate a

¹⁵³ Carol Costley, Geoffrey Elliott and Paul Gibbs, *Doing Work Based Research: Approaches to Enquiry for Insider-Researchers* (London: Sage, 2010).

¹⁵⁴ Costley, Elliott and Gibbs, *Doing Work Based Research*, 10.

careful understanding of varied perspectives. Greene summarizes some practical ways to build credibility into insider research,¹⁵⁵ which I have incorporated into my methodological process. She advocates for the inclusion of an extensive methodology section within a dissertation, advice that I have followed here. Other techniques to build credibility, such as the keeping of field notes, triangulation of data, and the process of having informants review their own raw data, will be expanded upon at different points in this chapter. In addition, much of the literature on insider research consulted for this study recommends that researchers engage in reflexivity.¹⁵⁶ Wisser captures the meaning of the term via the words of anthropologist Charlotte Aull Davies: “a turning back on oneself, a process of self-reference”¹⁵⁷ Reflexivity must be practiced at all stages of the research process. It is a continual self-reflection, an ongoing self-interrogation of one’s own beliefs, biases, roles, assumptions, social positions, and self-interests. For example, I am the daughter of two elementary teachers. I am aware that as a teacher myself, I am personally invested in any impact of the outcome of this study and that this has the potential to influence my perceptions and analysis. As a public sector employee, my salary and working conditions are contingent upon the representation of an effective union. Furthermore, like some others who have studied teacher unionism, I believe that strong teacher unions are essential to the

¹⁵⁵ Greene, “On the Inside Looking In,” 7-9.

¹⁵⁶ Costley, Elliott and Gibbs, *Doing Work Based Research*, 115; Greene, “On the Inside Looking In,” 9;

Wisser, “Opportunities to interpret,” 223.

¹⁵⁷ Wisser, “Opportunities to interpret,” 217.

maintenance of a strong public education system.¹⁵⁸ Public education, in my view, is the foundation of a just and equitable society. As a teacher, parent, and trade unionist, these core beliefs are at the centre of my work, and I make no attempt to conceal them.

3.3: Methods and Process: Documentary Research

This study began with documentary research in May 2019, when I contacted the General Secretary of OSSTF in writing to request permission to access documents that would be useful as I examined the impact of centralized bargaining on the union and any resulting internal changes. I requested records created between 2004-2017, inclusive of the minutes of key decision-making bodies within OSSTF, memos (both bargaining memos and district bargaining unit memos or 'DBUs'), and constitutions and bylaws. Specifically, I requested minutes of the Annual Meeting of the Provincial Assembly (AMPA), the Collective Bargaining Committee (CBC), Provincial Council (PC), and the Provincial Executive (PE). My request was approved via a motion of the Provincial Executive, and a staff person at head office was assigned to provide me with assistance.¹⁵⁹ I made several trips to the OSSTF headquarters in Toronto in June and July 2019 to access documents that were not available electronically. The rest were sent to me via electronic files.

¹⁵⁸ Bascia, "Introduction"; Lois Weiner, *The Future of Our Schools: Teachers' Unions and Social Justice* (Chicago: Haymarket, 2012); Compton and Weiner, *The Global Assault on Teaching*.

¹⁵⁹ Pierre Côte, email communication to author, May 27, 2019.

I spent the next six months reviewing these internal documents and used them to form a timeline to help me piece together key events and internal changes in sequential order. I kept field notes as I went, recording key actors, motions, reports, and other general thoughts. I filled in gaps, and confirmed key events, using readily available secondary sources such as scholarly work and media reports. Deciphering OSSTF's internal documents for information purposes was not a simple task, even for someone familiar with the internal processes of the organization. For the purposes of this section, I will outline the technical details that raised some barriers to the documentary research.

In general, the minutes of OSSTF decision-making bodies do not provide the details of discussions and debates. They formally record discussion topics and action items, motions, usually movers and seconders of those motions, and whether the motion was carried or defeated. While it is possible to glean clues from the wording of the motions themselves regarding the intentions of the mover and the tensions that may have existed on the floor at the time, there is no way to discern the details of various arguments or attribute arguments to particular individuals from the minutes themselves. In some cases, there were reports on business items attached to minutes, which did assist with fleshing out an issue, but that did not necessarily capture key tensions or debates. In the specific case of minutes from the Annual Meeting of the Provincial Assembly (AMPA), the formal minutes do not even capture movers and seconders of motions. Motions instead are recorded as originating from various bodies within the union, such as

a specific committee, an individual district or bargaining unit, or the Provincial Executive. This is subsequently recorded in what OSSTF personnel colloquially refer to as ‘the greens’, an accompanying volume of documents printed on green paper entitled *Volume 2: Supplementary Information and Resolutions*. Practically, this required any examination of AMPA minutes for motions of interest to be followed by a search in the accompanying Volume 2 for the originating body of a motion. It then involved assessing who the leaders of that body were at the time, in order to add to the list of potential key informants.

OSSTF uses a form of coding in their Constitution and Bylaws to indicate which AMPA a constitution, bylaw or policy change originated. The code appears beside each statement in brackets. For example, ‘(A.17)’ at the end of a constitutional rule indicates that the rule was last amended at AMPA 2017. This proved useful in some cases where I noted areas of interest, as it allowed me to find the origins of motions that resulted in constitutional changes. Using this code also allowed me to track changes and amendments to the constitution and bylaws over time, and for the purpose of broader analysis, correspond them to the key changes that the Ontario government made to education bargaining.

The minutes of the Provincial Executive also presented an interesting challenge to this research. Upon initial examination of these documents, I was struck by how little discussion of bargaining strategy appeared in the minutes, and how often the minutes recorded ‘executive sessions’, where no details were given. I learned from one of my key informants, a former OSSTF President and

General Secretary, and confirmed with other informants that in fact there are *two* sets of Provincial Executive minutes.¹⁶⁰ The first set are the ‘official’ ones that I had been granted access to (under the condition that I could not share them¹⁶¹), and a second set that is kept under lock and key and to which only a few individuals have access. These secondary minutes – deal with confidential internal personnel matters, but they also include decisions regarding bargaining. With this, the formal minutes of the Provincial Executive were only useful in the pinpointing of the origins of internal structural changes, inclusive of constitutional and bylaw changes, appointments of individual members to various workgroups, and a record of which individuals were elected to the Provincial Executive at various points in time.

Finally, the basic issue of record-keeping within a large and busy organization over a span of fourteen years also presented some challenges to this research. The set of electronic Collective Bargaining Committee minutes I received was not complete and was not in chronological order. This was also the case with some Provincial Council minutes and the accompanying reports, though I was able to obtain some paper copies via OSSTF provincial staff. Several important central bargaining memos from the 2012-2013 school year were also missing. This is significant, as not only was this the first year for central

¹⁶⁰ Malcolm Buchanan, interview by author, January 21, 2020.

¹⁶¹ Personal phone conversation between author and OSSTF staff, June 17, 2019.

bargaining memos, but it was also the time of the Bill 115 struggle. Staff was able to locate some, but not all, of the missing memos.

In addition to internal union documents, I incorporated information taken from scholarly research, historical newspaper articles, and the union's own published accounts of its history. The latter were largely produced by prominent OSSTF insiders.¹⁶² While they provide vitally important and valuable details and insights, they also present a glossy, uncritical view of the union and the people within it, particularly where the history of the union intertwines with the history of the author narrating the story.¹⁶³ It is important to note that these texts, including the most recent one celebrating OSSTF's one hundredth anniversary in 2019, would have had close oversight by OSSTF's Provincial Executive and provincial staff. This would have extended not just to final editorial decisions, but to initial decisions about which individuals were permitted to tell the story to begin with. It is thus important to consider these texts through a critical lens and with an understanding that the descriptions of events and actors contained within them will be relayed in accordance with the union's preferred narrative. None of this diminishes the fact that OSSTF has a long and important history and has

¹⁶² Walter Clarke, *OSSTF Diamond Jubilee* (Toronto: OSSTF, 1979); Jim Head and Jack Hutton, *The Union Makes Us Strong: OSSTF/FEESO 1964-2004* (Toronto: Ontario Secondary School Teachers' Federation, 1979); OSSTF/FEESO, *One Hundred Years Strong* (Toronto: OSSTF, 2019);

Stanley G. Robinson, *Do Not Erase: The Story of the First 50 Years of OSSTF* (Toronto: Ontario Secondary School Teachers' Federation, 1971).

¹⁶³ Larry Savage, "The Past, Present, and Future of the Canadian Labour Movement: Interrogating Insider Accounts," *Labour/Le Travail* 85 (Spring 2020): 285-293.

represented the concerns of Ontario public secondary school teachers, and later education support staff, for over one hundred years.

3.4: Methods and Process: Semi-Structured Interviews

The challenges and gaps in data that the documentary research presented reinforced the need to interview key informants for this study. I needed to be able to triangulate information between documents and individual recollections in order to produce reliable data. Because I was interested in interviewees' recollections of key events as well as their perceptions of how these events fit within a wider context of union democracy and centralized bargaining, I chose semi-structured interviews. This format allowed me to ask both specific and open-ended questions, to prompt interviewees if required, and to rephrase and/or add additional questions as needed. Anne Galletta asserts that the "key to effective interviewing is the researcher's attention to the participant's narrative *as it is unfolding*" (italics in original).¹⁶⁴ This was of utmost importance in the interviews that I conducted. Knowing when or when not to interrupt, when to ask questions of clarification, and when to make a quick note of a point raised by an interviewee in order to explore it more fully later became easier over time.

As noted earlier, the documentary research was essential in the selection of potential key informants. It was important that most of the individuals

¹⁶⁴ Anne Galletta, *Mastering the Semi-Structured Interview and Beyond: From Research Design to Analysis and Publication*. (New York: NYU Press, 2013), 76.

interviewed were involved in the union between 2004-2017, and that they had some attachment to bargaining processes and/or internal changes that resulted in response to the government's shift to centralized bargaining. The interviewees represent all levels of union involvement, teachers and support staff, and most regions in the province, including Northern districts that have unique geographical challenges. Twenty out of the thirty-three individuals I approached agreed to be interviewed. I conducted nineteen interviews from January 18 to June 17, 2020. The twentieth interview took place on March 25, 2021. I kept field notes throughout the process. The majority of the interviews in January and February 2020 took place in person. However, with the arrival of the COVID-19 pandemic in March 2020, I could no longer conduct in-person interviews, so the remaining interviews took place virtually via videoconferencing or telephone. On average, interviews lasted about an hour and fifteen minutes, though two ran only about forty-five minutes and three continued for over two hours.

All interviews began with questions about the length and breadth of the interviewee's OSSTF involvement. The answers to these questions set the stage for the next set of questions, which covered specific events and internal changes that the individual would have either direct involvement with or had observed while in their union roles. The last few questions focused on gathering each individual's thoughts on how centralized bargaining and the resulting internal changes the union made impacted bargaining outcomes and OSSTF's role as a defender of public education. In keeping with Galletta's guide to conducting semi-

structured interviews, each interview wrapped up with an open-ended invitation for the interviewee to add anything else that they wished.¹⁶⁵ This provided an opportunity for the interviewee to add any other ideas or thoughts they didn't get to in the earlier parts of the interview. While in some cases this closing question prolonged an interview considerably, it also resulted in rich data that would not have appeared in the more structured parts of the interview.

All interviews were recorded on a hand-held, stand-alone recorder and SD card, which made the files safely and easily transferable to my computer and transcription software. They were then transcribed by me using *f5 transkript* (transcription software from Germany). With the exception of the final interview, each transcript was sent as a Word document to the individual interviewee, with an invitation to review, redact, edit, and/or add to a final version of the file that I would use to form the basis of my analysis and written work. All interviewees indicated that they reviewed their transcript, and several chose to edit and/or add further information. By offering participants this step, I am better able to ensure the accuracy of the data. In addition, this practice allowed participants to review their statements after the fact and reflect upon what they did or did not want on record, as one of the ethical considerations of this study. The following section expands on these considerations.

3.5: Ethical Considerations

¹⁶⁵ Galletta, *Mastering the Semi-Structured Interview and Beyond*, 52.

Trade unions are political organizations, and those that represent workers in highly politicized sectors, such as education, face greater public visibility and scrutiny. This external politicization has inevitably shaped the internal dynamics of unions such as OSSTF. Being an insider researcher within a political organization necessitated that I take as many precautions as possible to mitigate potential risks to key informants. These risks included reputational harm to participants and/or their union, political risks for those in elected positions, and negative impacts on employer and/or collegial relationships for those in appointed positions. I have kept these risks in mind during every step of this study, beginning with the selection of potential interviewees to the final edits of this dissertation.

As I am acutely aware that my insider status has resulted in many personal relationships within the union, I did not interview individuals with whom I worked directly in the Hamilton OSSTF office, particularly as several of those led to personal friendships. This removed the need to navigate the power dynamics of friend-informant relationships.¹⁶⁶ I then approached potential interviewees in the lowest-pressure method possible, via email, with a formal interview request that explicitly stated that they should not feel pressured to participate because of our past professional relationship. This was followed up with one emailed reminder. If there was no response, or there was an initial response but none

¹⁶⁶ Greene, "On the Inside Looking In," 11.

thereafter, I abandoned the pursuit of that interview and moved on, ensuring that I recorded the process and result in my field notes.

I began informant recruitment by approaching individuals who no longer worked within OSSTF. This had the dual benefit of finding informants who worked within the organization during a larger portion of the period scrutinized by this study but had less risk of potential harm as they no longer had a direct relationship with OSSTF. I note, however, that several of these participants still expressed concern with regard to reputational and political harm, reinforcing the need for confidentiality and anonymity for interviewees.

I approached other elected leaders within the union who held a variety of levels of involvement, from release-time leadership positions to those whose involvement was limited to being active members on local and/or provincial committees. All informants were given the choice of being assigned a pseudonym, or to be identified. Fifty percent of interviewees chose to be assigned a pseudonym. However, even the smallest details publicly divulged in this study, such as an OSSTF district number or geographical location, could make an informant identifiable to others within the organization. This is to be expected when those that are politically active within an organization are a relatively small group. As a result, I have purposefully avoided attaching potentially identifying details to pseudonyms or using direct quotes from informants that could increase the risk of them being identified. I also took care with in-person interview locations. For participants who did not request

anonymity, interviews were arranged at local OSSTF offices. Others were planned at local libraries in the interviewees' communities. Location became a non-issue, however, once the pandemic and the resulting McMaster University policy necessitated that interviews shift to a virtual format or be conducted by telephone.

3.6: Research Process Challenges

At the outset of my documentary research in June 2019, I was assigned a staff person from the OSSTF Research Library to assist me in finding relevant documents. At the time, OSSTF was in the process of shutting down their Research Library, and the staff person assigned was the last remaining employee of the department. He retired in December 2019. In September 2020, OSSTF moved out of the building they had occupied for many years and moved staff and documents into a temporary location. At this point, actions by the Ford government prompted labour unrest in education, and OSSTF began a series of strikes that continued into 2020. In March 2020, the pandemic shut down OSSTF's Provincial Office and saw staff working from home, with limited access to historical documents. Luckily, I collected the majority of the documents I required prior to December 2019. However, where I have required further documents during the writing process to fill in information gaps, acquiring them has been difficult.

3.7 Conclusion

This chapter has attempted to outline not only the more technical methodological details of this study, but the ethical ones as well. It has also provided a space for critical reflection as I undertake a study from inside a political organization that I have been a part of for most of my working life. Such research is not without its risks, nor is it without particular ethical dilemmas. However, I make the case that despite these risks and dilemmas, it can offer a valuable and unique perspective. I come to this study as an insider researcher with a deep understanding of, and experience with, the complexities of Ontario teacher union structures, organization, practices, policies, processes, and even terminologies. Overall, the possibilities that this research provides far outweigh the perils.

4. OSSTF in the Pre-Centralized Bargaining Era, 1919-1990

4.1: Introduction

In the fall and winter of 1923, Henry Rowe Hocking Kenner, provincial OSSTF president and a high school principal from Peterborough, Ontario, was making his way around the province, attending meetings of the OSSTF. Kenner was one of the original group of teachers and principals who had formed OSSTF in 1919.¹⁶⁷ In two articles published by the 1923/1924 edition of *School Magazine*, Kenner chronicles several district annual conventions he attended as a guest, as well as the provincial OSSTF annual convention on December 28. According to Kenner, OSSTF, in its fifth year of existence, was divided into fourteen districts, recorded a total of 1518 members, and had about \$1700 in the bank. Overall, Kenner describes an excellent turnout of each district's membership at their annual meeting. The meetings featured a keynote speaker on topics such as "the Secondary School system of Utopia" and "Ideal Schools and Schoolmasters." Attendees elected officers, listened to district reports and enjoyed a meal together. They also participated in a scheduled outing: "a delightful sail to Fenelon Falls" at the Port Hope meeting, a trip to Niagara Falls at the Hamilton meeting, and a rugby match in Kingston. Kenner notes the attendance of School Board Chairs and trustees at several of the meetings as

¹⁶⁷ Walter Clarke, *OSSTF Diamond Jubilee*, 11. Kenner was inducted into the Peterborough and District Sports Hall of Fame, which notes on their website that Kenner Collegiate and Vocational Institute, Peterborough's second high school, was named for him in 1952. Neither this account, nor Kenner's Wikipedia page, note his involvement with OSSTF.
<https://pdshof.com/inductees/henry-rowe-roy-hocking-kenner/>

guests. “It will be seen,” he writes, “that the OSSTF is not a trustee-baiting organization.”¹⁶⁸ Kenner wanted it publicly known that OSSTF preferred collegial, rather than antagonistic, relationships with their employers.

At the provincial OSSTF annual meeting at the YMCA in Toronto, Kenner describes the President’s address, elections of Provincial Officers, the financial report, and a luncheon off site, which included “community singing.”¹⁶⁹ Delegates spent the afternoon revising the constitution. The first amendment they made was to allow a broader base of secondary teachers to become members of OSSTF, which included references to teacher training and university accreditation. Another amendment outlined the appointment of a “Publicity Secretary” to work with the press “for the purpose of correcting any mis-statements made therein to the aims and objects or the doings of the Federation.” Delegates created a “Bureau of Information” so that teachers could access information on any secondary school or school board in the province. Finally, they added a clause that became the fifth object of OSSTF: “To promote a high standard of professional etiquette.” Kenner concludes that “the secondary teachers can be of very great assistance to the officers by maintaining a high standard of professional etiquette.”¹⁷⁰

¹⁶⁸ Henry Rowe Hocking Kenner, “The OSSTF as a Social Organization,” *The School Magazine*, September 2023 to June 2024, 350.

¹⁶⁹ Henry Rowe Hocking Kenner, “The Ontario Secondary School Teachers’ Federation,” *The School Magazine*, September 2023 to June 2024, 490.

¹⁷⁰ Henry Rowe Hocking Kenner, “The Ontario Secondary School Teachers’ Federation,” 491.

Kenner's descriptions of both the local and provincial OSSTF meetings provide clues about the organization and its vision in its formative years, though the context for the articles is an important consideration. *The School Magazine* was a publication of the Ontario College of Education (OCE), the predecessor of the University of Toronto's Ontario Institute for Studies in Education (OISE). At the time it was directly funded and controlled by the Ministry of Education and was the lone provincial institution responsible for the training of secondary teachers.¹⁷¹ Because of this, Kenner may have minimized any meeting discussions or reports regarding teacher compensation to the vague "round-table informal discussion of school problems" that he describes.¹⁷² OSSTF leaders were concerned about the perception of the Federation as a professional organization, one that was primarily focused on the state of public education, and not interested in "baiting trustees," as Kenner writes, who were their direct employers. In one of his articles, Kenner lists the following three objects of the Federation: "1. To discuss and promote the cause of education in the Secondary Schools of Ontario; 2. To raise the status of the teaching profession in this province; 3. To secure conditions essential to the best professional service."¹⁷³ There is no reference to 'debate' at all in Kenner's meeting descriptions, only business that is 'transacted'. Trustees, who were the direct employers of secondary teachers at the time, attended several of the meetings. There were

¹⁷¹ University of Toronto, OISE, Ontario Institute for Studies in Education. n.d. *History*. https://www.oise.utoronto.ca/oise/About_OISE/History_Facts.html

¹⁷² Kenner, "The OSSTF as a Social Organization," 349.

¹⁷³ Kenner, "The OSSTF as a Social Organization," 350.

“luncheons,” “banquets,” “outing,” and “social intercourse,” in keeping with the title of Kenner’s first article, “The OSSTF as a Social Organization.” Each name referenced in the meetings, including Kenner himself, is followed by their academic qualifications. In short, these gatherings are chronicled as orderly and respectable. They are not characterized as the heated meetings that one might imagine were taking place in union halls across Canada between 1919-1925, a time of unprecedented labour unrest and militant worker action.¹⁷⁴ Instead, Kenner’s narrative of OSSTF meetings are indicative of how the early organization wished to paint itself in the public sphere: as a collective body of professionals, tasked with the protection of public education. It is an important glimpse into the first five years of OSSTF, for the purposes of examining its current configuration.

This chapter is intended to provide a historical and contextual understanding of the formation, internal structures, and bargaining processes of OSSTF between 1919 and 1990, while also incorporating the history of education sector bargaining in Ontario. It serves as a foundation for analysis of the research data collected for this study. Understanding the union’s history, and the political contexts that have shaped that history, are essential to the analysis of its internal workings. In the telling of this history here, three intertwining themes emerge. The first theme is how continual intervention by the state shaped both the internal and

¹⁷⁴ Craig Heron, “Introduction,” in *The Worker’s Revolt in Canada: 1917-1925*, ed. Craig Heron (Toronto: University of Toronto Press, 1998), 3.

external landscapes of the union, so much so that this narrative is organized largely around key pieces of legislation enacted by respective provincial governments. This theme aims to demonstrate how elements of state control entered the structures of OSSTF from its very inception, with potential implications for the organization's internal democratic processes. The second theme focuses on how scales of power played out in collective bargaining. It will lay out how during this period, from a legislative perspective, bargaining was a local endeavour, but OSSTF developed a multiscalar approach internally. The third theme reveals evidence of how during its first 71 years, OSSTF has displayed both conservatism and militancy as strategies to advance their members' interests. This chapter recounts instances of ongoing internal tension between these two ideals, a tension that has shaped the organization throughout its existence and will likely continue to do so well into the future.

4.2: Forming OSSTF and The Pursuit of Professional Status: 1919-1944

The story of the founding of OSSTF is well documented by former OSSTF President Stanley G.B. Robinson, who penned a book on the union's first 50 years in 1971. Robinson refers to narratives by two individuals, one told by Toronto's Jarvis Collegiate principal John Jeffries, and another by Walter Clarke, a Latin teacher at Delta Secondary School in Hamilton. Both men went on to

become presidents of OSSTF.¹⁷⁵ Their accounts begin differently but then converge. Jeffries claims that the impetus for the formation of a high school teachers' federation came from a group of Toronto teachers who met informally in his office at Jarvis Street Collegiate in May 1919. This led to a secret meeting at the Central YMCA on November 12, 1919.¹⁷⁶ Meanwhile, Clarke describes how he penned an article for the *Hamilton Herald* on November 6, 1919 that argued for the better treatment of teachers, including higher salaries.¹⁷⁷ According to Clarke, colleagues clipped his article from one thousand copies of the *Hamilton Herald* and mailed it to every secondary school in Ontario, followed by a letter asking if staff representatives would be interested in attending a meeting held over the Christmas break.¹⁷⁸ Who was ultimately responsible for setting the inaugural meeting of OSSTF remains unknown, though the written invitation bore the signature of Toronto teacher Walter Keast.¹⁷⁹ Robinson notes the competing narratives from Jeffries and Clarke, and refers briefly to an "old traditional rivalry between Toronto and Hamilton" within OSSTF.¹⁸⁰ He suggests that Jeffries' and Clarke's accounts were demonstrative of similar conversations about the formation of a secondary teachers' federation happening in other parts of the province around the same time. Ultimately, both men's narratives agree that on

¹⁷⁵ Robinson, *Do Not Erase*, 11-15. Also, the Wikipedia page dedicated to Delta Secondary School in Hamilton, which closed in 2019, notes that Clarke was responsible for the creation of the school's Latin motto. [https://en.wikipedia.org/wiki/Delta_Secondary_School_\(Hamilton,_Ontario\)](https://en.wikipedia.org/wiki/Delta_Secondary_School_(Hamilton,_Ontario))

¹⁷⁶ Robinson, *Do Not Erase*, 12-14.

¹⁷⁷ Clarke, *OSSTF Diamond Jubilee*, 21.

¹⁷⁸ Clarke, *OSSTF Diamond Jubilee*, 21.

¹⁷⁹ Clarke, *OSSTF Diamond Jubilee*, 10.

¹⁸⁰ Robinson, *Do Not Erase*, 11.

December 30, 1919, thirty-seven secondary teachers and twenty-five principals assembled at the Oddfellow's Temple Hall in Toronto, suppressing their own fears about the personal and professional consequences of organizing a union.¹⁸¹

Organizers put in place careful security measures to prevent school boards from finding out that the meeting was being held.¹⁸² At that meeting, the Ontario Secondary School Teachers' Federation was formed. It was the second provincial teacher association to be formed in the province, after the Federation of Women Teachers of Ontario (FWTAO) in 1918.¹⁸³

The eventual formation of the OSSTF, as well as the other early teacher organizations, took place within the larger context of a growing and centralizing provincial state. Curtis describes the 1840's "a decade of state-building," specifically concerned with the form that a colonial state would take in the Province of Canada.¹⁸⁴ This was inextricably linked to the educational reform of the same era, which was reflective of the larger political struggles over power and control within a colonial administration.¹⁸⁵ The local schools of Upper Canada had initially been controlled by parents in the community, who utilized government grants to secure locations, hire teachers, and determine curriculum.¹⁸⁶ In 1841

¹⁸¹ Robinson, *Do Not Erase*, 21.

¹⁸² Robinson, *Do Not Erase*, 16.

¹⁸³ Smaller, "Gender and Status," 22; Graham, "Ontario Schoolmarms and Early Teaching in Ontario," 196.

¹⁸⁴ Bruce Curtis, "Preconditions of the Canadian State: Educational Reform and The Construction of a Public in Upper Canada, 1837-1846," in *Historical essays on Upper Canada: new perspectives*, ed. Bruce G. Wilson and J. K. Johnson, (Ottawa: Carleton University Press, 1989), 346-8.

¹⁸⁵ Bruce Curtis, "Preconditions of the Canadian State," 347.

¹⁸⁶ R. D. Gidney, and D. A. Lawr, "Bureaucracy vs. Community: The Origins of Bureaucratic Procedure in the Upper Canadian School System," in *Historical essays on Upper Canada: new*

and 1843, legislation shifted this power to elected school trustees, who subsequently gained the ability to impose taxes and fees to fund schools. Trustees were made responsible for managing schools, evaluating teachers, and setting teacher wages and working conditions.¹⁸⁷ With this, the state began to slowly supplant the family's role in socializing and educating children, with a view of establishing a centralized education system that was compulsory, standardized, and free.¹⁸⁸

In 1844, Reverend Egerton Ryerson was appointed as Superintendent of Education.¹⁸⁹ According to Curtis, Ryerson was a proponent of “responsible government” and believed that the purpose of education “was the successful training of the forces possessed by each individual. A successful training of these forces would create habits of mind and body conducive to productive labour, Christian religion and political order.”¹⁹⁰ Prentice describes Ryerson as having an “urban orientation” whose vision was of economic growth and the population of cities and towns.¹⁹¹ Graham contends that he was “the personification of the often-ruthless developing bourgeoisie, struggling to establish and maintain itself through the machinery of education.”¹⁹² In short, the new Superintendent of

perspectives. ed. Bruce G. Wilson and J. K. and Johnson, (Ottawa: Carleton University Press, 1989), 379.

¹⁸⁷ Bruce Curtis, “Preconditions of the Canadian State,” 348.

¹⁸⁸ Harry Smaller, “Teacher Unions, (Neo)Liberalism and the State: The Perth County Conspiracy of 1885,” *Paedagogica Historica*, 40 no. 1&2 (2004): 76.

¹⁸⁹ Bruce Curtis, “Preconditions of the Canadian State,” 350.

¹⁹⁰ Bruce Curtis, “Preconditions of the Canadian State,” 352

¹⁹¹ Alison Prentice, *The School Promoters: Education and Social Class in Mid-Nineteenth Century Upper Canada* (Toronto: McClelland and Stewart, 1977), 57.

¹⁹² Graham, “Ontario Schoolmarms and Early Teaching in Ontario,” 171.

Schools was the embodiment of what the colonial state envisioned for public education and was highly influential in bringing this vision to fruition. Like the politicians, school inspectors, and teachers of the era, Ryerson supported the concept of compulsory schooling, which was the subject of much debate at the time.¹⁹³ Graham argues that early proponents of mandatory school attendance viewed it as a way to civilize youth and suppress “the insubordination of the labouring poor.”¹⁹⁴ Prentice furthers this argument, contending that the expansion of public education in Upper Canada was intended to contain class conflict by promoting harmony between the social classes.¹⁹⁵ Put another way, the role of public education was to discipline children to the logic of capitalism. Teachers, then, would need to become the system disciplinarians, as well as be disciplined themselves.

The growth of education in Upper Canada placed considerable pressures on schools at the time and fueled debates over curriculum and teacher qualifications and training. In 1846, Upper Canada enacted the *Common School Act*. It laid out the bureaucratic structures of education and legislated the certification of teachers via training institutions called ‘Normal Schools.’¹⁹⁶ *The Common School Act* was the formalized beginning of what Smaller describes as

¹⁹³ Education became compulsory and free in 1871 for students between the ages of 7 and 12 for at least four months per year. Parents faced fines if they did not comply with the law. Philip Oreopoulos, “Canadian Compulsory School Laws and their impact on Educational Attainment and Future Earnings,” Statistics Canada, May 2005.

¹⁹⁴ Graham, “Ontario Schoolmarm and Early Teaching in Ontario,” 170.

¹⁹⁵ Prentice, *The School Promoters*, 131.

¹⁹⁶ MacLellan, “Neoliberalism and Ontario Teacher Unions,” 54.

the rise of state intervention in all aspects of schooling, including “enacting and administering legislation for the purpose of centralizing, standardizing, bureaucratizing, and controlling schooling practices, all aimed at the “proper” socialization of the colony’s youth.”¹⁹⁷ This bureaucratization meant that teachers had less input in decision-making, yet were now accountable to school officials in addition to parents and their communities. Smaller asserts that it was the state intervention in education that drove Upper Canada teachers, particularly elementary teachers, to collectively engage in advocacy via the formation of localized teachers’ associations in the 1840’s. He documents an increasing flurry of letters sent to the Education Office by representatives of these associations, which outlined concerns with items such as low salaries, certification processes, and the selection of Superintendents.¹⁹⁸ The letters are demonstrative of teachers’ growing contestation of their working conditions.

After 1846, teachers no longer negotiated individual contracts with parents but with local trustees. However, they still made poverty wages, had terrible working conditions, and could be hired and fired at will.¹⁹⁹ MacLellan notes that in 1855, the average salary of an Upper Canada teacher was equivalent to that of an oxen driver.²⁰⁰ Teachers were tasked not just with instruction of pupils, but with

¹⁹⁷ Smaller, “Gender and Status,”12.

¹⁹⁸ Smaller, “Gender and Status,”12.

¹⁹⁹ Barbara Richter, “It’s Elementary: a brief history of public elementary teachers and their federations,” Elementary Teachers’ Federation of Ontario, 2020, 21.

https://www.etfo.ca/getmedia/1a74b3c4-e376-4b97-b818-1da7c59bb13f/181204_HistoryETFO2008.pdf

²⁰⁰ MacLellan, “Neoliberalism and Ontario Teacher Unions,” 54.

the maintenance of schoolhouses and their grounds.²⁰¹ This maintenance was inclusive of social reproductive tasks like cleaning, keeping stoves stoked with firewood, and boiling water so students could have a hot lunch.²⁰² Because local trustees wanted to hire the cheapest labour available, the teacher work force was largely female.²⁰³ It made sense to teachers that the best way to push back against their poor working conditions was to collectively organize and raise public awareness of their plight.

Elementary teachers were the first to organize. Secondary teachers did not begin to organize until several decades later. Smaller theorizes several reasons for this. One is that secondary teachers, most of whom were male, generally had better working conditions than their mostly female elementary counterparts. Another is that their identity and social status, which was tied to their university education, dissuaded them from unionizing.²⁰⁴ Smaller argues that the Department of Education recognized the advantages of encouraging the pride that secondary teachers took in their university-educated status and consciously maintained a formal divide between secondary and elementary teachers. Lastly, Smaller notes the organization of secondary school workplaces,

²⁰¹ Marta Danylewycz, and Allison Prentice, "Teachers' Work: Changing Patterns and Perceptions in the Emerging School Systems of Nineteenth and Early Twentieth-Century Canada," *Labour/Le Travail* 17 (Spring 1986): 73.

²⁰² Barbara Richter, "Part II of It's Elementary: a brief history of public elementary teachers and their federations," *ETFO Voice* (Winter 2006), The Elementary Teachers' Federation of Ontario <https://etfovoice.ca/feature/part-ii-its-elementary-brief-history-ontarios-public-elementary-teachers-and-their>

²⁰³ Graham, "Ontario Schoolmarms," 181; Prentice, *The School Promoters*, 108.

²⁰⁴ Secondary teachers were formally required to hold degrees, beginning in 1920. See Graham, "Ontario Schoolmarms," 176.

where multiple teachers worked together under the supervision of male school principals, allowed closer supervision and management control. The opportunities for collective organizing may have been lesser than for their elementary colleagues, who worked alone in one-room schoolhouses and could gather in nearby communities unfettered by management interference.²⁰⁵

The formation of professional teacher associations also made sense to provincial education officials, particularly Egerton Ryerson. He expressed approval for them, but with specific caveats. Ryerson felt that these organizations should exist “under judicious arrangements,” meaning that they should be supervised by education officials.²⁰⁶ Smaller quotes Ryerson’s reasons for his approval of teacher associations, first from an 1846 report, and then from a province-wide circular from 1850, respectively: “The most accomplished would give a tone to the others ... men would learn ... the manner of keeping their position in society,” and “teachers themselves would assume responsibility for the purg[ing from their own ranks] of every inebriate, every blasphemer, every ignorant idler who cannot teach and will not learn.”²⁰⁷ Ryerson hoped that teacher associations would help promulgate the idea that the status of teachers was higher than that of the communities they served, yet at the same time, remain under the control of education authorities.²⁰⁸ He also envisioned them to be self-

²⁰⁵ Smaller, “Teacher Unions, (Neo)Liberalism and the State,” 78.

²⁰⁶ Harry Smaller, “The Teacher Disempowerment Debate: Historical Reflections on ‘Slender Autonomy.’” *Paedagogica Historica* 51, no. 1–2 (March 4, 2015): 143.

²⁰⁷ Smaller, “The Teacher Disempowerment Debate,” 143.

²⁰⁸ Smaller, “The Teacher Disempowerment Debate,” 143.

policing organizations, ones that would see teachers impose the standards of civility and virtuosity upon each other. After all, these were the standards that Ryerson himself espoused, and he wanted teachers to model them for students in the public school system.

With this, Ryerson was eager to construct a particular narrative of teacher professionalism, one that excluded the right to advocate for their interests.²⁰⁹ He spent a great deal of time and effort on ‘professionalizing’ teachers via teacher training. Ryerson preferred that teachers be trained at centrally controlled urban ‘Normal Schools,’ rather than community based ‘Model schools,’ but he praised the virtues of training for teachers in general.²¹⁰ In a report to the government in 1853, Ryerson wrote:

The Provincial Normal and Model Schools have contributed, and are contributing, much to the improvement of our Common Schools by furnishing a proper standard of judgment and comparison as to what such schools ought to be and how they should be taught and governed, and by furnishing teachers duly qualified for that important task.²¹¹

Further, the *School Act of 1871*, prepared by Ryerson, made professional development mandatory for teachers, in the form of compulsory attendance at teachers’ institute meetings. While teacher institutes date back to 1850, they had not initially been compulsory. After 1871, teachers who did not attend these institutes could face significant consequences. Milewski recounts the story of

²⁰⁹ Smaller, “The Teacher Disempowerment Debate,” 144.

²¹⁰ Graham, “Ontario Schoolmarms,” 178.

²¹¹ Harold J. Putham, *Egerton Ryerson and Education in Upper Canada* (Toronto: William Briggs, 23 October 2010), retrieved from <https://www.gutenberg.ca/ebooks/putman-egertonryerson/putman-egertonryerson-00-h.html>

Luella Dunn, who had her teaching certificate temporarily suspended because she did not attend the County Convention of the Ontario Teachers' Association in May of 1895.²¹²

According to Graham, teachers had two main objectives for organizing, and they represented a dichotomy. One objective viewed teachers as working people who needed a union; the other called for teaching to be recognized as a profession through the establishment of a regulating college. Yet, Graham explains, “the connotations of both unionism and professionalism implied too much autonomy to be tolerated by the central provincial authority, which was by this time busy consolidating an efficient bureaucracy.”²¹³ Education officials like Ryerson preferred a form of professionalism that was less about autonomy and more about self-sacrifice and improved education.²¹⁴ Historical records indicate that this premise formed the basis of early provincial teacher associations, at least initially.²¹⁵ According to Robinson, the records of early teacher organizations demonstrate that little attention was paid to salaries and tenure, and sometimes local trustees, the people who hired and fired teachers, were actually members.²¹⁶ Smaller describes how the Ontario Teachers' Association (OTA), formed in 1860, was “very much initiated, promoted, and subsequently controlled

²¹² Patrice Milewski, “Teachers’ institutes in late nineteenth-century Ontario,” *Paedagogica Historica* 44. no. 5 (October 2008): 607.

²¹³ Graham, “Ontario Schoolmarms,” 189.

²¹⁴ Graham, “Ontario Schoolmarms,” 189.

²¹⁵ Graham, “Ontario Schoolmarms,” 187.

²¹⁶ Robinson, *Do Not Erase*, 5.

by the provincial and local state education officials.”²¹⁷ Delegates at the organization’s founding meeting elected Thomas Robertson, principal of the Department of Education’s normal school, as the first OTA president.²¹⁸ The OTA’s ranks included teachers, superintendents, trustees, and provincial officials.²¹⁹ The OTA served as a cheerleader for the increasing bureaucratization and provincial control of education. They took positions on items such as teacher certification, textbooks, and curriculum.²²⁰ Male education officials held the highest offices within the organization, even though most teachers were women.²²¹

Still, teacher resistance outside of the OTA’s ranks endured, as the OTA continued to ignore the material interests of their membership. Smaller notes that local independent teachers’ associations continued to meet and lobby for improvements in their working conditions. In 1885, teachers met in Perth County to form a province-wide union, though they were unsuccessful due to state intervention.²²² However, the idea for an organization that could give teachers a say in their working conditions began to spread across the province.²²³ In 1892, the OTA merged with a number of smaller teacher and trustee groups to become the Ontario Education Association (OEA), which began to advocate for higher

²¹⁷ Smaller, “Gender and Status,” 14.

²¹⁸ Smaller, “Gender and Status,” 14.

²¹⁹ Robinson, *Do Not Erase*, 5.

²²⁰ Robinson, *Do Not Erase*, 6.

²²¹ Smaller, “Gender and Status,” 14.

²²² For more details of the Perth County story, see “Teacher Unions, (Neo)Liberalism and the State,” 75-91.

²²³ Smaller, “Gender and Status,” 16.

teacher salaries and tenure. Other local organizations of teachers continued to come in and out of existence, to fight for items such as sick benefits and formalized processes to deal with job vacancies.²²⁴

By 1917, like other workers across Canada after the First World War, Ontario teachers sought a greater share of the growing economic prosperity around them. Though they did not necessarily align themselves with other workers in the labour movement, it is unlikely that they could ignore the political movements of the time, both in their own nation and beyond. Labour historian Craig Heron has characterized the period between 1917-1925 in Canada as ‘The Workers’ Revolt’. “Never before,” Heron writes, “had workers posed such a broadly based and potent challenge to the existing structures and ideologies of class rule in Canada.”²²⁵ Fear of communism and worker revolution occupied employers, politicians, and business leaders alike. In Southern Ontario alone, the number of days lost to strikes went from 25,000 in 1915 to over 120,000 in 1918, and union membership ballooned into 1919.²²⁶ Notably, this union membership extended beyond skilled men to include workers in more female-dominated jobs such as retail clerks and telephone operators.²²⁷ Provincial government employees did not yet have the right to unionize, bargain or strike.²²⁸ Instead, like

²²⁴ Robinson, *Do Not Erase*, 8.

²²⁵ Heron, “Introduction,” 7

²²⁶ James Naylor, “Striking at the Ballot Box,” in *The Worker’s Revolt in Canada: 1917-1925*, ed. Craig Heron (Toronto: University of Toronto Press, 1998), 147.

²²⁷ James Naylor, “Striking at the Ballot Box,” 147.

²²⁸ Charles Smith, “The Ghosts of Wagnerism: Organized Labour, Union Strategies, and the Charter of Rights and Freedoms,” *Canadian Journal of Law and Society* 34, no. 1 (2019): 102.

teachers, these workers formed voluntary associations that largely played a consultative role with their employers and generally avoided conflict. The first public sector strike in Canada took place in 1918, when letter carriers illegally walked off the job for ten days and made significant gains in both wages and working conditions.²²⁹

Worker unrest in Canada, along with the famed Winnipeg General Strike in May and June 1919, must have been on the minds of the Ontario teachers as they sought to collectively organize. A *Globe and Mail* article from April 9, 1920 details the founding of a new province-wide teachers' federation and its aim to secure larger salaries.²³⁰ Newly minted federation secretary Charles G. Fraser²³¹ is quoted: "If they do not want us to form a Labor union and threaten to strike, they should do the fair thing without compulsion...we hope a new day is dawning when we will have influence not only in raising salaries, but also arranging transfers and promotions."²³² Fraser's words support Heron's assertion that the workers' revolt at this time was not uniform across the country, revealing both "radicalism and moderation."²³³ Fraser's underlying message was that 'labor unions' were radical, while teacher federations were not. However, he clearly

Smith also notes that in 1944, public sector workers in Saskatchewan won the right to collectively bargain and strike, well ahead of other provincial workers in Canada.

²²⁹ Evans, "When Your Boss is the State," 19.

²³⁰ The article does not include the name of the federation formed, but other historical accounts point to the Ontario Public School Men's Teacher Federation (OPSTMF), which was formed in 1920.

²³¹ Charles G. Fraser Junior Public School in the Toronto District School Board is named for Mr. Fraser, who served as the school's principal from 1909-1928. <https://www.tdsb.on.ca/find-your/schools/schno/5251>

²³² "Teachers Now Are Organized for Bigger Pay." April 9, 1920. *The Globe and Mail*.

²³³ Heron, "Introduction," 6.

threatened more radical action if school trustees did not comply with the federation's demands.

For the most part, OSSTF's founders were moderates. As mentioned previously in this chapter, secondary teachers saw themselves as professionals first and foremost, rather than as workers within a larger class struggle. Like other white-collar workers who formed unions at the time, they did not align themselves with the rest of the labour movement.²³⁴ As Hurd has noted in his own study of an American 'professional' union, "professional workers' attitudes towards unions are ambivalent. There is a degree of elitism among professionals who take great pride in their abilities, intelligence, and accomplishments."²³⁵ This orientation is aptly demonstrated by OSSTF's use of 'federation' rather than 'union' in their organization's name. Second, as noted by the records of the founding meeting, principals—whose job was and continues to be to manage teachers and schools—were key actors in OSSTF's formation, as they played a role in the organization of earlier teacher associations. The inclusion of management within OSSTF would have likely served to temper any radical elements within the organization that arose. Lastly, the early insider accounts of OSSTF's formation make it clear that its founders did not want to be associated with the radicals and militants that were being publicly vilified by the media and arrested by the state.²³⁶ Specifically, these accounts make reference to ensuring that these

²³⁴ Heron, "Introduction," 6.

²³⁵ Richard Hurd, "Professional Employees and Union Democracy: from Control to Chaos," *Journal of Labor Research* 21, no. 1 (Winter 2000): 106.

²³⁶ James Naylor, "Striking at the Ballot Box," 150.

teachers were not viewed as ‘Bolsheviks,’ a reference to members of the Russian Communist Party who had recently overthrown the Tsar and formed the Soviet Union. For example, teacher Walter Clarke’s account of the formation of OSSTF notes that the front-page headline of the *Globe and Mail* on December 30, 1919 “reflected public concern over anything thought to be Bolshevik at that time.”²³⁷ Below this observation, he includes a photo of teachers and administration from the Jarvis Street Collegiate Institute in Toronto taken in 1924. Clarke provides a description of the photo, the final line of which reads: “Not one Bolshevik in their midst.”²³⁸ Clarke was clearly interested in not being associated with communists or radical unionists. Like his teacher colleagues, he considered himself to be a professional first and foremost.

At the founding meeting of OSSTF in 1919, delegates elected Colonel William C. Michell as their first president. Robinson asserts that this was deliberate, as “Canadian Army Generals make very poor Bolsheviks.”²³⁹ Delegates elected other officers and appointed a solicitor. They also divided the federation into fourteen districts: Windsor, London, Hamilton, Stratford, Harriston, Barrie, Toronto City, Toronto Suburban, Port Hope, Kingston, Vankleek Hill, Ottawa, North Bay, and Port Arthur.²⁴⁰ The reason for this organization was for ease of travel: these centres fell on railway lines.²⁴¹ According to Robinson, the

²³⁷ Clarke, *OSSTF Diamond Jubilee*, 14.

²³⁸ Clarke, *OSSTF Diamond Jubilee*, 14.

²³⁹ Robinson, *Do Not Erase*, 17.

²⁴⁰ Robinson, *Do Not Erase*, 21.

²⁴¹ Robinson, *Do Not Erase*, 22.

minutes of the inaugural meeting dealt with issues of salary and tenure only, with “no mention of the phrase “status of the profession” which we have heard so frequently for the past many years.” This, along with his analysis of the average secondary teacher’s salary and consumer price index of the time, form the basis for his assertion that the impetus for the formation of OSSTF was primarily economic.²⁴² Other historical sources support this claim, including a 1938 *Globe and Mail* article that outlined a proposed plan at the OEA’s Easter Convention to incorporate the three existing Ontario teacher federations into the OEA. Included in the article is an explanation by J. Dunlop, OEA Policy Committee Chairman, that “originally...the federations were formed to discuss teachers’ salaries and working conditions,” whereas organizations like the OEA considered “professional and academic questions.”²⁴³

A report from the OSSTF annual meeting in 1920 indicates that the federation had enrolled 1013 members in its first year of existence, and President Michell informed delegates that almost 90 percent of Ontario secondary teachers had become members to date.²⁴⁴ This was quite the achievement, considering that membership in teacher federations was completely voluntary and involved the payment of a fee. Delegates discussed and debated the use of written contracts and a standardized salary scale. They also debated and passed a notable motion put forth by Miss Jessie Muir, one that is proudly highlighted by all

²⁴² Robinson, *Do Not Erase*, 21-2.

²⁴³ “One Voice Aim for Education: Plan to Incorporate Three Teachers’ Federations into OEA Proposed,” *The Globe and Mail*, February 4, 1938.

²⁴⁴ Robinson, *Do Not Erase*, 26-7.

OSSTF's accounts of their history. The motion read: "*that the principle of equal pay for equal work be formally adopted into the general policy of this federation and that the adoption of this policy be at once made public through the press.*"²⁴⁵

With this, the federation sent the message to school boards that the historical practice of paying women teachers less than their male counterparts was no longer acceptable to members of OSSTF.

OSSTF spent their first five years increasing their membership and organizing districts.²⁴⁶ As we know from President Kenner's account (described at the outset of this chapter), the membership grew to 1518 in 1923.²⁴⁷ In 1925, OSSTF incorporated as a non-profit company, in order to prevent individual members of the Provincial Executive from individually facing legal action by school boards.²⁴⁸ The depression of the 1930's impacted OSSTF's ability to secure better salaries for their members.²⁴⁹ Smaller describes that this was a period when teacher association leaders were largely cooperative with state officials and conservative in their aims.²⁵⁰ In 1935, FWTAO, the Ontario Public School Men Teachers' Federation (OPSMTF) and OSSTF formed the Ontario Teachers' Council (OTC), hoping to present their common concerns to education officials as a united front.²⁵¹ A *Globe and Mail* article dated December 28, 1937

²⁴⁵ Robinson, *Do Not Erase*, 28.

²⁴⁶ Robinson, *Do Not Erase*, 32.

²⁴⁷ Kenner, "The Ontario Secondary School Teachers' Federation," 489.

²⁴⁸ Robinson, *Do Not Erase*, 33.

²⁴⁹ Robinson, *Do Not Erase*, 34.

²⁵⁰ Harry Smaller, "The teacher disempowerment debate," 148.

²⁵¹ Robinson, *Do Not Erase*, 290. Robinson notes that the impetus for the formation of the Ontario Teachers' Council initially grew out the need of the federations to meet jointly with the government

relays some of the proceedings of the 1937 OSSTF annual meeting at the Royal York Hotel in Toronto. S. H. Henry, OSSTF Secretary, reported to members that “the body has achieved a substantial degree of success in its main objective for 1937—the restoration of salaries throughout the province.”²⁵²

During the years of the Second World War, there was diminished interest in public education, and this caused frustration amongst teachers.²⁵³ In 1940, a *Globe and Mail* report on the OSSTF December 27 annual meeting provides insight into key internal debates within the federation at the time. According to the report, the meeting was set to hold discussions about the “teaching of citizenship” and “the meaning of democracy.”²⁵⁴ However, the meeting would also include a “special ‘extracurricular’ program” that the federation wished to highlight. “Special attention,” the report described, “will centre on the desirability of one federation for all Ontario teachers.”²⁵⁵ Clearly, teachers were considering a further way to amass the collective power they needed in order to promote their interests. It was a foreshadowing of the significant legislation that was to come.

4.3: The *Teaching Profession Act*, 1944

with regard to the teachers’ superannuation fund, the precursor to the Ontario Teachers’ Pension Plan, which had been established by Egerton Ryerson in 1871. The Ontario Teachers’ Council was the precursor to the Ontario Teachers’ Federation.

²⁵² “Teachers to Seek Larger Federal Grants: High School Body Secures Wage Boosts,” *The Globe and Mail*, December 28, 1937.

²⁵³ Robinson, *Do Not Erase*, 302.

²⁵⁴ “Teachers’ Federation Meeting Set for Today,” *The Globe and Mail*, December 27, 1940.

²⁵⁵ “Teachers’ Federation Meeting Set for Today,” *The Globe and Mail*, December 27, 1940.

On September 6, 1943, a small notice appeared on page 8 of the *Globe and Mail*. The headline read “Teachers to Vote Soon On Federation Issue.” According to the notice, which had been issued by the executive committee of OSSTF, all secondary teachers in the province “will probably be asked to record their vote for or against the principle of Provincial legislation that would make membership in the federation compulsory.” The vote would begin within two months, and “present voluntary membership is more than 90 per cent.”²⁵⁶ At the request of the Ontario Teachers’ Council, Deputy Education Minister Duncan McArthur assisted in the creation of draft legislation for all teachers across the province to consider.²⁵⁷ The result of OSSTF’s all-member vote, as documented by Robinson, supported the recommendation of their membership committee that mandatory membership was a positive step for the Federation. Secondary teachers voted resoundingly in favour of legislated compulsory membership, with 3479 votes in favour and only 342 opposed, with 91% of OSSTF members casting a vote. There were just shy of 4000 secondary teachers in the province at the time.²⁵⁸ With 90 percent of secondary teachers already voluntary members of OSSTF, why would teachers and their federation want to be subjected to legislated membership? The answer seems to lie in the prospect of organizing teachers into a single body through which they could have more collective influence.

²⁵⁶ “Teachers To Vote Soon on Federation Issue,” *The Globe and Mail*, September 6, 1943.

²⁵⁷ Robinson, *Do Not Erase*, 302.

²⁵⁸ Robinson, *Do Not Erase*, 301.

Both Robinson and Smaller explain a key difficulty that early provincial teacher federations faced in Ontario: organizing members in rural areas. In particular, elementary teachers, who worked alone in one-room schoolhouses, were difficult to contact even by mail. This was compounded by the general precarity of these positions. By 1942, FWTAO had only managed to organize 45 percent of eligible members, while OPSTMF had organized about 67 percent.²⁵⁹ OSSTF was in a better position with 90 percent, Robinson explains, because secondary schools tended to be in urban areas. Quite simply, secondary school teachers were easier to reach. Still, membership committees needed to be incessant in their organizing in order to maintain membership levels. “Automatic membership,” Robinson asserts, “had in a measure the same advantage to OSSTF as it had to the other two federations, in that it would free the organization of a major area of activity which took time and considerable money.”²⁶⁰ However, he also notes that OSSTF likely had an additional motivation: professional status. Compulsory membership was a key feature of the most highly regarded professions of the time. “Lack of status in the public mind was a gnawing irritant to the secondary school teacher...he had once been recognized as a man of learning in his community. He now felt himself to be a servant hired to do a job at the lowest salary possible.”²⁶¹ Truly a man of his time, Robinson’s gendered language indicates that he did not consider how gender

²⁵⁹ Robinson, *Do Not Erase*, 293.

²⁶⁰ Robinson, *Do Not Erase*, 293.

²⁶¹ Robinson, *Do Not Erase*, 293.

would have played a role in OSSTF’s pursuit of professional status for their mostly male membership.

Robinson’s account of the impetus behind the drive for statutory membership draws heavily from a June 1943 article from OSSTF’s member publication, the *Bulletin*. He includes the text of the entire article, which outlines a detailed summary of the pros and cons of statutory membership in teacher federations. Robinson explains that it reflects the culmination of discussions by secondary teachers about “automatic membership” over a span of eight years.²⁶² The *Bulletin* article provides excellent evidence for the analysis of the teacher federations’ motivations at the time. Included in the long list of arguments in favour are the ones already described—the ability to organize teachers, and the notion that belonging to a professional organization “will give the teaching profession the long overdue public recognition as a profession with training, authority and importance to the public welfare equal to that of the autonomous professions of law and medicine.”²⁶³ Linked to this was the idea that this professional status would motivate school boards to concede the “the right of employees to collective bargaining.”²⁶⁴ Other points focus on the potential financial and organizational gains for the federation and the success of “Professional Acts” in other provincial jurisdictions, namely Alberta, Saskatchewan, Manitoba and New Brunswick.²⁶⁵ The requirement that teachers

²⁶² See Robinson, *Do Not Erase*, 296-302.

²⁶³ Robinson, *Do Not Erase*, 297.

²⁶⁴ Robinson, *Do Not Erase*, 297.

²⁶⁵ Robinson, *Do Not Erase*, 297.

follow a “code of ethics” is also presented as an argument in favour, along with “protection against unfair treatment by teachers” for school boards that were “dealing honourably and generously with their teachers.”²⁶⁶ In short, the arguments in favour present a compromise—in exchange for elevated status and the recognition of teachers as a profession, which carried with it the assumption that this would improve their ability to advocate for their needs and material interests, school officials would get a disciplined, self-regulating workforce.

The article from OSSTF’s *Bulletin* also included the “criticisms and fears which have been expressed,” along with documented rebuttals that captured details of internal debates. The claim that “automatic membership is undemocratic” and inhibits teachers’ freedom of choice forms the basis for many of the arguments against.²⁶⁷ Another concern is the abuse of power by union representatives, who may also be duly influenced and controlled by education officials, along with the fear that minority interests would fall to the wayside.²⁶⁸ Notably, the examples provide a glimpse into the internal tensions of the federations: “the men (4,000) will be outnumbered by the women (11,000); the secondary outnumbered by the elementary.”²⁶⁹ Finally, there is the charge that “The Department of Education may, by holding the “big stick” over our heads, attempt to control our decisions and privileges.”²⁷⁰ The recorded rebuttals to

²⁶⁶ Robinson, *Do Not Erase*, 298.

²⁶⁷ Robinson, *Do Not Erase*, 299.

²⁶⁸ Robinson, *Do Not Erase*, 300.

²⁶⁹ Robinson, *Do Not Erase*, 300.

²⁷⁰ Robinson, *Do Not Erase*, 300.

these fears claim that they are based in a “misunderstanding of democracy,” and that the development of internal rules and bylaws would ensure fairness of representation within the organization. However, the overall theme of the responses is that professional status would solve just about everything, by raising the power of teachers to advocate with their superiors: “do you think that lawyers or doctors [are] being deprived of freedom of choice and action?” and by compelling individual teachers to act fairly and ethically due to “a growing sense of or our common profession.” Judging by the results of the internal vote that OSSTF held on statutory membership, it appears that the Federation and its members were largely convinced by the argument that a raised professional status would improve their lot overall. Members of FWTAO and OPSMTF were equally convinced; they also voted strongly in favour of proposed legislation to make federation membership mandatory.²⁷¹ With the majority of teacher association members behind them, the Ontario Teacher Council now had a mandate to work with the government.

State officials were interested in preventing radicals from entering Ontario’s teacher complement, and it served their interests to confine teachers into professional associations rather than have them seek out trade union membership. “Obviously,” Graham writes, “the Department of Education had so

²⁷¹ Robinson notes that the combined vote of OSSTF, OPMSTF and FWTAO resulted in a ratio of 13 to 1 in favour, see Robinson, *Do Not Erase*, 303, while Roald notes it was 14 to 1 in favour: see Jerry Bruce Roald, “Pursuit of Status: Professionalism, Unionism and Militancy in the Evolution of Canadian Teachers’ Organizations, 1915-1955,” PhD diss., (University of British Columbia, 1970), 471.

<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0104083>

much interest in maintaining the kind of lukewarm, undemanding “professionalism” that the teachers’ federations had developed, that it suited the government to protect their existence by legislation.”²⁷² On April 5, 1944, with the urging of teacher federation leaders, the provincial government enacted the *Teaching Profession Act*, which mirrored legislation passed in Saskatchewan in 1935. The Act statutorily recognized FWTAO, OPSMTF, OSSTF, OECTA,²⁷³ and L’association des enseignants franco ontariens (AEFO)²⁷⁴ as the five organizations that represented Ontario’s teachers, but it stopped short of granting them collective bargaining rights.²⁷⁵

In his critical analysis of the Act, Smaller notes: “The advantages of this extraordinary legislation, which is unique in the Western world, soon became evident to legislators across the country, and within two decades virtually every Canadian province had passed similar bills.”²⁷⁶ These “advantages” were that of teacher control. The Act made it mandatory for all teachers and principals to belong to the newly created Ontario Teachers’ Federation (OTF), which was based upon the former Ontario Teachers’ Council. It then sorted them into one of the five teacher associations under OTF’s umbrella, which protected the

²⁷² Graham, “Ontario Schoolmarms and Early Teaching in Ontario,” 198.

²⁷³ Catholic elementary and secondary teachers formed the Ontario Catholic English Teachers’ Association, or OECTA, in 1944.

²⁷⁴ Francophone elementary and secondary teachers founded L’association des enseignants franco ontariens (AEFO) in 1939.

²⁷⁵ Harry Smaller, “The Teaching Profession Act in Canada: A Critical Perspective,” in *Labour Gains, Labour Pains: Fifty Years of PC 1003*, ed. Cy Gonick, Paul Phillips, and Jesse Vorst (Winnipeg: Fernwood Publishing, 1995), 343.

²⁷⁶ Harry Smaller, “The Teaching Profession Act,” 342.

autonomy of each association and allowed them to pursue their separate interests.²⁷⁷ Like similar legislation in other provinces, the Act also made the activities and internal structures of the Ontario Teachers' Federation, inclusive of its constitutions and bylaws, subject to "regulations approved through orders in Council" of the provincial government.²⁷⁸ This fact, Smaller explains, resulted in a form of internal democracy that is "highly bureaucratic, as a result of the laid-on structures assigned through governmental regulation."²⁷⁹ This level of state intervention in the regulation of their organizations, Smaller asserts, set Ontario teachers and their provincial counterparts apart from educators and unionized workers in Canada and other places in the Western world. Additionally, he notes that this intervention appeared to be perfectly acceptable to the leaders of the teacher associations themselves.

The *Teaching Profession Act* focused on a particular narrative of professionalism, including the requirement that designated teacher organizations discipline their members' unprofessional behaviour. The Act was silent on teacher bargaining rights and prevented teachers from changing associations or from rejecting unionization entirely, which is normally a mechanism that union members can use to hold their leaders accountable.²⁸⁰ But the biggest question the legislation raises, for the purposes of this research, is its implications for the

²⁷⁷ The five organizations were OSSTF, AEFO, OECTA, FWTAO and OPSMTF. FWTAO and OPSTF (formerly OPSTMF) merged in 1998 to become ETFO, see Hanson, *Class Action*, 165.

²⁷⁸ Harry Smaller, *The Teaching Professional Act in Canada: A Critical Perspective* (1995), 342.

²⁷⁹ Harry Smaller, *The Teaching Professional Act in Canada: A Critical Perspective* (1995), 343.

²⁸⁰ Harry Smaller, *The Teaching Professional Act in Canada: A Critical Perspective* (1995)

democratic life of the organization. It is common for unions to face legislative bargaining regimes that limit their collective action, ability to strike, and even the issues that they can negotiate. This is especially true of public sector unions, including OSSTF and other teacher federations in Ontario over time.²⁸¹ What is uncommon is that the state in Canada is generally not involved in the legislation of internal union governance.²⁸² The *Teaching Profession Act* enshrined the state's power in determining the Ontario Teachers' Federation's constitution, bylaws, and key objectives, but did not provide teachers with collective bargaining rights. Interestingly, the state had not just suddenly inserted itself into the internal affairs of teacher organizations. In their pursuit of professional status, Ontario teachers themselves had very deliberately invited them in.

4.4: Teacher Negotiations 1944-1975

Joseph B. Rose describes the process of teacher negotiations in Ontario prior to 1975, before teachers won bargaining rights, as the stage of “association-consultation,” where “teacher associations and school boards consulted on matters of mutual interest.”²⁸³ Early teachers negotiated individual contracts with school boards, and their wages and working conditions depended upon the

²⁸¹ Panitch and Swartz, *From Consent to Coercion*.

²⁸² Michael Lynk, ‘Union democracy and the law in Canada,’ *Journal of Labor Research* 21 (March 2000): 16-30.

²⁸³ Joseph B. Rose, “The Evolution of Teacher Bargaining In Ontario,” in *Dynamic Negotiations: Teacher Labour Relations in Canadian Elementary and Secondary Education*,” in *Dynamic Negotiations: Teacher Labour Relations in Canadian Elementary and Secondary Education*, ed. Sara Slinn and Arthur Sweetman (Montreal: McGill-Queen's University Press, 2012), 200.

goodwill—or not—of school trustees.²⁸⁴ Because school boards levied the taxes to fund education in their communities, they thus had autonomy over education spending, including the cost of teacher contracts.²⁸⁵ By the 1920's, some contracts were being negotiated by the early teacher associations. OSSTF's historical accounts indicate that as early as 1921, the Bracebridge High School Board adopted the "standard salary of OSSTF."²⁸⁶ However, teacher associations still had no legal standing and any bargaining relationships with local school boards were voluntary. While school boards accepted that teachers could be represented by their respective associations, they were not legally required to respond to their concerns. Rose notes that this informality was part of the reason for the disillusionment that arose with the association-consultation bargaining model, in addition to its lack of mechanisms for resolving conflicts between teachers and boards.²⁸⁷ Teacher federations had to come up with their own creative pressure tactics in the absence of bargaining rights.

OSSTF began to issue 'pink letters' (also known as 'pink listings') that advised their members against applying to teaching positions where a dispute existed between the school board and its teachers. A pink letter included a warning that any teacher who defied their direction would lose the support of their association in future disputes with their employer. Pink letters effectively

²⁸⁴ Andy Hanson, "Achieving the Right to Strike: Ontario Teachers' Unions and Professionalist Ideology," *Just Labour: A Canadian Journal of Work and Society* 14 (Autumn 2009):125.

²⁸⁵ MacNeil, "Collective Bargaining between Teachers and the Province of Ontario," 125.

²⁸⁶ OSSTF/FEESO, *One Hundred Years Strong* (Toronto: Ontario Secondary School Teachers Federation, 2019), 15.

²⁸⁷ Rose, "The Evolution of Teacher Bargaining In Ontario," 200.

prevented a school board from filling teacher vacancies.²⁸⁸ Numerous school boards attempted to take legal action in order to shut down the practice, but were unsuccessful.²⁸⁹ According to OSSTF records, the federation issued its first pink letter in Bowmanville in 1947.²⁹⁰ Mass resignations were another tactic used by teachers to deal with various school and board-based disputes, though OSSTF's provincial body didn't formally support the practice at the time. In his telling of OSSTF's early history, Robinson recounts the story of a school in southern Ontario where teachers resigned en masse in order to compel the school board to remove their errant Principal.²⁹¹ In 1948, the government enacted the *Ontario Labour Relations Act*, but teachers were excluded.²⁹² Despite their lack of formal standing with employers, OSSTF continued to have some success in negotiating uniform salary schedules with local school boards.²⁹³

Media reports and other sources provide clues of the internal tensions that arose within OSSTF in the period between the passage of the *Teaching Profession Act* and 1975, when mass action by Ontario teachers finally achieved legal collective bargaining rights in the form of Bill 100. As outlined earlier, negotiations during this time consisted of informal "association-consultation" processes that did not exist within a legislative bargaining regime, and school

²⁸⁸ Rose, "The Evolution of Teacher Bargaining In Ontario," 200-201. Pink letters are still used by OSSTF today.

²⁸⁹ Robinson, *Do Not Erase*, 108.

²⁹⁰ Robinson, *Do Not Erase*, 47.

²⁹¹ Robinson, *Do Not Erase*, 155.

²⁹² Hanson, "Achieving the Right to Strike," 121.

²⁹³ Mary Lu Brennan, "Right to Strike and Teacher Bargaining," Toronto, OSSTF Research Library Information and Archives, 2010-2017, 3.

boards were not required to respond to grievances put forth by the teacher federations. This frustration drove Hamilton's OSSTF district to retain legal counsel in order to investigate certification under the Ontario Labour Relations Act (OLRA) in 1948. Notably, this was shortly after a period of extensive strike activity in Hamilton, including the 1946 strike by Stelco workers.²⁹⁴ As Roald describes, "the Hamilton local continued to be a thorn of unionism pricking the OTF's professional image."²⁹⁵ Despite such internal tensions, OSSTF provincial leaders were public in their belief that striking wasn't the way for professionals to have their concerns dealt with.

A *Globe and Mail* report dated February 14, 1950, uses a quote from OSSTF President T. W. Mayor as its headline: "Ontario Teachers Shun Unionism, President Says."²⁹⁶ The article reports OSSTF's position "that teachers will continue to seek full professional status rather than affiliate with a labor union." President Mayor, the article states, asserted that the "road leading to professionalism" was "in the best interests of education and the public." Despite his admission that this professionalism had yet to be achieved, Mayor claimed that "much progress has been made and the teachers of Ontario are well content to pursue their chosen course, despite the expressed views of labor are that we

²⁹⁴ Rob Kristofferson and Simon Orpana, *Showdown! Making Modern Unions*, (Toronto: Between the Lines, 2016).

²⁹⁵ Jerry Bruce Roald, "Pursuit of Status: Professionalism, Unionism and Militancy in the Evolution of Canadian Teachers' Organizations, 1915-1955," PhD diss., (University of British Columbia, 1970), 304.

<https://open.library.ubc.ca/cIRcle/collections/ubctheses/831/items/1.0104083>

²⁹⁶ "Ontario Teachers Shun Unionism, President Says," *The Globe and Mail*. February 14, 1950.

are snobbish, if not foolish, in our attitude.”²⁹⁷ Five years later, another *Globe and Mail* report on the OSSTF Annual General Meeting of December 28, 1955 captured OSSTF President David L. Tough’s plea with delegates to “end fights over pay,” claiming that “the public got the impression that teachers were interested only in money.” Tough expressed sympathy with municipal and provincial governments faced with the rising costs of schooling and called for more funding from the federal government.²⁹⁸

Conflict amongst the federations of OTF was evident as well. On August 25, 1955, the *Globe and Mail* ran the headline “Salary Schedule Issue Threatens to Disrupt Teachers’ Federations.”²⁹⁹ At issue was the concept of a single salary scale for all teachers across the province, with OPSMTF and FWTAO in favour, and OSSTF against (there is no mention of OECTA or AEFO’s positions on the matter). According to the report, the issue had come to a head during bargaining in Toronto in 1953-1954 when members of the OSSTF Toronto district threatened to resign en masse if their school board did not revoke their single salary schedule for teachers. When the issue came to a vote at the OTF, its governors sided with OSSTF: “it was suggested that the vote on the matter was a choice between maintaining harmony among the OTF affiliates—at the expense of principles for which the women have been fighting for five years.”³⁰⁰ Members of

²⁹⁷ “Ontario Teachers Shun Unionism, President Says.”

²⁹⁸ “End Fights Over Pay, Federation Head Urges Teachers,” *The Globe and Mail*. December 28, 1955.

²⁹⁹ “Salary Issue Threatens to Disrupt Teachers’ Federation,” *The Globe and Mail*, August 25, 1955.

³⁰⁰ “Salary Issue Threatens to Disrupt Teachers’ Federation.”

OSSTF still firmly believed that teaching secondary school merited higher pay than that of their elementary counterparts.

Further media reports provide insight into some of the education issues that OSSTF did take up at the time. A *Globe and Mail* account of the 1960 OSSTF Annual meeting describes the address of President Donald Thomas, a high school acting Principal, who warned delegates that any failure by OSSTF to “face up to educational policy decisions of major importance” could result them having “only squatters’ rights” in education, rather than the power and leadership that they sought. He indicated that if the only contact between OSSTF and the public was for salary negotiations, it could fuel mistrust of “teachers’ professional organizations.” Instead, Thomas wanted OSSTF to weigh in on issues such as the governance of junior high schools, driver education, and Grade 13.³⁰¹ Still, OSSTF’s aversion to engaging in disruptive activities themselves did not necessarily prevent them from showing solidarity with other labour groups engaged in job action. On October 13, 1961, they announced that they would be moving their December Annual Meeting to Hamilton from the usual site of the Royal York Hotel in Toronto. The move indicated OSSTF’s refusal to cross the picket lines of striking hotel workers.³⁰²

The 1960’s ushered in a period of generalized social and political unrest. The civil rights movement, anti-Vietnam war protests, the environmental

³⁰¹ “Solve Problems or Lose Power, Teachers Told,” *The Globe and Mail*, December 28, 1960.

³⁰² “Teachers’ Group Refuses to Cross Royal York Picket Line,” *The Globe and Mail*, October 13, 1961.

movement, and feminism's second wave were all a backdrop for rising teacher militancy. These social movements influenced the influx of young teachers entering the profession, making them more likely to take up militant action.³⁰³ Yet, in a letter to the *Globe and Mail* dated November 27, 1968, OSSTF Vice-President Ward McAdam felt the need to publicly clarify recent media suggestions at that time that OSSTF "has changed its character from a professional association to a 'labour union'." McAdam relayed the negotiations process between school boards and local OSSTF districts, describing how "when local negotiations have reached an impasse, the Provincial Executive of OSSTF has been called in to assist." He insisted that the resignation of a teacher at the end of their contract does not constitute a 'strike'. "Let this be clear," McAdam wrote, "Ontario secondary school teachers do not 'strike'. They have never gone on 'strike'."³⁰⁴ Still, McAdams indicated in his letter that OSSTF had been studying the idea of teacher collective bargaining legislation and had recently removed an internal policy that prevented locals from using conciliation and arbitration processes. Gaining the legal right to collectively bargain was clearly on the minds of OSSTF leaders and members. Some parts of the public sector had already achieved bargaining rights by the late 1960's, but teachers continued to be excluded.³⁰⁵

³⁰³ R. D. Gidney, *From Hope to Harris: The Reshaping of Ontario's Schools* (Toronto: University of Toronto Press, 2002), 117.

³⁰⁴ Ward McAdam, "Teachers' Federation" (Letter to the Editor), *The Globe and Mail*, November 27, 1968.

³⁰⁵ Rose, "The Evolution of Teacher Bargaining In Ontario," 200.

The 1966 OSSTF Annual Meeting put the disillusionment of some OSSTF members with their federation on full display, regarding both the federation's objectives and internal practices. Barrie Zwicker of the *Globe and Mail* reported on December 24 that teachers were "ready to assail the efficiency of [their] federation."³⁰⁶ With a membership that had grown to 22,000, 500 delegates were scheduled to attend the meeting and debate 472 resolutions, including a large proportion of resolutions critical of "the handling of federation affairs."³⁰⁷ Teachers from Toronto, Ottawa and Peterborough had a litany of grievances, including a lack of transparency in the handling of the federation's finances, the lack of attention OSSTF paid to "the salary problem and poor working conditions found by the teaching profession," a proposal to double annual membership fees, and a general charge of "authoritarianism on the part of paid federation employees."³⁰⁸ The latter complaint was the subject of a proposed motion that sought to prohibit paid staff from moving or speaking to motions at any OSSTF meeting. Four days later, another headline appeared: "Teachers ask [for] rein on federation funds." OSSTF delegates wanted "more details of proposed budgets, operational costs and past expenditures."³⁰⁹ According to the article, the annual budget stood at about one million dollars. Some delegates also appeared to be unhappy with

³⁰⁶ Barrie Zwicker, "Teachers Ready to Assail Efficiency of Federation," *The Globe and Mail*, December 24, 1966.

³⁰⁷ Zwicker, "Teachers Ready to Assail Efficiency of Federation."

³⁰⁸ Zwicker, "Teachers Ready to Assail Efficiency of Federation."

³⁰⁹ "Teachers Ask for Rein on Federation Funds," *The Globe and Mail*, December 28, 1966.

OSSTF's internal structures and moved a resolution from the floor to have consultants study the issue; it was defeated.³¹⁰

Teachers' inability to have their issues addressed via any legal bargaining process continued to fuel their frustration. In 1969, after two decades of opposition to the tactic, OSSTF began to sanction local mass resignations as a legitimate way for teachers to protest their working conditions. Mid-year mass resignations and strikes by OSSTF, OECTA and AEFO teachers ensued, causing the Conservative government to commission an inquiry into negotiations procedures in education. The inquiry's recommendations, known as the Reville Report, were released in September 1972. This report declared that teacher professionalism and the right to strike were incompatible and proposed binding arbitration to settle disputes.³¹¹ Ontario teachers vehemently disagreed, and mass resignations by members of OSSTF, OECTA and AEFO continued.

Between 1970-1975, there is evidence that rising teacher militancy spilled over into the internal affairs within OSSTF. Much of this militancy arose from the ongoing tensions between professionalism and unionism. Secondary teachers had agreed to become mandatory members of an organization committed to raising their professional standing, hoping that this would allow more control over the negotiation of their material interests. However, this had not proven to be the case, and some members were looking to unionism as a way to

³¹⁰ "Teachers Ask for Rein on Federation Funds."

³¹¹ Hanson, "Achieving the Right to Strike," 123; OSSTF, Brennan, "Right to Strike and Teacher Bargaining," 4; *Gidney, From Hope to Harris*, 119.

improve their salaries and working conditions. In a letter to OSSTF's *Intercom*, Hamilton high school teacher Malcolm Buchanan wrote that "teachers have been deluding themselves for many years as being true professionals along the same lines that doctors and lawyers consider themselves to be professionals ... but you are not accorded the recognition you are due as professionals. You are regarded simply as employees."³¹² In light of this, Buchanan urged teachers to "form ourselves into a bona fide trade union with all the benefits it has."³¹³

On March 21, 1970, the *Globe and Mail* reported that "Militants plan takeover of Ontario Secondary School Teachers' Federation."³¹⁴ The 'militants' were running Toronto district OSSTF president James Forster against the sitting OSSTF provincial Vice President, who was slated to move up to the presidency. Forster had run unsuccessfully for the federal NDP in Saskatchewan in 1962.³¹⁵ Part of Forster's platform was to gain teachers the ability to negotiate class sizes and workload via "strong action," including strikes.³¹⁶ Interestingly, one supporter still characterized this as 'professionalism.' Robert Brooks described Forster as "running on the straight platform of professionalism ... he wants to make this a real profession instead of the shoddy imitation which it has been up until now."³¹⁷

³¹² OSSTF/FEESO, *One Hundred Years Strong*, 40.

³¹³ OSSTF/FEESO, *One Hundred Years Strong*, 40.

³¹⁴ William Johnson, "Militants plan takeover of Ontario Secondary School Teachers' Federation," *The Globe and Mail*, March 21, 1970.

³¹⁵ John N. Adams, "New head of teacher federation cautions against confrontation," *The Globe and Mail*, March 20, 1974.

³¹⁶ William Johnson, "Militants plan takeover."

³¹⁷ William Johnson, "Militants plan takeover of Ontario Secondary School Teachers' Federation," *The Globe and Mail*, March 21, 1970.

Clearly, the strategies that Forster had proposed to achieve “professionalism” differed from the ones promulgated by OSSTF at the time. Brooks described the federation as lacking militancy, “out of touch with its members” and “over-centralized.” Brooks expressed his belief that “the federation, while retaining a professional character, should affiliate with the labor movement for the purpose of more effective collective bargaining.”

Forster did not win the position of President at the 1970 annual meeting. However, the ideas he espoused were shared by others and had become part of debate in other teacher federation venues. In August 1971, a *Globe and Mail* article on the annual meeting of the Ontario Teachers’ Federation described arguments made by OTF governor John Rodriguez as he moved a resolution to have OTF meet with other union representatives to discuss wage and price controls. Rodriguez lamented teachers’ reaction to “trade and labor unionism as if it was a kind of leprosy.”³¹⁸ He reminded delegates that the families of their students were involved in the union movement and claimed that “teachers misunderstand the union movement largely through ignorance.”³¹⁹ The incoming OTF President rebutted Rodriguez’ arguments, asserting that teachers’ pursuit of higher status meant that they “cannot afford any alliance with any union movement.”³²⁰ Rodriguez’ resolution was defeated.

³¹⁸ Martin Dorrell, “Ontario teachers fear threat to status, reject alliance with unions,” *The Globe and Mail*, August 27, 1971.

³¹⁹ Dorrell, “Ontario teachers fear threat to status.”

³²⁰ Dorrell, “Ontario teachers fear threat to status.”

Meanwhile, complaints about some of OSSTF's internal democratic practices and alleged lack of transparency, as noted earlier at annual meetings in the late 1960s, seemed to continue into the 1970s. In June 1970, Metro Toronto teachers threatened to split from OSSTF and form their own union after the Provincial Executive signed an agreement with their school board and did not present it to teachers for ratification.³²¹ In contrast, in April 1971, OSSTF, now 34,000 teachers strong, asked members to vote directly on a proposed week-long work-to-rule campaign in protest of provincial ceilings on school board spending imposed by the Department of Education.³²² The contradiction of these two events, which occurred only one year apart, indicates some unevenness in OSSTF's application of internal democratic principles.

Calls for militancy continued. As described by a *Globe and Mail* reporter, at a meeting of Metro Toronto teachers on December 4, 1973 in the auditorium of the Ontario Federation of Labour building, high school teacher Liz Barkley³²³ urged 150 of her colleagues "to sell the plan for a militant caucus to teachers across the province."³²⁴ Disappointed in a recent 'no-strike' contract that had been ratified by only 52.6 percent of the membership, Barkley and other teacher organizers wanted to put a plan in place to "form a militant alternative" to OSSTF,

³²¹ William Johnson, "Split with OSSTF? Teachers in Metro may form their own union," *The Globe and Mail*, June 26, 1970.

³²² George Russell, "Teachers schedule vote on course of action," *The Globe and Mail*, April 9, 1971.

³²³ Liz Barkley went on to become the President of OSSTF. She served as OSSTF President between 1991-1995.

³²⁴ "Disenchanted over new contract: teachers seek an alternative to OSSTF," *The Globe and Mail*, April 9, 1971.

with the goal of stopping education cuts and achieving bargaining rights.

Fourteen days after this meeting, teachers were on the streets, protesting the Davis government's attempt to shut down their ability to engage in mass resignations. Without warning, on December 10, 1973, the government had introduced two pieces of legislation, Bill 274 and Bill 275.³²⁵ As Hanson explains, "Bill 274 nullified the midyear resignations of any striking teachers. Bill 275 required teachers to submit to compulsory arbitration, conclusively closing the door on potential strikes of any form."³²⁶

Davis' legislation prompted a mass expression of teacher militancy on December 18, 1973, only eight days after the bills were introduced.³²⁷ The majority of Ontario's 105,000 teachers walked off the job in a province-wide walkout, an unprecedented act of solidarity between all five teacher federations.³²⁸ Approximately one in every three of those teachers rallied at Toronto's Maple Leaf Gardens and marched to the front lawn of Queen's Park, the largest labour demonstration in Toronto's history up to that point.³²⁹ The protest represented the culmination of a rising tide of labour unrest and increased teacher militancy, fueled by rising inflation, increasing pupil-teacher ratios, provincial government constraints on education spending, and federal wage caps

³²⁵ Hanson, "Achieving the Right to Strike," 123.

³²⁶ Hanson, "Achieving the Right to Strike," 123.

³²⁷ Laxer, *Canada's Unions*, 217.

³²⁸ There is conflicting data about the actual number of teachers who walked out on this date. Sources agree that there were 105,000 teachers in the province at the time but reports of the number who participated in the walkout range from 80,000 to 105,000.

³²⁹ Laxer, *Canada's Unions*, 217; Brennan, "Right to Strike and Teacher Bargaining," 4.

for public sector workers.³³⁰ Retired high school teacher and former provincial OSSTF President and General Secretary Malcolm Buchanan was then a young Ontario high school teacher and activist who took to the streets with his colleagues. He described the December 1973 event in the context of what was happening at the time, in the years before teachers won the right to collectively bargain:

It was a long history of political protests and all sorts of activities because the teachers didn't have any collective bargaining process. So they developed [Bill 100], after we did big protests ... we had a one-day walkout ... it was a big thing about [how] we wanted collective bargaining rights. Some boards recognized negotiations, other boards did not. It was a zoo.³³¹

Bills 274 and 275 were never passed, and teachers' hesitancy to engage in militant action appeared to be dissipating. In preparation for further battles, OSSTF established its first strike fund in 1973, setting the financial groundwork for a series of illegal strikes.³³² Eventually the Davis Conservative government agreed to develop a collective bargaining process for Ontario teachers. They did this with the cooperation of OSSTF Toronto's James Forster, who was successfully elected OSSTF President in 1974.

Forster's election victory was buoyed by members of the "militant" Teachers' Action Caucus, a Toronto-based group that ran a slate of candidates

³³⁰ Laxer, *Canada's Unions*, 217; Hanson, "Achieving the Right to Strike," 122.

³³¹ Malcolm Buchanan, interview by author, January 21, 2020.

³³² OSSTF/FEESO, *One Hundred Years Strong*, 19.

for Provincial Executive positions at the 1974 OSSTF Annual Meeting.³³³

However, only Forster was elected from that slate.³³⁴ According to a report by the *Globe and Mail* on March 20, 1974, Forster was known as “a hard-nosed bargainer” and described himself as a “ ‘left-wing liberal, that is, a small-l liberal.’ ” He is also described as “the kind of man who believes in confrontation if necessary,” but not, as he put it in his election address, “confrontation for the sake of confrontation.”³³⁵ The report also outlined that OSSTF delegates were set to debate a plan to directly involve themselves in the upcoming provincial election, including fundraising for preferred candidates. Forster indicated his support for strategic voting, with a view to defeating Conservative candidates. In addition, meeting delegates made another important request at the 1974 annual general meeting: they wanted the Provincial Executive to secure their right to strike.³³⁶

As Laxer describes, teacher militancy in the form of mass resignations and illegal strikes continued around the province.³³⁷ This militancy included the notable illegal strike by teachers of OSSTF District 1 in Windsor, Ontario on November 19, 1974, led by local president Mike Walsh. Historical accounts by OSSTF describe this strike as a watershed moment for not only Ontario teachers

³³³ John N. Adams, “New head of teacher federation cautions against confrontation,” *The Globe and Mail*, March 20, 1974.

³³⁴ Adams, “New head of teacher federation cautions against confrontation.”

³³⁵ Adams, “New head of teacher federation cautions against confrontation.”

³³⁶ Head and Hutton, *The Union Makes Us Strong*, 18.

³³⁷ Robert Laxer, *Canada’s Unions* (Toronto: James Lorimer and Company, 1976), 221-3. Brennan, “Right to Strike and Teacher Bargaining,” 5.

but also public service workers across Canada. Windsor teachers won significant wage increases and inflation protection. According to OSSTF insiders and historians Jim Head and Jack Sutton, the Windsor strike set off a “domino effect” that “inflated wage increases to such an extent that Prime Minister Pierre Trudeau finally felt forced to intervene with a sweeping wage restraint program one year later.”³³⁸ While this may be an exaggerated characterization of this event, the wins by Windsor teachers were significant.

Forster became the first OSSTF President to be re-elected for a second consecutive one-year term, after leading OSSTF through the 1974 Windsor strike.³³⁹ As Laxer notes, teachers were learning how to use their power.³⁴⁰ They were also learning how to wield it in tandem at both the local and provincial scales. The most useful scale for disruption remained at the local level in their communities, where teachers were able to organize themselves quickly and pressure their direct employers, the elected trustees. However, they had also learned that the power of central bodies like OSSTF was useful for organizing teachers, building solidarity at the provincial scale, lobbying the provincial government, and protesting any government policy that attempted to restrain them.³⁴¹ In this way, teachers could invoke consequences for the government if

³³⁸ Head and Hutton, *The Union Makes Us Strong*, 18.

Head and Hutton note that the vote taken by OSSTF District 1 members provided such a low strike mandate that it was kept as privileged information by local negotiators. Still, the majority of the Executive, including OSSTF President Jim Forster, approved the strike action.

³³⁹ Head and Hutton, *The Union Makes Us Strong*, 18.

³⁴⁰ Laxer, *Canada's Unions*, 222.

³⁴¹ Gidney, *From Hope to Harris*, 117.

they meddled in local disputes or alternatively, apply political pressure on school boards to get them into line. Following what Gidney describes as “an unprecedented level of teacher militancy,”³⁴² including the historic province-wide walkout in December 1973 and the illegal strike in Windsor in November of 1974, the Conservative government was eager to find a compromise that would control teachers’ ability of teachers to engage in labour action whenever they saw fit. The government thus went to the table with all five teacher federations to negotiate Bill 100, *The School Boards and Teachers Collective Negotiations Act*.³⁴³

4.5: Bill 100 and OSSTF Negotiations, 1975-1990

Bill 100, the *School Boards and Teachers Collective Negotiations Act*, was enacted by the Bill Davis Conservative government on July 18, 1975. This piece of legislation can be accurately characterized as a version of the *Ontario Labour Relations Act* specific to teachers and school boards, although it did not contain decertification procedures. Provisions outlined by the Act included school boards’ right to lock out workers, and the right to include salaries, benefits and working conditions such as class size and pupil-teacher ratios in negotiations. Importantly, the definition of ‘strike’ under Bill 100 was unique in that it was inclusive of any concerted action by teachers that interfered with “the normal activities of the Board and its employees.”³⁴⁴ As such, any ‘work to rule’ action, including and up

³⁴² Gidney, *From Hope to Harris*, 117.

³⁴³ Hanson, “Achieving the Right to Strike,” 125.

³⁴⁴ Shilton, “Collective Bargaining for Teachers in Ontario,” 228.

to and including a full withdrawal of services, was now legally defined as a 'strike'.³⁴⁵

Bill 100 also included a grievance/arbitration procedure, and the creation of an Education Relations Committee (ERC) whose primary function was labour relations. The ERC was also responsible for advising the government when a school year was in jeopardy. Principals and vice principals remained part of statutory bargaining units and were able to cast strike votes alongside their teacher colleagues but were not permitted to participate in strikes. Occasional teachers were excluded from the bargaining rights granted to permanent teachers.³⁴⁶ Malcolm Buchanan offers his own opinion of Bill 100:

When you look back on that legislation it was pretty archaic compared to the provisions under the Ontario Labour Relations Act. I should also point out that we were not at that point members of the Ontario Federation of Labour or the Canadian Labour Congress, we ... sort of deemed ourselves to be a professional organization. But circumstances came up about negotiations over all those years ... we realized of course that that [labour relations] was the major function of the organization."³⁴⁷

Clearly, Bill 100 represented a significant shift for OSSTF and the other teacher unions, who had once rejected the use of strikes as a means to improve teachers' wages and working conditions of teachers. Rose notes: "unlike other major public

³⁴⁵ It is important to note here that when the Harris Conservatives repealed Bill 100 in 1997, this unique definition of 'strike' disappeared. The Conservative government then passed legislation to bring it back into the provisions of the OLRA and Education Act (Shilton, "Collective Bargaining for Teachers in Ontario," 228). The same definition now appears in the SBCBA, S. 35. Care has been taken in this study to clarify when any strike post-Bill 100 involved a full withdrawal of services, and not just what is commonly known as 'working to rule.'

³⁴⁶ Brennan, "Right to Strike and Teacher Bargaining," 6; Hanson, "Achieving the Right to Strike," 125; Rose, "The Assault on School Teacher Bargaining in Ontario," 102; Rose, "The Evolution of Teacher Bargaining In Ontario," 202; Shilton, "Collective Bargaining for Teachers in Ontario," 225.

³⁴⁷ Malcolm Buchanan, interview by author, January 21, 2020.

sector bargaining laws in the province, which adopted compulsory arbitration, teachers were granted the right to strike.”³⁴⁸

Although Ontario teachers had won the right to strike, Rose describes the period of teacher bargaining under Bill 100 between 1975-1982 as one of “minimal strike activity,”³⁴⁹ though Gidney points to several significant conflicts influenced by Ontario’s application of the federal anti-inflation legislation to teacher contracts.³⁵⁰ One of these conflicts was the first legal strike conducted by OSSTF in Metro Toronto on November 12, 1975. It ended with back-to-work legislation on January 16, 1976.³⁵¹ Rose offers an analysis of the gains teachers made once they began to bargain under Bill 100. Overall, teacher salaries improved significantly, with teachers represented by OSSTF and OECTA making the biggest gains. Interestingly, however, Rose notes that between 1982-1997, teacher wage settlements were similar to those in the rest of the public sector, but significantly lower than those of other education workers.³⁵² Rose attributes the overall improvement in teacher salaries to increases won following the introduction of Bill 100 and to economic growth in the late 1980’s.³⁵³ In addition, teachers were able to drastically improve working conditions, particularly in the areas of class size and pupil-teacher ratios. Bill 100 had taken these items out of

³⁴⁸ Rose, “The Evolution of Teacher Bargaining In Ontario,” 202.

³⁴⁹ Rose, “The Assault on School Teacher Bargaining in Ontario,” 100.

³⁵⁰ Gidney, *From Hope to Harris*, 121.

³⁵¹ Head and Hutton, *The Union Makes Us Strong*, 20.

³⁵² Rose, “The Assault on School Teacher Bargaining in Ontario,” 109.

³⁵³ Rose, “The Evolution of Teacher Bargaining In Ontario,” 203.

the sole purview of school boards and opened them up to negotiations with teachers and their unions.

Rose's assertion that class size and pupil-teacher ratios, which have historically been a point of contestation between teachers and education officials, drove teacher militancy in the period is supported by other research and the participants in this study.³⁵⁴ These two issues have a major impact on the number of teachers that must be hired by a school board, with considerable costs attached. At the same time, class sizes and pupil-teacher ratios have significant workload implications for teachers. At the heart of this contestation, MacNeil explains, is the "government/school board view of teachers as implementers of policy...conflicting with the teacher view of working conditions as crucial to shaping a positive environment for students to learn and as key to teacher professional autonomy."³⁵⁵ The majority of union informants interviewed for this dissertation, several of whom began to bargain contracts in the late 1980s, cited class size and pupil-teacher ratios as a recurring issue at negotiations. In a local strike in 1989 in District 13, Durham, pupil-teacher ratios and maximum class sizes were key factors in the dispute.³⁵⁶ The issues of class sizes and pupil-teacher ratios continue to impact teacher contract negotiations, including the recent contentious bargaining round of 2019.³⁵⁷

³⁵⁴ Rose, "The Evolution of Teacher Bargaining In Ontario," 202.

³⁵⁵ MacNeil, "Collective Bargaining between Teachers and the Province of Ontario," 125.

³⁵⁶ Brennan, "Right to Strike and Teacher Bargaining," 7.

³⁵⁷ 13/19 informants discussed the importance of class sizes in relation to collective bargaining between teachers, boards and the government. The 2019 bargaining round saw the first province-wide strikes by teachers in Ontario since 1997.

4.5.1: Becoming an “Organizing Union”

In 1983, OSSTF was certified as a trade union and began to organize other education workers, beginning with occasional teachers in 1984 and including other non-teaching education employees in 1987.³⁵⁸ The impetus for organizing non-teaching staff is not spelled out in OSSTF insider accounts, but there is evidence to suggest that it was predicated on the belief that organizing more members would grow OSSTF’s strength and influence in the education sector. In his annual report to the 1984 Annual General Meeting, Malcolm Buchanan, now OSSTF President, justified organizing summer and night school teachers due to OSSTF being “deeply aware that other unions are currently organizing...As a Federation, we no longer have the luxury of sitting back to see what happens next.”³⁵⁹ Buchanan was one of the OSSTF leaders at the forefront of organizing support staff and was hired as an OSSTF organizer after he left the Provincial Executive in 1985. In an interview, he noted that he took his inspiration from the American Federation of Teachers (AFT), who he described as an “organizing union.” According to Buchanan, not only had the AFT organized teachers, but education support staff, university faculty and support staff, and other municipal public sector workers.³⁶⁰

³⁵⁸ OSSTF/FEESO, *One Hundred Years Strong*, 21.

³⁵⁹ OSSTF/FEESO, *One Hundred Years Strong*, 32.

³⁶⁰ Malcolm Buchanan, interview by author, January 21, 2020.

This turn to organizing, however, put OSSTF into conflict with other unions in the education jurisdiction. Buchanan relayed that in the late 1980's a group of office, clerical and technical members with the Oxford County school board asked to join OSSTF. OSSTF obliged, but this required them to make an application to the Ontario Labour Relations Board (OLRB). Both the school board and CUPE challenged the application, arguing that OSSTF's letters patent did not give them the right to organize anyone other than teachers. CUPE already represented significant numbers of custodial and secretarial staff in Ontario's school boards.³⁶¹ Unfortunately for OSSTF, the OLRB upheld the challenge. After this, OSSTF worked with legal counsel to amend their letters patent so that they could move forward with their broader organizing agenda. As Buchanan explained:

we made it [the wording of the letters patent] as broad as we possibly could based upon what the AFT was doing in the States, which was all the employees of publicly funded school boards, ones including the French language, and the Catholic system. We also made sure that it covered university and other groups ... understand that it was a crucial thing that gave us the ability to organize other groups.³⁶²

While the letters patent was the legal hurdle OSSTF had to overcome in order to expand its membership, there were internal political hurdles to overcome as well. Buchanan noted that a challenge to his and others' organizing vision was some

³⁶¹ Ross, "The Making of CUPE," 418.

³⁶² Malcolm Buchanan, interview by author, January 21, 2020.

Part A of the OSSTF Letters Patent, which came into existence in 1925 but was amended in 1987, 1995, and 1997, respectively, reads: *TO associate and unite teachers and all other employees of educational institutions, or local government bodies of whatever nature, or who are employed or engaged by any organization which provides services to an educational institution or to a local government body, whether directly or indirectly, within the Province of Ontario, and to promote and safeguard their interests.* OSSTF/FEESO. "2020 Constitution and Bylaws," 1.

teachers' misgivings about admitting other workers into their 'professional' union.

Buchanan described a backlash to the idea of organizing non-teachers,

especially from smaller, more rural districts:

They really had a problem with custodians or secretaries being in the union. There was an elitist view and we had to break it down gently, we couldn't call them out...we just said this is the way forward...and the bottom line was, do you want more influence and strength? Then you should be an organizing union. That was the big argument that I was using all the time myself when I went out into the field. We are an organizing union...we're gonna be strong. We're gonna be a collective voice. And that gives us respect.³⁶³

OSSTF's decision to organize education support staff working in all levels of education, from elementary to postsecondary, set it apart from other unions representing teachers in the province. ETFO has organized some early childhood educators and a few small units of education support staff, but teachers represent most of their membership. AEFO represents some support staff, while OECTA has no non-teaching members at all. In contrast, OSSTF has organized a plethora of others in education, including caretakers, administrative office staff, education assistants, child and youth workers, speech pathologists, social workers, education psychologists, lunchroom supervisors, English as a Second Language instructors, workers in private schools, university support staff, and many others. As of 2022, support staff represented 30 percent of the union's membership.³⁶⁴

³⁶³ Malcolm Buchanan, interview by author, January 21, 2020.

³⁶⁴ Dan Donovan, "OSSTF President Calls for Education Support Workers To Be Fairly Compensated," *Ottawa Life Magazine*, September 13, 2022.

<https://www.ottawalife.com/article/osstf-president-calls-for-education-support-workers-to-be-fairly-compensated/>

The idea of organizing support staff soon became normalized within OSSTF and was linked to a growing desire to be part of the larger labour movement. Jim Douglas, who was President of the Hamilton district in 1990 and was later elected to the Provincial Executive, explained why he supported the organization of support staff in his district:

Well, the reason I did it was that the idea of just organizing people in a sector was fairly well established among progressive unions. For us ... well in Hamilton we were approached by the office, clerical and technical people and were asked if we would be willing to sponsor them ... have them join us, as a union. Clearly there were a lot of mechanisms that had to be set up, and I was very proud of the constitution we wrote in Hamilton to accommodate everybody. But the idea of turning down our secretarial colleagues because they weren't teachers, to me, made no sense. We also tried to reach out to the wider labour community and became members of the labour community.³⁶⁵

While OSSTF's Provincial Council directed the Provincial Executive to investigate potential affiliation with the Ontario Federation of Labour (OFL) and the Canadian Labour Congress (CLC) in April 1984, the organization did not act upon the recommendations of the resulting report until years later.³⁶⁶ During the height of the assault on public education in Ontario by the Harris Conservative government in the late 1990s, which is outlined in detail in Chapter 5, OSSTF realized that affiliation with the broader labour movement would assist them in resisting Harris'

³⁶⁵ Jim Douglas, interview by author, March 25, 2021.

³⁶⁶ OSSTF/FEESO, *One Hundred Years Strong*, 35.

agenda.³⁶⁷ They officially joined the CLC in 1996 and the OFL in 2002,³⁶⁸ which in turn allowed OSSTF districts to become members of local labour councils.³⁶⁹

4.5.2: Local Power, Local Priorities: OSSTF's Internal Bargaining Process Under Bill 100

Like the “association-consultation” stage of negotiations pre-1975, negotiations under Bill 100 occurred at the local scale. Shilton describes how the 1975 legislation legally entrenched local bargaining. The 1944 *Teaching Profession Act* had established the Ontario Teachers' Federation (OTF) and its five affiliates, making all teachers mandatory members of OTF. OTF's bylaws then sorted teachers into the five affiliates: English public elementary teachers belonged to FWTAO and OPSMTF; English secondary public teachers belonged to OSSTF; all French teachers belonged to AEFO; and all Catholic teachers became part of OECTA. Neither OTF nor its affiliates had formal bargaining rights under the *Teaching Profession Act*, but when Bill 100 became law, the organizational model that was already in existence was used as a basis for assigning bargaining rights. Bill 100 statutorily assigned bargaining rights to local chapters of the existing teacher unions, *not* their provincial bodies or the OTF.³⁷⁰ With this, bargaining decisions, including the decision to strike, were within the legal purview of each local bargaining unit. This decentralized arrangement

³⁶⁷ OSSTF/FEESO, *One Hundred Years Strong*, 41.

³⁶⁸ OSSTF/FEESO, *One Hundred Years Strong*, 37.

³⁶⁹ Jim Douglas, interview by author, March 25, 2021.

³⁷⁰ Shilton, “Collective Bargaining for Teachers in Ontario,” 224.

recognized the fact that school boards still had the power to levy taxes and were the ones who made the financial decisions when it came to teacher salaries, benefits, and working conditions.

How this legal privileging of the local scale played out inside OSSTF is more nuanced than one might assume, as described by several key informants of this study, all of whom began their careers bargaining for OSSTF prior to the Harris government's revocation of Bill 100 in 1997. The process they describe counters any assertion that bargaining by locals was ever a completely autonomous endeavour. Between 1975 and 1997, teacher negotiations involved a multi-scalar strategy within the union, involving coordination, organizational structure, and the pressures of internal competing scales of power. While under Bill 100 the majority of the union's power to apply pressure in order to make gains still lay with local school boards, the structural stability and institutional resources provided by the provincial body was a significant factor in that success.

With little variation, informants described an internal bargaining process that began with provincial OSSTF staff, executive, and the provincial collective bargaining committee, the latter of whom consisted of a small group of local leaders. This group determined bargaining priorities, gathered research and model language for locals, and provided it to local presidents and chief

negotiators.³⁷¹ Malcolm Buchanan described how local leaders would be invited to a meeting and that the bargaining priorities would be presented to them:

I can remember as the Vice President I would introduce what the priorities were. This was after it's been approved by the Provincial Executive by the way. But then it went to the committee of the whole as it were because they would represent all of the teacher bargaining units from every district in the province would meet in a hotel for a couple of days and myself, the director of protective services, and the committee chairperson would present the priorities to the assembled group.³⁷²

When asked if this group was a body that could reject the priorities, Buchanan responded: "Well, we took input from them ... but basically it was a done deal by that time because it had gone through the process."³⁷³ The 'process', according to informants, was the creation of bargaining priorities by provincial staff and the provincial collective bargaining committee, that were then formally approved by the Provincial Executive. These priorities would then be presented to Provincial Council for their approval. While Provincial Council at that time was a formalized decision-making body of local representatives from most OSSTF bargaining units, many did not hold elected leadership positions beyond their role as Provincial Councilors. Buchanan described their approval as a "rubber stamp".³⁷⁴

While local bargaining units determined their own priorities for bargaining via member surveys, they were also expected to abide by the priorities laid out by the provincial body. Prior to engaging in any bargaining, locals were required to

³⁷¹ Malcolm Buchanan, interview by author, January 21, 2020; Joe Hirschegger, interview by author, January 27, 2020; Peter Tumey, interview by author, January 30, 2020.

³⁷² Malcolm Buchanan, interview by author, January 21, 2020.

³⁷³ Malcolm Buchanan, interview by author, January 21, 2020.

³⁷⁴ Malcolm Buchanan, interview by author, January 21, 2020.

submit their bargaining brief to Provincial Office for approval. This approval was dependent upon the local's inclusion of the central priorities. For the most part, the central priorities dealt with salaries and benefits. However, occasionally OSSTF added other priorities they wanted to see in every local collective agreement across the province, and locals faced internal pressure to comply. Buchanan provides insight into this pressure in his description of a bargaining round under Bill 100 in the early 1980's, when the provincial priorities included 'just cause' clauses for local agreements. He explained:

You couldn't go rogue, you had to have at least the priorities ... they could be improved on the priorities but they could not be undercut on the priorities ... a big contentious issue, I'm talking a way back now in the ... early 80's, was having a 'just cause' clause, for terminations or discipline or stuff like that. Some people were absolutely appalled by having a just cause clause. I remember as the vice-president of the day having to go down to a district...that resisted putting in a just cause clause. So I had to go down and lay it on them... so I'd say that's going in the damn brief. And we gotta negotiate it. So yeah, I guess we had a bit of power there. But mostly everybody were good. There was just one district who held out on that. And that was the one I was saying I had to fix. And we did it. We got it in.³⁷⁵

As Buchanan alludes to, the provincial body had the formal power to apply pressure to locals and school boards during negotiations even though, legally, provincial OSSTF did not hold bargaining rights under Bill 100. This power lay in a process called 'provincial takeover' and was part of OSSTF's provincial bylaws. While there is evidence that this practice existed prior to 1975,³⁷⁶ it was codified in the provisions of Bill 100, which allowed any "branch affiliate" (local union

³⁷⁵ Malcolm Buchanan, interview by author, January 21, 2020.

³⁷⁶ McAdam, "Teachers' Federation."

chapter) to “obtain assistance” during negotiations from “the Federation [OTF], an affiliate [FWTAO, OPSMTF, OSSTF, OECTA or AEFO], or another branch affiliate.”³⁷⁷ While Rose asserts that “the law allowed the provincial bodies to take over negotiations,”³⁷⁸ both the wording in the actual legislation and the processes used by OSSTF suggest that takeover could only occur if a local bargaining unit requested it. There were multiple compelling reasons why a bargaining unit might make that request, but the primary one was access to OSSTF’s strike fund, which required the approval of OSSTF’s provincial body.

As informants with experience of bargaining under Bill 100 described in interviews, it was the local representatives who undertook bargaining with their school boards with the view of seeing it to completion. As former local president and Provincial Executive member Jim Douglas put it:

Bill 100 really empowered the boards and the districts to bargain their own deals...boards really were the custodians of the finances. Every once and a while somebody would get into a kerfuffle...and the two struggling sides would roll around and fall off the table and go into a strike. But not very often. It was really quite remarkable how seldom it happened. So that really empowered the organization to set up strong locals. And locals did very much drive the bus back then.³⁷⁹

‘Dennis’ provided a similar description of bargaining during this period:

When I initially became involved in bargaining, it was clearly local decisions, and generally...between the [local] President, the Chief Negotiator, and the table team, they made all of the decisions...I remember the first few rounds of bargaining we rarely had a provincial person.³⁸⁰

³⁷⁷ *School Boards and Teachers Collective Negotiations Act 1990*, RSO 1990, c. S. 2. <https://www.canlii.org/en/on/laws/stat/rso-1990-c-s2/latest/rso-1990-c-s2.html>

³⁷⁸ Rose, “The Assault on School Teacher Bargaining in Ontario,” 102.

³⁷⁹ Jim Douglas, interview by author, March 25, 2021.

³⁸⁰ ‘Dennis’, interview by author, May 8, 2020.

However, local representatives could informally request provincial assistance, which the provincial body would provide in the form of a provincial negotiator to assist the local bargaining team. If the local bargaining unit determined that bargaining was at impasse, and/or they required resources to conduct a strike, they would then apply formally for 'provincial takeover.' The term itself is self-explanatory and reflected the fact that it was the locals who held the bargaining rights and had to cede them to the Provincial Office. Provincial Office would send staff to the local table to bargain, and staff and the Provincial Executive would take over the decisions about any job or strike actions. The local president was required to sign a document that relinquished their bargaining unit's power to be decision-makers for the remainder of the bargaining round. In exchange, they would now have access, through provincial staff, to provincial resources and the OSSTF strike fund. Ultimately, if a local's bargaining priorities did not align with provincial OSSTF's priorities, or in some way were contrary to the provincial body's constitution, bylaws, or policies, the Provincial Executive could deny them provincial assistance, leaving them with very limited resources to carry out job action. In this way, if they wanted to make headway in a tough bargaining round or engage in strike action, locals were dissuaded from 'going rogue.' At the same time, by requesting takeover, they could access the collective strength of their provincial body to pressure school boards to settle issues that would be favourable for their members.

Despite the significant influence that the provincial level of the union had over their locals via the takeover process, the fact that Bill 100 assigned legal bargaining rights to individual bargaining units still meant that a local OSSTF bargaining unit could theoretically move forward with strike action in order to gain contract provisions that were contrary to those laid out by provincial OSSTF. Because of their size and resources, larger locals were in a better position to go it alone. However, none of the data reviewed for this study, inclusive of that from interviews, suggested an instance where this occurred during the Bill 100 bargaining regime. While some interviewees relayed instances of conflict between the priorities of provincial OSSTF and local bargaining units, none indicated that these led to local strikes that were unsupported by provincial OSSTF. While this does not mean that it never happened, it is fair to conclude that if it did, it was a rare occurrence.

OSSTF's incorporation of both the local and provincial scales into their bargaining strategy is a factor in the overall success they achieved during the Bill 100 bargaining era. One well-used multi-scalar strategy from this period was the use of what was known as 'leapfrogging,' also known as 'whipsawing.'³⁸¹ OSSTF would target a school board they felt would provide the least resistance to their bargaining priorities and apply pressure. They would then use the resulting settlement to create benchmarks for other settlements across the province,

³⁸¹ Gidney, *From Hope to Harris*,” 121. Sweeney, McWilliams, and Hickey, “The Centralization of Collective Bargaining,” 249.

particularly in the area of wages and benefits, but also sometimes in working conditions and job protections. As local contracts at the time did not all expire in the same year, provincial resources could be strategically targeted and applied to particular locals. Because school boards bargained with individual union locals and controlled their own finances, they did not have a coordinating central body or the resources to assist them, beyond appealing to the government to intervene in the event of job action. This gave OSSTF an advantage, and their bargaining strategy, honed for nearly twenty years under Bill 100, served their members well during this period.

4.6: Conclusion

This chapter focuses on the formation, history and bargaining processes of OSSTF before centralized bargaining became the reality in the education sector in Ontario. It is informed by my key research question, which is concerned with the impact of centralization of bargaining on the internal democratic processes of the union. Broadly, I have explored some of the contexts that were in existence during OSSTF's formation and early history and provide some analysis of its early aims, internal processes, and bargaining history.

Several themes have emerged. The first is the extent of state intrusion that played a role early in the formation of OSSTF, manifested by education officials and direct legislative interference. Scholars like Smaller link this state intrusion to the formation of OSSTF's internal bureaucracy. OSSTF's formation is thus

directly related to the colonial state-building of Upper Canada and the corresponding notions of ‘teacher professionalism’ that were promulgated not just by state officials, but by teachers themselves. Teachers’ idea that professional status would lead to greater autonomy over the negotiation of wages and working conditions garnered their cooperation with the state’s agenda, to the point of clinging to conservatism even when faced with evidence that this was not in their best material interests.

The second theme is that within this history of state regulation of Ontario teacher federations, there has also existed some contestation of its resulting bureaucracy and conservatism inside of OSSTF’s ranks. For the most part, this is not documented by the union’s own accounts; instead, it is captured by historical newspaper reports and some scholarly research. OSSTF has continued to occupy the complicated liminal space between constructed ideals of ‘professionalism’ and ‘unionism’. Roald, who studied Canadian teacher organizations between 1915-1955, puts it this way: “teachers’ organizations evolved as “professional unions,” largely because of the teachers’ need to cope with their salaried and employee status while clinging to the aspiration of professionalism and public service.”³⁸² As a result, OSSTF’s story is a tale of an organization that has encompassed both conservatism and militancy, with one overshadowing the other at different times in their history. The evidence

³⁸² Roald, “Pursuit of Status,” ii.

demonstrates that within its first seven decades, OSSTF publicly shunned unionism, but then began to openly debate becoming affiliated with labour organizations. They soundly and publicly rejected strike action, but then eventually used it to make gains for their members. I suggest that some of these paradoxes have been driven by the political and social contexts presented in this chapter and OSSTF's positioning within the broader public sector and the larger labour movement.

The third theme pertains to OSSTF's bargaining history within the legislated landscape of education sector negotiations and how they have utilized power at the local and provincial scales to win better wages, benefits and working conditions for their members. OSSTF recognized early on that there was power in collective strength, but it was their individual employers who ultimately held the purse strings, so strong local bargaining was a necessity. Bill 100 entrenched this reality. Faced with a quasi-centralized education system, where the provincial Ministry controlled curriculum and teacher training but the local school boards determined the funding for teacher pay and benefits, OSSTF developed their bargaining strategy around this structure. Both this strategy, and its accompanying governance and democratic processes, focused on strong locals coordinated and backed by a well-resourced provincial body.

Along with the economic prosperity of the 1980s, all these things likely contributed to the gains that OSSTF achieved during the Bill 100 era. However, in the 1980s, provincial governments increasingly viewed public sector bargaining

through the lenses of neoliberalism. They began to seek ways to hinder OSSTF and other unions' success using their legislative powers. As these governments shifted control away from local school boards, OSSTF had to try to adapt their strategies and internal processes accordingly. How these shifting strategies and adaptations played out is the subject of the next chapter.

5. OSSTF and The Centralization of Education Bargaining, 1990-2015

5.1: Introduction

On August 19, 1982, the headline “Teachers protest bargaining plan” appeared on page 5 of the *Globe and Mail*. According to reporter Robert Matas, “Ontario teachers are planning their most aggressive campaign to protest against provincial education policies since the disruptive demonstration and strikes of 1975, representatives of the teachers’ federations say.” At issue was the Conservative government’s plan to implement Metro-wide bargaining for all teachers working in the six area school boards in Metro Toronto, via Bill 127. The article notes comments by the respective presidents of OPSTF and FWTAO, along with Malcolm Buchanan, then president of OSSTF. Matas notes Minister of Education Bette Stephenson’s claims that the legislative move was to “promote equality of education across Metro Toronto,” while Buchanan called it a “serious challenge to free collective bargaining for teachers” that would “shift control over education away from local school boards.”³⁸³ The teacher federation heads stated that they had committed hundreds of thousands of dollars to oppose the legislation, conveying their fears that “the legislation could serve as a precedent for regional bargaining in education across Ontario,”³⁸⁴ a sentiment Buchanan reiterated during this study.³⁸⁵ Despite the teacher federations’ opposition to

³⁸³ Robert Matas, “Teachers protest bargaining plan,” *The Globe and Mail*, August 19, 1982.

³⁸⁴ Robert Matas, “Teachers protest bargaining plan,”

³⁸⁵ Malcolm Buchanan, in email correspondence to author, February 24, 2021.

centralized Metro-wide bargaining, it eventually became their new reality in February 1983.³⁸⁶ Bill 127 was a harbinger of what was to come decades later.

Centralization as a management strategy is not a new phenomenon in education. Various historical accounts have demonstrated how the state has utilized scales of power in Ontario's public education system to achieve its own goals and control various aspects of education.³⁸⁷ Early state officials used centralization to control everything from textbook use to teacher training.³⁸⁸ By January 1, 1969, all one-room schools in Ontario were closed and teachers and students were moved to larger buildings, becoming part of a centralized system of 76 regional school boards. In 1976, the government centralized curriculum development at the provincial scale and removed the right of trustees to approve curriculum.³⁸⁹ However, in the realm of collective bargaining, centralization and the consequent shift of scales of power in Ontario's education sector are comparatively new, with the bulk of the changes falling within the past two decades.³⁹⁰

³⁸⁶ *Municipality of Metro Toronto Amendment Act 1983*, SO 1983, c 9.

https://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1983/iss1/11/

³⁸⁷ Prentice, *The School Promoters*; Hanson, "Achieving the Right to Strike"; Smaller, "Gender and Status".

³⁸⁸ Hanson, "Achieving the Right to Strike"; Smaller, "Gender and Status"; Milewski, "Teachers' institutes in late nineteenth-century Ontario," 610.

³⁸⁹ Ward McAdam, "Teachers' Federation"; Vivian McCaffery and Barbara Richter, *It's Elementary: a brief history of Ontario's public elementary teachers and their federations* (Toronto: ETFO, 2018), 64. <https://www.etfo.ca/AboutETFO/History/Pages/ETFOhistory.aspx>; Andy Hanson, *Class Action: How Ontario's Elementary Teachers Became a Political Force* (Toronto: Between the Lines, 2021), 42.

³⁹⁰ For a broader discussion of public sector and teacher bargaining regimes in other Canadian provinces, see Schucher and Slinn, "Crosscurrents: Comparative Review of Elementary and Secondary Teacher Collective Bargaining Structures in Canada," and Sweeney, McWilliams, and Hickey, "The Centralization of Collective."

Chapter 4 captured OSSTF's history before the centralization of bargaining; this chapter is a continuation of the union's history but frames it within the shift to a centralized bargaining landscape. This shift can be traced via successive pieces of legislation that provincial governments imposed since 1993. As such, the narration here will be framed by these legislative interventions, inclusive of how they contributed to shifting scales of power within the union. This chapter relies less on historical accounts by the union and media and more on scholarly work, internal union documents, and interview data. Understanding how centralization played out during rounds of bargaining between 1995-2015 is important to this study's larger analysis of how OSSTF reconfigured their internal processes in response to external forces. It supports the key research question of how centralization impacted both union democracy and the organization's ability to achieve their goals and protect public education.

5.2: Bob Rae's NDP and the Social Contract, 1990-1995

OSSTF had no formal ties to the NDP when they formed government during an economic recession in 1990.³⁹¹ Still, like other unions, they saw this new government, headed by Bob Rae, as having great potential for social democracy in Ontario. As MacLellan describes, the first two years of Rae's tenure saw stable relations between the government and teacher unions. However, by

³⁹¹ George Martell, *A New Education Politics: Bob Rae's Legacy and the Response of the Ontario Secondary School Teachers' Federation*. (Toronto: James Lorimer and Company Ltd, 1995), 13.

1993, the province was facing a provincial debt of \$68.3 billion and a reduced credit rating.³⁹² The Rae government quickly abandoned the values of their social democratic base, implementing what was known as the “Social Contract.” To reduce the growing deficit, Rae demanded wage concessions from public sector unions, including teacher unions, to the tune of almost \$2 billion. The unions responded to Rae’s demands with a mass walkout in June 1993.³⁹³

Unable to get what he wanted from public sector unions via voluntary negotiations, Rae’s government passed the *Social Contract Act*, known as Bill 48, on June 14, 1993.³⁹⁴ In an analysis of the legislation, Lawton notes that unlike past wage controls imposed by governments in Canada, Bill 48 referred only to those who worked in publicly funded institutions, rather than all citizens. “Implicitly,” he writes, “the government assumed that those employed in the private sector had already made “sacrifices” during the recession, and that none of those in the public sector had done so.”³⁹⁵ As Panitch & Swartz describe, Rae governed on neoliberal ideals and “not only embraced the goal of competitiveness but came to assume the mantle of fiscal orthodoxy.”³⁹⁶

Teacher federations fought back vigorously, with several accounts crediting OSSTF’s President Liz Barkley for leading the opposition to the government’s

³⁹² MacLellan, “Neoliberalism and Ontario Teacher Unions,” 58.

³⁹³ MacLellan, “Neoliberalism and Ontario Teacher Unions,” 58.

³⁹⁴ Stephen B. Lawton, “Ontario’s “Social Contract”: Tightening the Screws on Education,” *Journal of Education Finance* 20 no. 3 (1995), 304.

³⁹⁵ Lawton, “Ontario’s “Social Contract”,” 305.

³⁹⁶ Leo Panitch and Donald Swartz, *The Assault on Trade Union Freedoms: From Wage Controls to Social Contract* (Toronto: Garamond, 1993), 162.

agenda.³⁹⁷ Though Barkley warned Rae that he would face “the fight of his life,”³⁹⁸ OSSTF and the other federations eventually signed on to a sectoral agreement with the government, setting a central framework that would be used at local bargaining tables. While the agreement mitigated many of the government’s demands, it included multiple unpaid days off for teachers, commonly referred to as ‘Rae Days.’³⁹⁹ As per the provisions of Bill 100, OSSTF locals then had to negotiate with local school boards, many of whom saw an opportunity to bring every contract strip they could to the table. The union had to employ every strategy it could to fend off these strips. Even though they were successful on some key fronts, OSSTF provincial leaders stopped short of claiming victory.⁴⁰⁰

In addition to imposing wage cuts on teachers via ‘Rae Days’, the Rae government established a Royal Commission on Learning in 1993, co-chaired by former federal Liberal Minister of Health Monique Bégin and long-time NDP stalwart Gerald Caplan. Their 1994 report, entitled *For the Love of Learning*, recommended a plethora of neoliberal education reforms, including standardized testing and curriculum, the creation of an Ontario College of Teachers (which shifted issues of teacher discipline away from the teacher federations), greater focus on career preparation in high school, and the elimination of Ontario

³⁹⁷ Martell, *A New Education Politics*, 128; Lawton, “Ontario’s “Social Contract,” 306.

³⁹⁸ Martell, *A New Education Politics*, 86.

³⁹⁹ Lawton, “Ontario’s “Social Contract,” 306.

⁴⁰⁰ Martell, *A New Education Politics*, 138.

Academic Credits or OAC (popularly known as Grade 13).⁴⁰¹ However, one particular recommendation that the Royal Commission made that stands out for the purposes of this study. As Martell describes, “the Commission pressed for a much greater level of provincial activity in taxing and spending the education dollar in Ontario,” explicitly stating that it wanted more control over school board decision making when it came to finances. The justification for this is clear in the report itself:

We consider it the clear responsibility of government to ensure an equitable amount of funding to each student in the province so that each is able to receive comparable services and programs—not identical, but comparable. To achieve this, we’re recommending that equal per-pupil funding be determined at the provincial level and that its proper allocation be ensured by the province.⁴⁰²

As this statement suggests, this proposed centralization was motivated by a desire to ensure equality in school funding across vastly disparate school boards and local tax bases, which could translate into more equitable opportunities for all Ontario students. The incoming Conservatives, however, saw centralization as a way to control costs. The NDP lost their election before implementing any of the reforms of the Royal Commission on Learning, but the Conservatives wasted no time in legislating them to fruition.

5.3: Mike Harris, Bill 160, and the “Neoliberal Assault,” 1995-2002.

⁴⁰¹ Laura Pinto, *Curriculum Reform in Ontario*, 53.

⁴⁰² Monique Bégin, Gerald Caplan, Manisha Bharti, Avis Glaze, Dennis Murphy and Raf DiCecco, *For the Love of Learning: Report of the Royal Commission on Learning, A Short Version*, December 1994, 38.

Much has been written about Conservative Premier Mike Harris and the devastation his government inflicted on almost every aspect of public services in the province of Ontario. Pinto describes the Harris years as “tumultuous and volatile...characterized by an unprecedented acceptance of neoliberal and neoconservative reforms.”⁴⁰³ Public education was not spared. Ironically once a teacher himself, Harris and his government came to power on June 26, 1995. By the end of the year, they had cut \$1 billion from the education budget.⁴⁰⁴ Harris’ changes to the education system have been described by scholars as everything from a ‘retooling’⁴⁰⁵ to a full-out ‘neoliberal assault’.⁴⁰⁶ No matter the descriptor used, the Harris government engaged in a massive reshaping of the school system in Ontario, with a view to embedding the neoliberal logic of marketization and competition into all aspects of public education. According to Rezai-Rashti, the result was marked changes to education governance, management, student assessment, and curriculum, all of which ultimately impacted teachers’ work.⁴⁰⁷ With dizzying speed, the Ontario Conservatives introduced one piece of legislation after another, all aimed at education reform.⁴⁰⁸

⁴⁰³ Laura Elizabeth Pinto, *Curriculum Reform in Ontario: 'Common-Sense' Policy Processes and Democratic Possibilities* (Toronto: University of Toronto Press, 2012), 47.

⁴⁰⁴ Reshef and Rastin, *Unions in the Time of Revolution*, 90.

⁴⁰⁵ Sears, *Retooling the Mind Factory*.

⁴⁰⁶ Goli Rezai-Rashti, “The Neo-liberal Assault on Ontario’s Secondary Schools,” in *Canadian Perspectives on the Sociology of Education*, ed. Cynthia Levine-Rasky (Don Mills: Oxford University Press, 2009).

⁴⁰⁷ Rezai-Rashti, “The Neo-liberal Assault,” 307.

⁴⁰⁸ MacLellan, *Neoliberalism and Ontario Teachers’ Unions*,” 53.

As noted at the outset of this chapter, many of the ideas that appeared in Harris' legislation did not come out of thin air. Pinto highlights that calls for 'back to basics' education and arguments for standardization that had emerged in the 1980's, out of an ongoing debate over educational quality between various system stakeholders.⁴⁰⁹ Consecutive provincial governments answered these calls by commissioning various reports on education, including Rae's 1995 Royal Commission on Learning and its recommendation that the province centralize education funding.

While Rae's Royal Commission on Learning provided many of the ideas that the new Premier could immediately implement to suit his own government's ideological agenda, Harris was eager to find more reasons to cut another \$600 million out of the education system.⁴¹⁰ With the government's sights set on controlling labour costs, The Minister of Education hired lawyer Leon Paroian to examine Bill 100 in August 1996. According to Rose, the resulting 'Paroian Review' was a short study and a short report, one that excluded any consideration of labour relations. Instead, "the report was a vehicle for advancing the government's goal of reducing costs and exerting greater control over education."⁴¹¹ It made three major recommendations for teacher bargaining. The first was the repeal of Bill 100 and the placement of teacher bargaining under the Ontario Labour Relations Act (OLRA). The second was a repeal of teachers' right

⁴⁰⁹ Laura Pinto, *Curriculum Reform in Ontario*, 50.

⁴¹⁰ Rose, "The Assault on School Teacher Bargaining in Ontario," 106.

⁴¹¹ Rose, "The Assault on School Teacher Bargaining in Ontario," 105.

to strike, to be replaced by binding interest arbitration. The third was to limit the scope of collective bargaining to salaries and arbitrary dismissal and to grant more management rights to school boards, particularly in the areas of staffing and class size. Like the Reville Report of 1972, the Paroian review made the claim that professionalism and collective bargaining were incompatible.⁴¹² As Rose concludes, Paroian paid little heed to statistics that demonstrated the infrequency of teacher strikes under the Bill 100 bargaining regime, and ignored evidence that overall, it had been a successful exercise in cooperative labour relations.⁴¹³

Several of the Paroian Review's recommendations made their way into the *Education Quality Improvement Act*, otherwise known as Bill 160, introduced in September 1997. The bill repealed Bill 100 and shifted teacher bargaining to the OLRA. Bill 160 also legislated class sizes and overall instructional time, taking these out of the purview of collective bargaining by teacher unions. In doing so, the legislation reduced preparation time specifically for secondary teachers. Bill 160 also made significant changes to how education in Ontario was funded and gave new powers to Cabinet to determine education policy and school board regulation. The ability of local school boards to levy taxes was eliminated and a new centralized funding model was created. This funding model reflected the increased pupil-teacher ratios and increased workload legislated by Bill 160.⁴¹⁴

⁴¹² Rose, "The Assault on School Teacher Bargaining in Ontario," 105.

⁴¹³ Rose, "The Assault on School Teacher Bargaining in Ontario," 105.

⁴¹⁴ Rose, "The Assault on School Teacher Bargaining in Ontario," 107.

Bill 160 was an omnibus bill. For the purposes of this study, the discussion here focuses on the parts of Bill 160 that affected collective bargaining specifically. These parts of the bill, combined with other legislative changes⁴¹⁵ that proved abhorrent to teachers and their unions, resulted in a historic province-wide walkout of education workers on October 27, 1997. Their unions characterized the walkout as a ‘political protest’ following the breakdown of talks between their representatives and government officials.⁴¹⁶ The Harris government tried to have the protest deemed an illegal strike and sought a court injunction to force protesters back to work but was unsuccessful.⁴¹⁷ The province’s 125,000 teachers and education workers remained out of school for two weeks, returning on November 10, 1997. There was notable support from parents and students on the picket lines, but according to Sears, the teacher unions retreated just as that support was ramping up. In his view, the unions “were interested in a symbolic protest but not a real challenge to the government.”⁴¹⁸ Following that protest, Bill 160 was passed into law on December 15, 1997. In what OSSTF (unsuccessfully) claimed was a form of reprisal against the Principals and Vice Principals who joined their staff in protest, the final version of Bill 160 included a

⁴¹⁵ Bill 160 included language that would allow school boards to hire uncertified teachers. This part was never enacted.

⁴¹⁶ OSSTF engaged in a legal challenge that claimed that the constitutional rights of Principals and Vice Principals had been violated by Bill 160. They were unsuccessful.

MacLellan, “Neoliberalism and Ontario Teacher Unions,” 63; OSSTF/FEESO, *One Hundred Years Strong*, 75.

⁴¹⁷ Sears, *Retooling the Mind Factory*, 240.

⁴¹⁸ Sears, *Retooling the Mind Factory*, 241. Sears notes incidences of rank-and-file OSSTF members who tried to compel their leadership to ask the OFL for a solidarity strike. They were unsuccessful.

clause to remove them from their respective unions, which also negatively impacted the union's income through a 17 percent reduction in dues.⁴¹⁹ The clause had not been part of Bill 160 when it was introduced months before.⁴²⁰

The passage of Bill 160 had a profound impact on bargaining in Ontario's education sector. It mandated that all collective agreements be three years in length and expire on August 31, 1998, and that the new funding formula, which placed constraints on class sizes and teacher workload, frame the round of bargaining under the OLRA. Additionally, the 1998 round of bargaining would take place under the new amalgamated structure of school boards, the result of Bill 104, the *Fewer School Boards Act*, which reduced the number of Ontario school boards from 129 to 72, effective January 1, 1998.⁴²¹ This posed considerable internal challenges for OSSTF, whose general district and bargaining unit organization had historically evolved to mirror that of school boards.⁴²² School board amalgamation thus required the internal reorganization of districts and the amalgamation of bargaining units. These units had long-established structures and elected officers in place and amalgamation was certain to cause internal political tensions as elected positions were eliminated. Additionally, negotiators had to navigate long-standing differences in local

⁴¹⁹ Reshef and Rastin, *Unions in the Time of Revolution*, 95.

⁴²⁰ OSSTF/FEESO, *One Hundred Years Strong*, 75; Reshef and Rastin, *Unions in the Time of Revolution*, 95.

⁴²¹ Rose, "The Assault on School Teacher Bargaining in Ontario," 106.

⁴²² Shilton, "Collective Bargaining for Teachers in Ontario," 224.

contract provisions as they worked to combine agreements.⁴²³ In the case of support staff, who, unlike teachers, were not statutorily required to belong to a union, organizing drives and representation votes had to be undertaken first, followed by the establishment of new internal governance structures and processes. Only after that could actual bargaining begin.⁴²⁴

By provincializing control of education funding and setting out the financial parameters for bargaining, the Harris Conservatives began to ‘upscale’ bargaining, but the boundaries between those scales remained blurred. According to one union leader, the government had “centralized control over education funding and decision-making” but at the same time “localized blame” by placing culpability on school boards for any problems in the school system.⁴²⁵ Put another way, Rose describes how the government became the “ghost at the bargaining table” while school boards were “forced into the unenviable role of having to implement government policies and at the same time negotiate with teacher unions fiercely opposed to the new agenda.”⁴²⁶ This tension became glaringly apparent in the 1998 bargaining round with regards to secondary teacher workload provisions. Bill 160 had legislated increased instructional time

⁴²³ These tensions are evident in the language of some OSSTF collective agreements. For example, in the 2008-2012 collective agreement between OSSTF District 21 Teachers’ Unit and the HWDSB, there are still references to language from the ‘former Wentworth County’ and ‘former Hamilton’ school boards in the area of retirement gratuities (Appendix D, p. 37). The former Wentworth County Board’s language was superior, but negotiators were only able to ‘grandfather’ it for former employees of that Board. OSSTF District 21 was created in 1999 with the amalgamation of the former OSSTF Districts 8 and 36.

⁴²⁴ OSSTF/FEESO, *One Hundred Years Strong*, 77.

⁴²⁵ Virginia Galt, “Ontario teachers target Harris for defeat,” *The Globe and Mail*, August 19, 1998.

⁴²⁶ Rose, “The Assault on School Teacher Bargaining in Ontario,” 122.

for high school teachers, which amounted to an additional 25 minutes per day.⁴²⁷

While OSSTF acknowledged this change to instructional time, they rejected any increase in the actual number of classes teachers would be assigned.⁴²⁸

Generally speaking, a secondary teacher's day consisted of four 75-minute periods, three of which would be spent teaching, and one of which was reserved as preparation time. In total, teachers taught 6 out of 8 periods per school year. School boards interpreted this differently in light of the funding constraints that Bill 160 imposed upon them. They wanted teachers to teach 6.67 out of 8 periods per year. This difference in interpretation between school boards and OSSTF led to labour unrest.

Some local OSSTF negotiators and their school boards found creative ways around the increased instructional time provisions and settled agreements that saw teachers still teaching 6 out of 8 classes, but others did not. At the start of the school year in September 1998, three OSSTF teacher bargaining units were on strike, some were locked out, and others participated in work-to-rule campaigns, in particular refusing to do extracurricular activities. Eventually all OSSTF units, with the exception of District 13 Durham, had reached agreements that saw teachers teaching 6 out of 8 classes. Durham remained on strike along with seven OECTA bargaining units. As a result, on September 29, 1998 the Conservatives passed legislation to return teachers to work and to define the

⁴²⁷ OSSTF/FEESO, *One Hundred Years Strong*, 76.

⁴²⁸ Rose, "The Assault on School Teacher Bargaining in Ontario," 113.

meaning of ‘instructional time’.⁴²⁹ The legislation forced the parties in the remaining eight disputes to submit to binding arbitration, along with what Rose describes as “the severest constraints on arbitrators to date.”⁴³⁰ Those constraints saw an arbitrator impose a schedule of 6.5 out of 8 classes on Durham teachers beginning January 26, 1999.⁴³¹ With that, Durham teachers were the only OSSTF members teaching more than 6 out of 8 classes across the province, which they did for another two years.

Peter Tumey, a retired high school science teacher and provincial OSSTF staffer, was the local chief negotiator for OSSTF District 13 during the height of the 1998 conflict. He described the situation in Durham:

Everybody else had reached an agreement that mitigated the language around 7 out of 8 so that no one actually *taught* more than 6. They counted a bunch of other shit. So we actually worked that 7 out of 8, I know I taught 4 out of 4, science, my first semester. I was on the [bargaining] team back in the middle of September because we got ordered back to work. And I taught 4 out of 4 science. I was the only guy in the department who did it, too. The fact that I was on the team...I always figured it was fairly clear why I was doing it. But...so we did that for two years while everybody else in the province was at 6. And we fought pretty hard against that, pretty much all the extracurricular fell off, we were under back-to-work legislation, couldn't run any core sanction, but you know...we walked the line to advise people. And nothing was working here. Nothing at all.⁴³²

Tumey's description illustrates Rose's assessment of the back-to-work legislation imposed by the Harris government. While the measure had returned both teachers and students to schools and forced some teachers to spend more of

⁴²⁹ *Back to School Act 1998*, S.O. 1998, c. 13. <https://www.ontario.ca/laws/statute/98b13>

⁴³⁰ Rose, “The Assault on School Teacher Bargaining in Ontario,” 114.

⁴³¹ OSSTF, *One Hundred Years Strong*, 77.

⁴³² Peter Tumey, interview by author, January 30, 2020.

their time in front of students, it did not “dampen teacher militancy, resolve board-teacher tensions, or establish a new workload standard.”⁴³³ What followed was a further attempt by the government to legislate teacher workload provisions, three months before collective agreements expired on August 31, 2000, in the form of Bill 74, the *Education Accountability Act*. Bill 74 “closed the loophole in the definition of instructional time” and raised teacher workloads to 6.67 out of 8 classes per year. It also made extracurricular activities mandatory for teachers and redefined teachers’ refusal to volunteer as a form of strike action.⁴³⁴

Notably, missing from both the scholarly and official insider union accounts of what took place following the passage of Bill 74 is the internal conflict that arose within OSSTF during the 2000 round of bargaining. Rose notes that OSSTF decided to comply with the law and began to bargain local contracts that included an increased teacher workload of 6.67.⁴³⁵ The first teacher bargaining unit to settle was District 11 Thames Valley, with the full backing of OSSTF’s provincial leadership. District 11 agreed to the increased workload provisions in return for a small raise.⁴³⁶ While some other OSSTF teacher bargaining units began to fall in line, Peter Tumey and the local OSSTF District 13 Durham President refused to agree to increased workload provisions.

They [some OSSTF teacher bargaining units] agreed to teach it [teach 6.67]. And they [provincial OSSTF] added in every contract that ‘this in no way suggests that we agree with this direction’. But ... they signed the contracts everywhere. So everywhere in the province people were doing

⁴³³ Rose, “The Assault on School Teacher Bargaining in Ontario,” 115.

⁴³⁴ Rose, “The Assault on School Teacher Bargaining in Ontario,” 117.

⁴³⁵ Rose, “The Assault on School Teacher Bargaining in Ontario,” 118.

⁴³⁶ Peter Tumey, interview by author, January 30, 2020.

6.67. Which was more than 3 per semester...we were saying to [provincial leadership] we're not signing the deal. Fuck you. We're not going to do it, we've lived it, we'll never agree to this. They [the government] may impose it on us but we're never agreeing to it. They imposed it on us before, but there's nothing in here that gets our agreement. We're not doing it. And ... I mean I was called a 'fucking lunatic', and so was [local President]. We were reviled by people up at the Provincial Office.⁴³⁷

The issue was eventually resolved via the creativity of Tumey and his local team. In his words, he had “found a way to record workload on the provincial spreadsheet from the provincial government that recorded the end result as 6.67 with nobody ever teaching more than 6.”⁴³⁸ This was because he included teachers who held more administrative roles, such as library and guidance teachers, cooperative education teachers, and department heads. Despite this resolution, District 13's internal conflict with provincial OSSTF officials was not over. According to Tumey, in an unprecedented move, the provincial OSSTF president meddled in local union elections by actively supporting a candidate to campaign against the incumbent local Durham local president who had openly defied provincial leadership's direction. Despite this attempted political intervention, the incumbent successfully retained their position. The election results also forced the school board to recognize that District 13 members backed their local bargaining team and led them to finally agree to the bargaining unit's proposed method of recording teacher workload. This method was

⁴³⁷ Peter Tumey, interview by author, January 30, 2020.

⁴³⁸ Peter Tumey, interview by author, January 30, 2020.

subsequently adopted by provincial OSSTF and used by other OSSTF teacher bargaining units across the province.

By May 2000, the Conservatives had caved on their narrow definition of instructional time and backed down on the issue of mandatory extracurriculars. Teachers had individually continued to engage in what Reshef and Rastin characterize as ‘guerrilla warfare’ by refusing to take on voluntary activities.⁴³⁹ Rose theorizes that the government was acutely aware of unfavourable opinion polls and pressure by various community stakeholders, including parents and the media, which led them to compromise with teachers on these outstanding issues.⁴⁴⁰ In the case of mandatory extracurriculars, there was no practical way to effectively implement and operationalize them.⁴⁴¹ Overall, the government’s ‘my way or the highway’ approach to bargaining with teacher unions had not resulted in the success they had hoped for.⁴⁴²

OSSTF had not exactly been successful either, though they did fend off some of the worst changes that Harris tried to make. However, overall, teacher workload had increased. The wrangling over instructional time may have not resulted in more classes to teach, but the 6.67 out of 8 provision still reduced teacher preparation time via the assignment of supervision duties and on-calls (covering for absent colleagues.) The Conservatives’ funding formula resulted in larger class sizes, and therefore more students to prepare for, assess, and

⁴³⁹ Reshef and Rastin, *Unions in the Time of Revolution* 99.

⁴⁴⁰ Rose, “The Assault on School Teacher Bargaining in Ontario,” 115.

⁴⁴¹ Reshef and Rastin, *Unions in the Time of Revolution*, 98.

⁴⁴² Rose, “The Assault on School Teacher Bargaining in Ontario,” 119

support.⁴⁴³ The number of teachers and support staff in the system was reduced, meaning fewer resources for students and a resultant increase in responsibility for those educators that remained. Staffing cuts meant that unions took a financial hit as their membership numbers declined, both through the imposed staffing ratios and the loss of 7500 principals and vice principals from their bargaining units.⁴⁴⁴ The one bright note in the legal changes to bargaining is that occasional teachers, who were not covered under Bill 100, could now be organized under the OLRA by the affiliates of OTF. This brought in a significant number of new members for all of the teacher unions, including OSSTF.⁴⁴⁵

The Conservatives' repeal of Bill 100, and the placement of teacher bargaining under the OLRA, constituted a legal basis for a significant shift in power within the union. Unlike Bill 100, which had assigned legal bargaining rights to the local units of each teacher union, the OLRA gave the statutory rights for bargaining to each union's provincial body.⁴⁴⁶ However, as MacNeil explains, the provincial bodies were able to delegate their bargaining rights to local affiliates via their constitutions and bylaws.⁴⁴⁷ OSSTF changed its internal bylaws in 2002 to reflect this fact, but the internal process didn't change as much as the terminology used did.⁴⁴⁸ The term 'provincial takeover' was replaced by

⁴⁴³ Reshef and Rastin, *Unions in the Time of Revolution*, 311.

⁴⁴⁴ Reshef and Rastin, *Unions in the Time of Revolution*, 95.

⁴⁴⁵ Shilton, "Collective Bargaining for Teachers in Ontario," 225.

⁴⁴⁶ Shilton, "Collective Bargaining for Teachers in Ontario," 224.

⁴⁴⁷ MacNeil, "Collective Bargaining between Teachers and the Province of Ontario, 125.

⁴⁴⁸ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly, March 9, 2002," 21.

‘provincial resumption’ or ‘provincial responsibility for negotiations,’ colloquially known within the union as PRN. This terminology reflected the legal change in who held the bargaining rights. Provincial Office was no longer ‘taking over’ a local’s negotiations; instead, they were ‘resuming’ the right to negotiate for them as prescribed under the OLRA. Joe Hirschegger, a retired secondary mathematics teacher and OSSTF staffer, explained this in his interview:

Harris came through and [Bill 160] changed bargaining...the education bargaining under Bill 100 disappeared, bargaining went under the Labour Relations Act and then OSSTF and all the affiliates owned all the bargaining. So... there was still assistance from the provincial associations, but at that time because the provincial organization owned the bargaining rights for all locals... the terminology changed from ‘takeover’ to ‘resumption of bargaining’. So we would you know ‘resume’ bargaining...we would always turn it over to the locals, theoretically there was always a letter that was sent to the school board saying ‘we know we own the jurisdiction for bargaining but we’re signing over all the bargaining authority to our locals’, and then theoretically what happens when bargaining locals wanted to take strike action or access the member protection account, it had to apply and then the provincial organization would resume the jurisdiction. So that’s what’s called ‘resumption of bargaining’.⁴⁴⁹

Interestingly, the majority of informants interviewed for this study, almost all of whom have extensive bargaining experience with OSSTF, did not appear to be aware of the difference between ‘takeover’ and ‘resumption’ and used the terms interchangeably. This interchangeable usage is also reflected in internal union memos.

⁴⁴⁹ Joe Hirschegger, interview by author, January 27, 2020.

The transfer in the location of legal bargaining rights in 2000 did not immediately manifest in internal power shifts. For instance, in the internal conflict that existed between local and provincial leaders during the 2000 round of bargaining in OSSTF District 13 Durham, it is important to note that provincial OSSTF did not invoke their newly established legal right to bargain for their locals as a blunt instrument of control, despite a situation where a local bargaining team defied their direction. While the revocation of Bill 100 had begun to shift the scales of power externally, that is, between the school boards and the province, it did not appear to immediately shift the scales of power within OSSTF. This may have been a conscious decision, or it may have simply been due to the union not yet having the space to grapple with the issue amidst the constant upheaval of the Harris regime. Regardless, the foundation for a formal, centralized bargaining process had been set.

5.4: McGuinty and Ad Hoc ‘Provincial Discussion Tables’, 2004-2011

In October 2003, Dalton McGuinty led the provincial Liberals to a majority government, defeating the Conservatives with a platform that included promoting labour peace in education and improving student achievement outcomes. The self-styled “education premier” went on to win another majority in 2007 and a subsequent minority in 2011.⁴⁵⁰ It is no secret that the Liberals’ success was

⁴⁵⁰ “Ontario Teachers prepare to back ‘education premier,” *Canadian Press*, Saturday March 11, 2011. <https://toronto.ctvnews.ca/ont-teachers-prepare-to-back-education-premier-1.617911>

buoyed by the political involvement of teacher unions. OSSTF and OECTA in particular funneled hundreds of thousands of dollars to the Working Families Coalition (WFC), a coalition of unions that engaged in third-party advertising in the lead-up to, and during, provincial election campaigns.⁴⁵¹ As Walchuk explains, WFC did not promote the Liberals specifically but attacked the Conservatives and encouraged strategic voting to keep them out of office.⁴⁵²

During McGuinty's tenure, his government increased high-school graduation rates and introduced full-day kindergarten.⁴⁵³ They also repealed the Conservatives' tax credit for private schools and, according to OSSTF, "engaged OSSTF in regular dialogue and consultation."⁴⁵⁴ What they did not do, however, is change the education funding formula brought in by Harris. Centralized education funding was here to stay, and the Liberals showed little desire to alter the work of their predecessors. Shilton explains that, ironically, while the Conservatives did extensively reform education in Ontario, "they did *not* radically change the formal organization of teacher collective bargaining."⁴⁵⁵ The unions were left with the task of how to use their established bargaining processes to maintain meaningful input at local bargaining tables, particularly as the government now had the power to veto the negotiation of both monetary and non-monetary issues. Shilton correctly asserted that this situation was

⁴⁵¹ Savage and Ruhloff-Queiriga, "Organized Labour, Campaign Finance, and the Politics of Strategic Voting in Ontario," 266; Savage and Mancini, "Strategic Electoral Dilemmas," 9.

⁴⁵² Walchuk, "Changing Union-Party Relations in Canada," 37.

⁴⁵³ Sweeney, "The labour geographies of education," 125.

⁴⁵⁴ Head and Hutton, *The Union Makes Us Strong*, 69.

⁴⁵⁵ Shilton, "Collective Bargaining for Teachers in Ontario," 221.

“troublesome and potentially destabilizing.”⁴⁵⁶ The contradiction between centralized funding and decentralized bargaining had to be resolved in some way.

In November 2004, Minister of Education Gerard Kennedy invited OSSTF and other stakeholders to a roundtable discussion on workload issues.⁴⁵⁷ On December 3, 2004, the Provincial Executive voted to decline the roundtable discussion, but to offer to meet with Minister Kennedy themselves.⁴⁵⁸ Four days later, they voted to obtain a legal opinion on the filing of a complaint against the Minister, on the premise that he had interfered in bargaining.⁴⁵⁹ Following this legal opinion, on December 14, the Provincial Executive voted to file a complaint with the OLRB.⁴⁶⁰ The impetus for this complaint came from local leaders in OSSTF District 21 Hamilton. Like other districts across the province, they had received a letter from the Minister addressed to their local president, inviting him to communicate with Kennedy individually. Hamilton’s local executive were so furious they filed their own local complaint with the OLRB for interference in bargaining. This compelled a reluctant Provincial Executive to file with the OLRB themselves.⁴⁶¹ An unprecedented move on behalf of a provincial government, in a media release OSSTF’s President Rhonda Kimberley-Young described it as “a serious breach of protocol and is seen as direct interference in local bargaining and Federation affairs. Clearly, the minister was trying to circumvent the

⁴⁵⁶ Shilton, “Collective Bargaining for Teachers in Ontario,” 222.

⁴⁵⁷ Head and Hutton, *The Union Makes Us Strong*, 71

⁴⁵⁸ OSSTF, “Minutes of the Executive, December 3, 2004,” 2.

⁴⁵⁹ OSSTF, “Minutes of the Executive, December 7, 2014.”

⁴⁶⁰ OSSTF, “Minutes of the Executive, December 14, 2014.”

⁴⁶¹ Jim Douglas, interview by author, March 25, 2021.

Provincial Executive of OSSTF.”⁴⁶² While the outcome of the provincial labour complaint is unclear, the complaint from Hamilton resulted in an individual written apology from Minister Kennedy.⁴⁶³

In January 2005, OSSTF held a meeting with local leaders from around the province to discuss upcoming negotiations. Leaders expressed frustration with the constraints that the central funding model was placing on local bargaining.⁴⁶⁴ By February, OSSTF proposed to meet with the Minister of Education to discuss workload and funding.⁴⁶⁵ This meeting, along with the others that the Ministry conducted with the other teacher unions, constituted the beginnings of a provincial framework that later became formally known as Provincial Discussion Tables or PDTs. As Shilton notes, these tables were not part of the formal legislative bargaining framework.⁴⁶⁶ Rather, they are best described as a parallel process that the government hoped could encourage labour peace and that the union hoped would provide a venue for meaningful input into education policy. The goal of these provincial discussions was to design some sort of process that could lead to successful bargaining. The government drew the unions to the table with an offer of an enhanced funding package that would provide monies for wage increases and benefits, as well as more money to

⁴⁶² OSSTF, Media release, December 15, 2003. As directly quoted in Ontario Hansard, 22 February 2005. <http://hansardindex.ontla.on.ca/hansardETITLE/38-1/L109A-61.html>

⁴⁶³ Jim Douglas, interview by author, March 25, 2021.

⁴⁶⁴ OSSTF Research Library, “Bargaining 1919-2015,” 16; Head and Hutton, *The Union Makes Us Strong*, 71.

⁴⁶⁵ OSSTF Research Library, “Bargaining 1919-2015,” 17.

⁴⁶⁶ Shilton, “Collective Bargaining for Teachers in Ontario,” 235.

fund smaller class sizes.⁴⁶⁷ However, there was a catch: in order to access the enhanced funding package, all agreements would have to be settled within a specified period of time.⁴⁶⁸

On February 22, 2005, after the first provincial discussions took place, Minister Kennedy introduced an amendment to the *Education Act* that made it mandatory for all collective agreements to be either two or four years in length, repealing the Conservatives' requirement of three years. According to Kennedy, this provided more flexibility for local bargaining units and school boards to determine what length of agreement best served their needs.⁴⁶⁹ By May, OSSTF teacher bargaining units in York and Simcoe reached breakthrough local agreements with their school boards, but work-to-rule campaigns in other units ensued.⁴⁷⁰ Provincial OSSTF priorities included switching general pupil-teacher ratios to hard class size caps, which they achieved in all but two teacher bargaining units.⁴⁷¹ By early July 2005, and with minimal labour disruption, all bargaining units had reached agreements with their employers, which would remain in place until August 31, 2008.⁴⁷²

⁴⁶⁷ OSSTF, *100 Years Strong*, 80.

⁴⁶⁸ Shilton, "Collective Bargaining for Teachers in Ontario," 235.

⁴⁶⁹ Ontario, Legislative Assembly, Hansard, 38th Leg, 1st Sess, (22 February 2005) at 1530. https://www.ola.org/sites/default/files/node-files/hansard/document/pdf/2005/2005-02/house-document-hansard-transcript-1-fr-2005-02-22_pdfL109A.pdf
Education Amendment Act, 2005 (No. 2), S.O. 2005, c. 21. <https://www.ontario.ca/laws/statute/s05021>

⁴⁷⁰ OSSTF Research Library, "Bargaining 1919-2015," 17.

⁴⁷¹ Joe Hirschegger, interview by author, January 27, 2020.

⁴⁷² OSSTF, *One Hundred Years Strong*, 17; Shilton, "Collective Bargaining for Teachers in Ontario," 235.

While externally it appeared that labour peace had been achieved between the provincial Liberals and Ontario's education unions, inside OSSTF an internal struggle was brewing. In their study of the centralization of bargaining in the Ontario education sector, Sweeney et al. note the tensions that arose under new bargaining regime between local and provincial levels of leadership, on both employer and union sides. They assert: "centralization privileges provincial actors but leads to a loss of authority for local ones. Local actors are generally aware of the potential benefits of a centralized bargaining structure, but these changes require a new discussion and understanding of the role of local actors."⁴⁷³ In OSSTF's case, the first round of provincial discussion tables prompted these internal discussions. Joe Hirschegger, who was on OSSTF staff at the time, notes:

So 2004 rolled along, it was a very political moment for OSSTF because all of a sudden now we had to go to local leaders and say, 'hey listen, we're gonna work on something provincially that's out of your hands, to enable local bargaining.' So there was a lot of maneuvering, a lot of lobbying, to build some momentum in order to enable that to happen. Because again, for years and years and years OSSTF always...always prided local bargaining over everything else, and still through to this day, but...in order to achieve any gains from a provincial discussion table, OSSTF knew that that would put the local bargaining optics into jeopardy. So that was...it was a very interesting time... to see the Federation go through that. And I think...we did an okay job with that. I think we kept the locals involved as much as we could. There was always going to be some resistance. There always will be.⁴⁷⁴

⁴⁷³ Sweeney, McWilliams, and Hickey, "The Centralization of Collective Bargaining," 248.

⁴⁷⁴ Joe Hirschegger, interview by author, January 27, 2020.

Hirschegger's observations about the 2004-2005 bargaining round reflect what Sweeney et al. found in their study on centralized education bargaining. They note the difference of opinion between provincial and local OSSTF and ETFO representatives when asked about the new centralized bargaining process. Generally speaking, provincial representatives viewed the process positively. However, according to Sweeney et al, local representatives noted that "the gains made came at the expense of their agency and the more specific localized and contextual needs of their members."⁴⁷⁵

What emerged in this study is similar. Most interviewees were resigned to the fact that due to the legislated centralization of education funding, OSSTF would inevitably need to engage with the government. Still, several raised concerns about the direction of bargaining as it became more centralized. 'Ann', a support staff leader recalled:

I can remember having a conversation with our [member of Provincial Executive] saying...you know how nervous I was about going [in] that direction and are we really thinking this through? Are we really looking at how this could actually turn out for us depending on what government was in power? And at that time the conversation was...you know, no no...they're the ones who handle the money, you know, we need to remove the Boards out of this because they don't control the money, the government controls the money. And I can remember those types of conversations.⁴⁷⁶

Some local leaders' concerns stemmed from how the latest informal two-tiered bargaining process was playing out at local tables. Since the provincial

⁴⁷⁵ Sweeney, McWilliams, and Hickey, "The Centralization of Collective Bargaining," 255.

⁴⁷⁶ 'Ann,' interview by author, April 1, 2020.

discussions existed outside of legislated bargaining processes, some leaders questioned how they could be bound by what was essentially just a handshake between OSSTF and the Minister of Education.⁴⁷⁷

Peter Tumey, who once again was the local Chief Negotiator for OSSTF District 13 in Durham during this period, provided a specific example of how the 2005 provincial level discussions impacted negotiations with their local school board. While his unit was bargaining, a local CUPE unit of support staff had cut a deal with the Durham school board that included a 3 percent wage increase. This wage increase was above what OSSTF had agreed to provincially with the government. Tumey explained that historically in Durham, if one employee group settled a raise with the school board, it set the threshold for what other employee groups could bargain: “[E]verybody knows in Durham that you get the same amount of money, you know...but then [provincial OSSTF staffer] comes in and tells us we can’t have more than 2 or whatever it was that the provincial body had agreed to with Gerard Kennedy and their back room shit.”⁴⁷⁸ With that, the District 13 bargaining team had little choice but to take less for their members.

By the time the next round of bargaining began, Kathleen Wynne had replaced Gerard Kennedy as Minister of Education. Wynne resurrected the idea of a provincial framework, now officially called the Provincial Discussion Table (PDT), and invited OSSTF and the other unions to meet. On November 8, 2007,

⁴⁷⁷ Joe Hirschegger, interview by author, January 27, 2020.

⁴⁷⁸ Peter Tumey, interview by author, January 30, 2020.

the Provincial Executive called a meeting of local Presidents and Chief Negotiators. The agenda included a discussion of a negotiations strategy and a bargaining communications plan in anticipation of their prediction that the Liberals would soon “initiate discussion of a central table for negotiations.” The Provincial Executive recommended to local leaders that OSSTF should ask the government for a meeting in order to explore their plans for the next round of bargaining.⁴⁷⁹ Following this, the Provincial Executive met and discussed a document entitled “Proposed Provincial Discussion Structures” on November 20.⁴⁸⁰ After meeting with the government on November 27, they voted to approve the proposed structures on November 28.⁴⁸¹ The new proposed structures for bargaining included the creation of two ad hoc advisory workgroups, one for teachers and one for support staff, which included local leaders appointed by the Provincial Executive and whose role was to advise the executive during central table talks. These workgroups were called to their first meeting on December 7, prior to meeting with the government on December 18.⁴⁸²

What followed was the creation of a series of internal, ad hoc procedures explored in detail in Chapter 6. In short, the internal tensions that had arisen in OSSTF during the first round of provincial discussions pushed the union to create internal processes that would include local leaders throughout the next round of

⁴⁷⁹ OSSTF, “Minutes of the Executive, November 6, 2007.”

⁴⁸⁰ OSSTF, “Minutes of the Executive, November 20, 2007.”

⁴⁸¹ OSSTF, “Minutes of the Executive, November 28, 2007.”

⁴⁸² OSSTF Research Library, “Bargaining 1919-2015,” 19; OSSTF, “Minutes of the Executive, December 4, 2008.”

the PDT bargaining process. These internal processes marked the beginning of formal constitutional and structural changes within OSSTF that spanned over a decade. The union was struggling not only with how to adapt to the external changes in scales of power imposed by the government but also how to align their own internal scales of power in response. Their internal processes had been structured around the scale where the power lay—at the local level, between school boards and local bargaining unit actors. Suddenly the power to negotiate was shifted upwards to the government and provincial union actors, a new reality that had not yet translated into a set of internal procedures. Put another way, with the upscaling of bargaining, the external and the internal scales power had become mismatched, becoming a source of internal conflict.

The next round of PDTs began in a similar fashion to the previous one. The carrot Wynne used to get the provincial education unions to the table was an enhanced funding package. However, if they didn't participate or settle by specified dates, they would be penalized. OSSTF President Ken Coran laid this out to local presidents in an internal memo dated April 9, 2008, following a meeting with the government five days before. The memo noted that the Liberal government had released approximately \$315 million dollars in new funding for the upcoming school year. However, Coran noted that “the government made it clear that significant funding would be held back, pending the conclusion of the provincial discussion tables. This means that the provincial discussion tables drive the release of any additional funding for bargaining.” Coran reassured

presidents that the government was committed to local bargaining and that they have indicated that school boards would not receive additional funding until local deals had been secured. The memo listed six dates in April and May 2008 that OSSTF was scheduled to meet with the government at both teacher and support staff tables.⁴⁸³

As Sweeney et al detail, the funding referenced in the April 2008 OSSTF memo would translate into a 12 percent salary increase over four years if unions agreed to the government's central framework, while non-compliance would mean a 4 percent increase over two years. Some unions representing support staff, as well as AEFO and OECTA, complied. OSSTF and ETFO initially did not.⁴⁸⁴ OSSTF's strategy had been to use the provincial table to secure funding for local negotiations. Sweeney et al speculate that this was what drove OSSTF to agree to attend the PDT, and the result was a provincial agreement on November 30, 2008, with the expectation that local agreements would be reached by January 31.⁴⁸⁵

A rare internal glimpse of how this played out at local bargaining tables was captured by the proceedings of an arbitrated dispute between OSSTF District 21 Hamilton-Wentworth and the Hamilton Wentworth District School Board in 2016.⁴⁸⁶ The source of the dispute was the interpretation of a seniority

⁴⁸³ OSSTF/FEESO, "D/BU #125/2007-2008," April 9, 2008.

⁴⁸⁴ Sweeney, McWilliams, and Hickey, "The Centralization of Collective Bargaining," 256.

⁴⁸⁵ Sweeney, McWilliams, and Hickey, "The Centralization of Collective Bargaining," 256.

⁴⁸⁶ *Ontario Secondary School Teachers' Federation vs. Hamilton Wentworth School Board* [2016] CanLII 63968 (ON LA)

<https://www.canlii.org/en/on/onla/doc/2016/2016canlii63968/2016canlii63968.html?resultIndex=1>

clause that had been bargained in 2008-2009. The details of that bargaining round were presented as part of the union's evidence. In the 2016 award, arbitrator R. O. MacDowell lays out the peculiar conditions of that round of bargaining, noting the enhanced funding that would only flow to school boards and local unions if they settled by January 31, 2009. The sticking point between the parties was a clause that mandated that the school board consider seniority as the main factor for declaring a teacher surplus to a school. Unsurprisingly, the local union was adamant that the seniority provision, which had previously existed in their contract, remain. The Board was equally adamant that "program needs" and teacher qualifications should take precedence over seniority. The Wynne government's imposed deadline was looming, yet the District 21 bargaining team had made the decision that seniority would be a strike issue. In short, they felt that the seniority provision was so important to their members that they were prepared to give up the enhanced funding. The school board presented a 'last chance' offer on January 28, which was rejected by the local District 21 bargaining team against the advice of OSSTF's Provincial Executive. In a last-ditch attempt, the Director of the HWDSB and the local union president met privately in a hotel on January 29 and managed to cut a deal that was supported by the union. The school board's bargaining team, however, did not support the deal, claiming that their Director had no jurisdiction in bargaining. They refused to sign it.

The arbitrator's description of events reveals the scales of power and layers of pressure involved in this bargaining round, embodied by various individuals at the table. On the union side, there were local bargaining team members and Provincial Office representatives. On the school board side, there were members of the school board bargaining team. However, there was also an individual who served as a 'facilitator' sent by the Ministry of Education. As McDowell describes, after the Board refused to sign the agreement there "was a period of confusion and frenzied discussion" that included the Ministry of Education.⁴⁸⁷ School board officials eventually capitulated and signed the agreement that had been agreed to by their Director. McDowell concludes that the constraints of the bargaining round, which resulted in hastily written contract language that was not properly considered by both parties, contributed to the eventual dispute between the union and their school board. The dispute involved multiple, expensive days of arbitration that spanned a two-year period between 2014 and 2016. It ended with the arbitrator declaring in the union's favour.

The 2008 round of bargaining saw all OSSTF units and their respective boards settle by the January 31 deadline, with the exception of OSSTF District 12 Toronto and the Toronto District School Board, the largest school board in the province.⁴⁸⁸ ETFO did not sign a provincial agreement until February 2009,

⁴⁸⁷ *Ontario Secondary School Teachers' Federation vs. Hamilton Wentworth School Board [2016] CanLII 63968 (ON LA)*

<https://www.canlii.org/en/on/onla/doc/2016/2016canlii63968/2016canlii63968.html?resultIndex=1>

⁴⁸⁸ Sweeney, McWilliams, and Hickey, "The Centralization of Collective Bargaining" 256; Bocking, "Understanding the Neoliberalization of Education," 364. The sticking point was District 12's on-call language, which was far superior to others in the province. The TDSB thought that the

ending a bitter dispute that resulted in their acceptance of a funding package that was well below what the other unions received.⁴⁸⁹ Given the examples of local bargaining in Hamilton and ETFO, it is unsurprising that Sweeney et al found that “relationships between school boards, unions at all levels, and the MoE [Ministry of Education] were significantly affected by the 2008 negotiations.”⁴⁹⁰ This characterization is further supported by the interview data for this study. Joe Hirschegger, who was bargaining for OSSTF at the time, described how some school boards refused to sign on to the terms agreed to provincially between the Ontario government, the Ontario Public School Boards’ Association (OPSBA), and OSSTF. Still a voluntary organization at the time, OPSBA had no legal means by which to compel school boards to agree. Hirschegger explained: “Thames Valley was one of them at the time and Toronto was another one. They wouldn’t sign it because they didn’t like some of the things that was [sic] being pushed on them ... that created a lot of conflict.”⁴⁹¹ According to him, the pressure applied by government officials eventually persuaded school boards to sign contracts with their respective local unions.

Despite the difficulties and tensions that central agreements produced for the union, school boards, and government officials, positive outcomes were also achieved, particularly for OSSTF’s support staff. Bargaining units of non-teaching

constraints imposed by the PDT might leverage their ability to finally have teachers perform on-calls for sick colleagues that were beyond just ‘emergencies.’ They weren’t successful.

⁴⁸⁹ For more detail on ETFO and the 2008 bargaining round, see Sweeney, McWilliams, and Hickey, “The Centralization of Collective Bargaining,” 256-7.

⁴⁹⁰ Sweeney, McWilliams, and Hickey, “The Centralization of Collective Bargaining,” 257.

⁴⁹¹ Joe Hirschegger, interview by author, January 27, 2020.

personnel generally tend to be the smaller units within each OSSTF district and are comprised of mostly women workers. Support staff were not included in the first round of provincial discussions in 2004, and so they bargained locally only.⁴⁹² In 2008 bargaining round, a support staff PDT was created separately from that for teachers. Like the teacher unit leaders, the support staff leaders interviewed for this study noted that centralized bargaining has increasingly meant they are unable to focus on local issues specific to their members. But they also noted that, because of the PDT, they were able to achieve provisions for their members that they had been unable to obtain through years of local bargaining. Multiple informants cited benefits as one of the areas that significantly improved. For example, the 2008-2012 collective agreement between OSSTF District 21 Office Clerical and Technical Unit (OCTU), who represent elementary and secondary office administrators with the Hamilton-Wentworth School Board, contains supplementary employment benefits for pregnancy and parental leave. This was the first time it appeared in their contract, despite that the majority of their members are women.⁴⁹³

In 2009, the OSSTF Annual General Meeting of the Provincial Assembly (AMPA) passed a motion to review the PDT process to date. The resulting report was presented to Provincial Council in January 2010. Overall, the report concluded that OSSTF must continue to defend local bargaining and “oppose

⁴⁹² ‘Vera’, interview by author, April 30, 2020.

⁴⁹³ OSSTF District 21. *Collective Agreement Between the Hamilton-Wentworth District School Board and OSSTF District 21 Office, Clerical and Technical Unit, OCTU, September 1, 2008-August 31, 2012*. 53.

legislated limitations on collective bargaining.” However, it also recommended that the Provincial Executive be responsible for determining virtually all bargaining parameters and processes and that “issues negotiated at the central table be included without alteration in local collective agreements.” The report further recommends that OSSTF bylaws did not need further alteration in order to facilitate further provincial discussions.⁴⁹⁴ In the next round of bargaining, the lack of formalized, constitutional guidelines played out quite differently than in the first two.

5.5: The Bill 115 Struggle, 2012-2013

After eight years of relative labour peace, education sector contracts were set to expire on August 31, 2012. The McGuinty Liberals were facing a \$17 billion provincial deficit in the aftermath of the 2007-2008 global financial crisis. They commissioned a report from former TD Bank chief economist Don Drummond, which was released on February 15, 2012, and called for “strong fiscal action” to reduce the deficit.⁴⁹⁵ Shortly after the release of the Drummond Report, OSSTF met with government representatives. There, they were presented with the government’s parameters for the next PDT frameworks. In an all-member

⁴⁹⁴ OSSTF, “Provincial Discussion Table Review, Final Report (MAC 213-09), PC#55 2009/2010,” 2. The report notes that OSSTF bylaws of the time compelled the Executive to inform members if the government wanted to engage in province-wide bargaining and directed them to take a vote of the membership before they went to the table.

⁴⁹⁵ Donald Drummond, “Commission on the Reform of Ontario’s Public Services,” (Queen’s Printer for Ontario, 2012), 1. <https://www.opsba.org/wp-content/uploads/2021/02/drummondReportFeb1512.pdf>

bargaining bulletin dated February 29, 2012, President Ken Coran outlined these parameters, which the government intended to announce in the March 2012 provincial budget. They included a two-year wage freeze, the removal of sick leave banks, a freeze and restructuring of salary grids, and an examination of pension contributions and benefits, with a view to freezing government contributions. The bulletin describes the government proposal, in bolded font, as “an unprecedented attack on members’ rights and the process of free collective bargaining. It is clearly unacceptable to OSSTF/FEESO.”⁴⁹⁶ Two days later, McGuinty appealed directly to teachers in a YouTube video, asking them to accept a wage freeze, end their “generous sick leave plan” and “do their part” to reduce provincial spending.⁴⁹⁷ In letters to both Directors of Education and School Board Chairs on March 29 and April 11 respectively, Ministry of Education officials reinforced the funding parameters they had expressed to OSSTF, making it clear that they expected each school board to follow their mandated fiscal framework.⁴⁹⁸ On April 18, 2012, OSSTF filed an unfair labour practice charge against the government, citing interference in the bargaining process.⁴⁹⁹ The OLRB dismissed the complaint.⁵⁰⁰

⁴⁹⁶ OSSTF/FEESO, “Bargaining Bulletin, Issue 1,” February 29, 2012.

⁴⁹⁷ “McGuinty speaks directly to teachers in YouTube video,” *The Canadian Press*, March 2, 2012. <https://toronto.ctvnews.ca/mcguinty-speaks-directly-to-teachers-on-youtube-1.776207>

⁴⁹⁸ Gabriel F. Sekaly, “Memo to Directors of Education re: Education funding for 2012-13,” April 11, 2012.

⁴⁹⁹ OSSTF, “Minutes of the Executive April 17-18, 2012,” 2.

⁵⁰⁰ Adam Guy, “Canada: Ontario Labour Relations Board Dismisses OSSTF Unfair Labour Practice Complaint Against the Crown,” Mondaq.com, May 3, 2013. <https://www.mondaq.com/canada/education/237340/ontario-labour-relations-board-dismisses-osstf-unfair-labour-practice-complaint-against-the-crown>

The 2012 round of negotiations was thus off to a contentious start. Much to the surprise of members, in an April 23 bargaining bulletin, President Ken Coran conveyed that OSSTF had offered the government a deal on April 18 that met their demands for a wage freeze, which the government rejected. This came only two days after Coran announced that OSSTF had drafted a constitutional challenge to be launched if the government moved to impose legislation.⁵⁰¹ On April 25, 2012, the OSSTF Provincial Executive voted to place all bargaining units into PRN.⁵⁰² Provincial Office would now oversee all local bargaining as per their rights under the OLRA.

OECTA signed a provincial deal with the government in early July 2012, which included the financial parameters the Ministry had presented at the table in February as well as a wage cut of 1.5 percent via mandatory unpaid days for teachers. AEFO signed a similar agreement one month later, but ETFO and OSSTF continued to resist, leaving school boards and education workers without new contracts to replace those expiring on August 31. On September 11, the Liberals enacted Bill 115, *The Putting Students First Act*. The government gave the remaining unions until December 31 to bargain deals “substantively identical” to the OECTA agreement. If they did not, the government would impose the OECTA deal on them in January 2013. In response, OSSTF directed their Districts to conduct local strike votes, and along with ETFO, CUPE, and OPSEU,

⁵⁰¹ Hewitt-White, “The OSSTF Anti-Bill 115 Campaign.” 5.

⁵⁰² OSSTF, “Minutes of the Executive April 25, 2012,” 2.

filed a Charter challenge against the McGuinty government, claiming that Bill 115 violated education workers' right to free collective bargaining.⁵⁰³ The Provincial Executive also approved a \$2 million communications plan to fight Bill 115.⁵⁰⁴

Despite their public condemnation of the Liberals for interference in bargaining, OSSTF tried to try to cut local deals with several school boards. These deals proposed similar provisions to the OECTA agreement, inclusive of the wage freeze and contract strips that just months before OSSTF had claimed were unacceptable. Interestingly, school boards participated, despite OPSBA's recent expression of concerns to the government regarding the contents of the OECTA agreement.⁵⁰⁵ Unbeknownst to many local leaders and even to provincial negotiators, in an unprecedented process, OSSTF's President, other members of the Provincial Executive, and senior staff had arranged to meet with representatives of six school boards at a hotel in Markham on a weekend in mid-November.⁵⁰⁶ Local leaders were broadsided with the news that they were expected to be at a Markham hotel with only a few hours' notice. Provincial negotiators were sent to tables to cut deals with the school boards, in some cases without local representatives present.⁵⁰⁷ By November 18, 2012, tentative

⁵⁰³ Mancini, "Austerity, Struggle, and Union Democracy," 13.

⁵⁰⁴ OSSTF, "Minutes of the Executive, November 29, 2012," 2.

⁵⁰⁵ In a July 30, 2012 letter to Minister Laurel Broten, representatives from OPSBA detailed their goals for the PDT process, which largely focused on increasing their management rights over teachers' non-teaching time. They expressed concern with the OECTA deal and potential implications if those provisions were carried over into deals with their associated unions.

⁵⁰⁶ Peter Tumey, interview by author, January 30, 2020.

⁵⁰⁷ Peter Tumey, interview by author, January 30, 2020; Bernard 'Buzz' Grebenc, interview by author, May 26, 2020.

agreements were reached with York and Upper Grand, followed by Thames Valley and Niagara. On November 19, Hamilton-Wentworth also announced a tentative agreement.⁵⁰⁸

District 18 Upper Grand's deal was the first to be put to a local member vote. The confusion and internal union conflict that followed was documented by the local media. Upper Grand teachers ratified the deal on November 27, but three members of their local executive quit in protest. The November 30 issue of the *Guelph Mercury Tribune* notes comments by OSSTF District 18's second Vice-President, Diane Ballantyne, one of the executive members who resigned. She claimed that four of District 18's constitutional rules had been broken during the ratification process, which was extremely rushed and did not present enough information for members to examine thoroughly. She also accused OSSTF provincial officials of withholding the actual percentage of the ratification vote.⁵⁰⁹ In a follow-up article by the *Guelph Mercury Tribune* on December 3, OSSTF General Secretary Pierre Côté refuted Ballantyne's allegations, explaining how OSSTF's process of provincial resumption of negotiations 'lends' bargaining rights to locals. Arguing that OSSTF provincial bylaws would apply instead of local ones, Côté stated: "We did not follow the local constitution because we did

⁵⁰⁸ Mancini, "Austerity, Struggle, and Union Democracy," 22.

⁵⁰⁹ Union members question voting process for secondary teachers' ratification vote," *Guelph Mercury*, November 30, 2012. https://www.quelphmercury.com/news/union-members-question-voting-process-for-secondary-teachers-ratification-vote/article_4fc901fd-9bfe-51b4-8d0c-4d2be9a8bd4e.html;

Mancini, "Austerity, Struggle, and Union Democracy," 22.

not need to.”⁵¹⁰ Côté also admonishes Ballantyne for going to the press, insinuating that contrary to OSSTF bylaws, she had interfered in the bargaining process and should have submitted her complaints to OSSTF for an investigation. OSSTF concluded that the Upper Grand vote results would stand. Meanwhile, teachers in York, Niagara, and Hamilton subsequently voted to reject their tentative deals. These locals used long-established local ratification processes to refuse the contracts that had been essentially bargained over their heads.⁵¹¹ By November 28, OSSTF had shut down all further bargaining.

Word about what had happened in these districts spread to local OSSTF leaders in other parts of the province. Bernard ‘Buzz’ Grebenc was a decade into his tenure as the local president of a small northern district, 6B Superior North, during the Bill 115 crisis. Grebenc describes what he faced as a local union leader during that time, which he dubbed the ‘Year of Discontent’:

We became increasingly anxious and concerned about the possibility of having imposed on us a “deal” that was not of our own making or to our liking. This feeling, this concern, rose as the fall unfolded and as we learned of deals being struck. What concerned us was that we knew nothing of what was in the deals. Both [the chief negotiator] and I ... were not oblivious to the possibility that we could be pressured into signing on to something with which we were uncomfortable or disliked. And in recognition of this possibility, we determined to agree to walk away from the table if necessary. This was the decision I shared at the December 3 [2012] President/Chief Negotiator’s meeting. We wanted to let the province know that as far as we were concerned, their bargainers answered to us and our members, regardless of what the PRN said.⁵¹²

⁵¹⁰ “Secondary teacher ratification vote will stand: OSSTF investigation finds nothing improper in voting procedure,” *Guelph Mercury*, December 3, 2012. <https://www.guelphmercury.com/news-story/2749788-secondary-teacher-ratification-vote-will-stand/>

⁵¹¹ Hewitt-White, “The OSSTF Anti-Bill 115 Campaign,” 182; Mancini, “Austerity, Struggle, and Union Democracy,” 13.

⁵¹² Bernard ‘Buzz’ Grebenc, in email correspondence to author, June 15, 2020.

For Grebenc, the ‘discontent’ he felt throughout the 2012/2013 bargaining round did not arise solely from what was happening between OSSTF and the Ontario government. It was the discontent that arose within OSSTF itself—tensions between the local and provincial scales of the union – as the Provincial Executive and senior staff attempted to sign local austerity contracts with school boards.⁵¹³ Colin Matthew, then the President of District 15 Trillium Lakelands, felt that “the [austerity] framework was very much imposed on us [by provincial OSSTF].”⁵¹⁴ With this, OSSTF’s response to Bill 115 became a watershed moment for the individuals interviewed for this study. Very little is made of these events in official union narratives; however, their significance was prominent in the data provided by key informants.⁵¹⁵ How these events impacted OSSTF’s internal processes is discussed in Chapter 7.

Tensions also arose between the OTF’s education affiliates when OSSTF and ETFO learned that the OECTA agreement contained a ‘me too’ clause, meaning that if another union achieved a better deal in bargaining they would also receive these terms. In Hamilton, the secondary OECTA unit issued a memo to members in the late fall of 2012 encouraging them to ratify their local deal, which contained the parameters of the provincial OECTA agreement. They

⁵¹³ Peter Tumey, interview by author, January 30, 2020; ‘J.P.’, interview by author, February 15, 2020.

⁵¹⁴ Colin Matthew, interview by author, June 11, 2020.

⁵¹⁵ ‘Casey’, interview by author, January 19, 2020; Joe Hirschegger, January 27, 2020; Peter Tumey, interview by author, January 30, 2020; ‘J.P.’, interview by author, February 15, 2020; John Bates, interview by author, February 21, 2020; Bernard ‘Buzz’ Grebenc, interview by author, May 26, 2020; Colin Matthew, interview by author, June 11, 2020.

explained: “Whatever the public Boards get, we also get if this local deal gets ratified...if ETFO gets anything else at the table, you will also get it, without ever stepping into a strike line or any type of job action.”⁵¹⁶ Some Hamilton OECTA members were upset about their union’s lack of solidarity with other education unions. A small group showed up unannounced at the local Hamilton OSSTF office and asked how they could become members of OSSTF.⁵¹⁷

On January 3, 2013, the government invoked the provisions of Bill 115, imposing the OECTA central agreement on OSSTF and ETFO and removing their right to strike. The province also won an OLRB case against ETFO, which shut down planned walkouts by their members and members of OSSTF.⁵¹⁸ With no further reason to leave Bill 115 in place, the government repealed the legislation at the end of January 2013. Dalton McGuinty stepped down, and in February 2013, Kathleen Wynne became the first woman and openly gay premier of Ontario.⁵¹⁹ Both OSSTF and ETFO returned to the PDTs to bargain what they called ‘improvements’ to the OECTA deal and signed agreements with the government in the spring of 2013. Notably, some members of OSSTF staff publicly referred to this process as a ‘salvage operation.’⁵²⁰ While OSSTF achieved some improvements via their own provincial agreement, ultimately what

⁵¹⁶ OECTA Hamilton Secondary Unit, “Local Deal,” Fall 2012.

⁵¹⁷ Personal notes, November 2012

⁵¹⁸ Shawn Jeffords, “Ontario teachers call off strike after labour board ruling,” *The Brantford Expositor*, January 11, 2013. <https://www.brantfordexpositor.ca/2013/01/11/ontario-teachers-call-off-strike-after-labour-board-ruling>

⁵¹⁹ Scott Stinson, “Kathleen Wynne to become Ontario’s first female and openly gay premier,” *National Post*, January 26, 2013. <https://nationalpost.com/news/politics/kathleen-wynne-ontario>

⁵²⁰ Mancini, “Austerity, Struggle, and Union Democracy,” 21.

they signed was still an austerity contract that upheld the financial parameters set out by the Liberals. However, members chose to ratify these deals, possibly due to the improved sick leave plan, the promise of a union-run benefits plan, and, most importantly, the ability to bargain issues of local importance with their school boards.⁵²¹

The Liberals' use of Bill 115 was a significant external crisis facing OSSTF. Not only did the government use its legislative power to unilaterally impose contract provisions on unions who refused to comply with the government's demands for wage freezes, they also removed education workers' rights to collectively bargain and to strike. However, as I flesh out in Chapter 7, Bill 115 was also an external crisis that brought OSSTF's internal struggles to the forefront. The legislation created a realization, at least for some, that the informal, ad hoc processes the union had created to engage in central discussions with the Liberals in the aftermath of Harris' centralization of education funding needed further examination. Bill 115 exacerbated what had been a key internal tension since that centralization took hold: the struggle between internal scales within the union and the grappling by local and provincial actors for control during bargaining. This struggle underscores the answer to one of my key research questions: whether the centralization of bargaining has resulted in a more bureaucratic union.

⁵²¹ Mancini, "Austerity, Struggle, and Union Democracy, 24.

5.6: *The School Boards' Collective Bargaining Act, 2014-2023*

By 2013, it was clear to both the government and education unions that an ad hoc bargaining process was inefficient, and largely resulted in prolonged negotiations processes and labour unrest. In October 2013, the Liberals introduced Bill 122, the *School Boards' Collective Bargaining Act*, or SBCBA, with a view to formalizing two-tiered bargaining within the Ontario education sector.⁵²² On November 6, Minister of Education Liz Sandals met with OSSTF and the other OTF affiliates, who raised common issues with Bill 122 that they wished to have addressed. In a Bargaining Bulletin dated February 12, 2014, OSSTF President Paul Elliott informed members that “The Minister indicated...that they are prepared to address the vast majority of issues raised at the November 6 meeting through amendments to the Bill,” though he noted that written documentation of those amendments was not provided by the Ministry during the meeting.⁵²³

While talks about Bill 122 occurred between OSSTF and the Ministry of Education, OSSTF also sought to formalize their own internal processes in order to facilitate two-tiered bargaining. While these changes were most certainly in response to the government’s proposed new legislation, the events surrounding Bill 115 and the internal conflict that they had caused had also fuelled discussions about how OSSTF’s internal processes needed to change. As outlined in detail in

⁵²² OSSTF Research Library, “Bargaining 1919-2015,” 23.

⁵²³ OSSTF, “Bargaining Bulletin, February 12, 2014, Issue 4.”

Chapter 7, the Provincial Executive brought forward a slate of successful motions to AMPA in March 2014 that entrenched internal processes for central bargaining into OSSTF's constitution and bylaws.⁵²⁴ With this, OSSTF had a new set of internal provisions to guide the bargaining process in place by the time Wynne's Liberals passed the SBCBA into law on April 8, 2014. The union gave the government notice to bargain on June 3, 2014,⁵²⁵ nine days before a provincial election that returned Wynne to power with a majority government.⁵²⁶

The SBCBA maintained the assignment of bargaining rights to the provincial bodies of Ontario education unions and outlined very specific steps for the bargaining process. The first step is a determination by the parties of which issues will be bargained centrally, and which issues will be left to local tables (by default). If there is no agreement, the dispute is referred to the OLRB, who facilitates mediated discussions and, if required, makes a final determination.⁵²⁷ This initial step turned out to be a sticking point in OSSTF's first round of bargaining under the SBCBA. OSSTF attempted to keep most issues within the purview of local bargaining, except for financial items such as wages, benefits, staffing and sick leave. OPSBA, in contrast, wanted almost all issues to be centrally negotiated. Former OSSTF President Harvey Bischof provided insight:

⁵²⁴ OSSTF/FEESO, "Minutes of AMPA 2014," 14-20.

⁵²⁵ OSSTF/FEESO, "Collective Bargaining Bulletin, June 26, 2014, CB Issue 5, Notice to Bargain."

⁵²⁶ OSSTF continued to make financial donations and be involved with the Working Families Coalition, engaging in third-party advertising that benefitted the Liberals. The Executive minutes of May 7, 2013, record a \$50,000 donation "to support the anti-Hudak campaign".

⁵²⁷ OSSTF/FEESO, "Submission on Bill 92, an Act to amend the School Boards Collective Bargaining Act, 2014, March 8, 2017."

Part of the centralization is the creation of the Ontario Public School Boards' Association, for teacher/occasional teacher bargaining at least, that is now a bargaining agent. It didn't used to be. You know, it used to be an umbrella advocacy kind of organization. That organization is so utterly incompetent, so utterly incapable of decision-making, paralyzed by its desire to appease government because they know they exist at the pleasure of government and can just as easily be eliminated, and they are a massive, *massive* impediment to effective negotiations.⁵²⁸

In previous PDT rounds, OSSTF had bargained directly with the government, while OPSBA, representing local school boards, had played a consultative role. In 2014 under the new SBCBA, OPSBA was now at the table with the government, and together they presented themselves as “the management team.”⁵²⁹ Instead of bargaining with provincial government representatives at a central table, OSSTF was now faced with individuals representing both local and provincial scales of power in education at the same time.

By October 2014, there was still no resolution as to what would be bargained centrally in the current negotiations round. As per the provisions of the OLRA, OSSTF conducted strike votes in all teacher and support staff bargaining units. Significant majorities—89 percent of teachers and 82 percent of support staff—voted in favour of a strike.⁵³⁰ As per the SBCBA, the union also made an application to the OLRB to obtain a determination of which issues would be bargained centrally.⁵³¹ In December, OSSTF indicated to members that they had

⁵²⁸ Harvey Bischof, interview by author, June 17, 2020.

⁵²⁹ OSSTF/FEESO, “Submission on Bill 92, an Act to amend the School Boards Collective Bargaining Act, 2014, March 8, 2017,” 2.

⁵³⁰ OSSTF/FEESO, “Collective Bargaining Bulletin, October 17, 2014. CB Issue 10. Central Table Negotiations Update.”

⁵³¹ OSSTF/FEESO, “Collective Bargaining Bulletin, October 17, 2014. CB Issue 10. Central Table Negotiations Update.”

been informed that the OLRB process would drag out to April 2015.⁵³² With a growing sense that anything brought to the OLRB would not result in a favourable outcome, OSSTF eventually agreed to expand their list of central items.⁵³³ Four months later they reached impasse with the government and OPSBA, setting off a series of strikes and government coercion.

5.6.1: Ontario Education in 2015: “A Portfolio in Crisis”

In early May 2015, Ontario Premier Kathleen Wynne and her Liberal government had their hands full with the public education file. Parents across the Toronto District School Board (TDSB), the largest school board in the province, had begun pulling their children out of school in protest of the recently modernized sexual health curriculum.⁵³⁴ However, this was not the top news item of the day. Neither was an announcement from ETFO about the possibility of job action by public elementary teachers, just two weeks after OECTA released a 94 percent strike mandate for Catholic teachers.⁵³⁵ Instead, these stories compounded what had headlined the news for weeks: a full withdrawal of services by OSSTF teacher bargaining units in the Durham, Peel, and Rainbow

⁵³² OSSTF/FEESO, “Collective Bargaining Bulletin, December 10, 2014. CB Issue 15. Central Table Negotiations Update.”

⁵³³ OSSTF/FEESO, “Submission on Bill 92, an Act to amend the School Boards Collective Bargaining Act, 2014, March 8, 2017,” 1.

⁵³⁴ Louise Brown, “Thousands of parents keep kids home from school in sex-ed protest,” *Toronto Star*, May 4, 2015. <https://www.thestar.com/yourtoronto/education/2015/05/04/thousands-of-parents-keep-kids-home-from-school-in-sex-ed-protest.html>

⁵³⁵ “Catholic teachers’ union votes 94% in favour of striking,” CityNews, April 24, 2015. <https://toronto.citynews.ca/2015/04/24/catholic-teachers-union-votes-94-in-favour-of-striking/>

District School Boards.⁵³⁶ With 70,000 high school students across the province out of school due to teachers' job action, parents protesting the new sexual health curriculum, a potential strike by elementary teachers, and no end in sight to the unrest, it is unsurprising that CTV News labelled education a 'portfolio in crisis' for the sitting government.

This labour unrest in the education sector took place under the new SBCBA, the two-tiered central bargaining regime enacted in April 2014. It was the official culmination of a decade-long series of sometimes contentious ad hoc, two-tiered bargaining rounds between the Ontario government and its education workers. The SBCBA was intended to streamline the bargaining process and make the parameters for bargaining clear for all parties.⁵³⁷ However, one year after its enactment, both central and local bargaining between the government and its education unions were at impasse. In what OSSTF President Paul Elliott characterized as "a provincial government stubbornly clinging to the failed dogma of austerity,"⁵³⁸ the Liberals were demanding that education workers engage in "net-zero bargaining."⁵³⁹ In a March 27, 2015 Collective Bargaining Bulletin to

⁵³⁶ "Ontario teachers' strike: What you need to know about the labour dispute," *CTV News*, May 5, 2015. <https://www.ctvnews.ca/canada/ontario-teachers-strike-what-you-need-to-know-about-the-labour-dispute-1.2359768>

⁵³⁷ Louise Brown, "New Ontario law will guide teacher negotiations from now on," *Toronto Star*, April 8, 2014. https://www.thestar.com/yourtoronto/education/2014/04/08/new_ontario_law_will_guide_teacher_negotiations_from_now_on.html

⁵³⁸ Paul Elliott, "President's Address to AMPA 2015," March 14, 2015.

⁵³⁹ Richard Brennan and Robert Benzie, "Kathleen Wynne warns financial cupboard is bare," *Toronto Star*, June 24, 2014. https://www.thestar.com/news/queenspark/2014/06/24/ontario_premier_kathleen_wynnes_new_cabinet_unveiled.html

members, OSSTF described the teacher central table proposals presented to them by the Ontario government and OPSBA, who made it clear that they were on the same team, as “an outright attack on the working conditions of OSSTF/FEESO members.” The proposals included the removal of class size caps and more management control of teachers’ time outside of the classroom. OSSTF also indicated their frustration with bargaining at the local school board level, claiming that boards were responding to local concerns “with complacency and indifference.” In response, OSSTF advised members that “the clock is ticking”: most local teacher bargaining units had applied for conciliation dates and would be in a legal strike position before the end of April 2015. They threatened job action if things did not improve.⁵⁴⁰ On April 20, OSSTF acted on that threat. District 13 Durham was the first to fully withdraw their services and set up picket lines. Teachers in District 3 Rainbow (Sudbury) followed one week later on April 27. On May 4, teachers in District 19 Peel also hit the bricks.

With public pressure mounting, the ‘portfolio of crisis’ became a political crisis that dragged on for both the Wynne government and affected school boards. On May 12, the Durham, Peel, and Rainbow District school boards applied to the OLRB to declare the OSSTF strikes illegal under the SBCBA.⁵⁴¹ The school boards argued that the strikes were in support of central issues rather

⁵⁴⁰ OSSTF/FEESO, “Collective Bargaining Bulletin, March 27, 2015, CB Issue 21.”

⁵⁴¹ Eric M. Roher and Kate Dearden, “OLRB Rules Local Strikes Unlawful, While Government Proceeds with Back-To-Work Legislation: Durham District School Board, Rainbow District School Board and Peel District School Board v Ontario Secondary School Teachers’ Federation, 2015 CanLII 30160 (ON LRB).” *CanLII Connects*, June 8, 2015. <https://canliiconnects.org/en/commentaries/37304>

than local ones, which violated and undermined the two-tiered bargaining parameters set out under the SBCBA. These sentiments were reflected in media comments by Peel District School Board Chair Janet McDougald, who called OSSTF “disingenuous” and “irresponsible” for interrupting student learning. Furthermore, McDougald claimed that “they’re just using the excuse of not reaching local agreements as a cover for their strategy to pressure the provincial table.”⁵⁴² McDougald failed to mention that OPSBA, too, was playing this game. They were insisting on negotiating issues at the central table that in the past would have been bargained at the local level.

Evidence presented by the school boards at the OLRB hearing focused on photos of picket sign messaging, OSSTF’s member communications and statements by OSSTF leaders to the media.⁵⁴³ On May 26, the OLRB ruled that the strikes were unlawful and declared a two-week moratorium on the strike. This moratorium was intended, in the words of OSSTF President Paul Elliott during an interview with City News, “for us to cleanse up [sic] what our messaging was. So, it would be clear what was a central issue and what were local issues, and then you can go back on strike.”⁵⁴⁴ However, the government was not prepared to allow further strike action no matter the issues at stake, with Minister of Education

⁵⁴² “Peel Secondary Teachers on Strike,” *CityTVNews*, May 3,

2015. <https://toronto.citynews.ca/2015/05/03/peel-secondary-school-teachers-strike-monday/>

⁵⁴³ David Doorey, “A Primer on the Teacher’s Strike Decision. Canadian Law of Work Forum,” *The Law of Work*, May 25, 2015. <https://lawofwork.ca/a-primer-on-the-teachers-strike-decision/>

⁵⁴⁴ “High school students head back to class after teachers’ strike deemed illegal,” *CityNews680*, May 26, 2015. <https://toronto.citynews.ca/video/2015/05/26/high-school-students-head-back-to-class-after-teachers-strike-deemed-illegal/>

Liz Sandals citing the concern that the school year for affected students would be lost.⁵⁴⁵ On May 28, 2015, the Liberals enacted the *Protecting the School Year Act*, legislating teachers back to work.⁵⁴⁶

Despite their public claims otherwise,⁵⁴⁷ it appeared that using local strikes to put pressure on the central table had in fact been OSSTF's bargaining strategy at the outset of negotiations. On May 31, 2014, fifty-three days after the government passed the SBCBA, OSSTF convened a special meeting of the provincial assembly in Toronto. At that meeting, delegates debated and unanimously approved a motion to enact a supplemental fee to be paid by all members.⁵⁴⁸ In a subsequent bargaining bulletin, also issued on May 31, 2014, OSSTF indicated to members that they intended to issue notice to bargain on June 3, 2014, and that they would fight the government's austerity agenda through "strong, decisive and strategic action." Part of this larger bargaining strategy included "a system of enhanced strike pay" for members on strike, one that would bring them up to "75 per cent of normal net pay." Members who were not on strike would fund this via a special levy of "not more than 5 per cent of

⁵⁴⁵ Charlene Close, "Durham, Peel public high school teachers to resume strike on June 10," *CityNews*, May 27, 2015. <https://toronto.citynews.ca/2015/05/27/durham-peel-public-high-school-teachers-resume-strike-june-10/>

⁵⁴⁶ Eric M. Roher and Kate Dearden, "OLRB Rules Local Strikes Unlawful, While Government Proceeds with Back-To-Work Legislation: Durham District School Board, Rainbow District School Board and Peel District School Board v Ontario Secondary School Teachers' Federation, 2015 CanLII 30160 (ON LRB)." *CanLII Connects*, June 8, 2015. <https://canliiconnects.org/en/commentaries/37304>

⁵⁴⁷ Charlene Close, "Durham, Peel public high school teachers to resume strike on June 10," *CityNews*, May 27, 2015. <https://toronto.citynews.ca/2015/05/27/durham-peel-public-high-school-teachers-resume-strike-june-10/> In this article, OSSTF President Paul Elliott stated that "We emphatically maintain that these strikes have always been about local issues."

⁵⁴⁸ OSSTF/FEESO, "Minutes of the Special Meeting of the Provincial Assembly, May 31, 2015," 6.

gross pay per pay.”⁵⁴⁹ It was a clear signal that OSSTF was preparing itself to withstand sustained local strike action in the form of a full withdrawal of services, leveraging local pain for central gain.

A central deal was eventually reached at the OSSTF teachers’ table on August 20, 2015, which was more successful in fending off the demands of the government and OPSBA than it was in making real improvements.⁵⁵⁰ However, local bargaining units still had to settle deals with school boards, in accordance with the SBCBA. At the same time, OSSTF had to repeat the process again for OSSTF support staff, who bargained at central table separate from teachers. In sum, what followed was another year of local job action from both teachers and support staff, though these largely consisted of partial withdrawals of services rather than walkouts. According to an internal OSSTF memo six teacher bargaining units and two support staff units still had not reached deals as of June 27, 2016. Rainy River, Trillium-Lakelands, and Toronto teachers were in the midst of a work-to-rule.⁵⁵¹ This was only fourteen months before the negotiated central deals and local contracts were set to expire on August 31, 2017. Despite this lag, Premier Wynne declared in the legislature that negotiations under the SBCBA

⁵⁴⁹ OSSTF/FEESO, “Collective Bargaining Bulletin, May 31, 2014. CB Issue 4.”

⁵⁵⁰ The agreement provided teachers with a 0 percent raise on September 1, 2014, a 1 percent lump sum on September 1, 2015, a 1 percent salary increase on September 1, 2016, and an additional 0.5 percent on the 98th day of the school year. It also included a \$1 million dollar payout to OSSTF to cover costs incurred during central negotiations.

<https://www.theglobeandmail.com/legacy/static/national/school/Settlement.pdf?token=1526433840>

⁵⁵¹ OSSTF/FEESO. “D/BU #167/2015-2016, Local Agreements Settled or Outstanding—Update, June 27, 2016.”

had been successful, achieving more collaborative relationships between stakeholders and “positive outcomes for school communities across the province.”⁵⁵² OSSTF disagreed with this assessment. According to them, the SBCBA had resulted in the “largest strikes involving full withdrawals of services by OSSTF/FEESO members in 40 years,” yet the result was “mostly unproductive bargaining.”⁵⁵³ The new framework had also drawn out the negotiations process to over two years, placing education workers, school boards, and the Ontario government in what Paul Elliott described as a “perpetual state of bargaining.”⁵⁵⁴ No matter one’s view on the level of success of the SBCBA, there is no doubt that it changed education bargaining both significantly and permanently.

5.7: Conclusion

The highly contentious 2014/2015 round of negotiations between the government and OSSTF illustrates how decades of neoliberal policy and increased legislative coercion had impacted collective bargaining in the education sector. In particular, it also demonstrates how shifting scales of bargaining, fueled by the state’s unending desire to contain the costs of public education, can play

⁵⁵² OSSTF/FEESO, “Squandered opportunity,” *OSSTF Update* 44, no.6, 2016-2017.

<http://www.osstf.on.ca/fr-CA/publications/update/2016-2017/44-06/squandered-opportunity.aspx>

⁵⁵³ OSSTF/FEESO, “Squandered opportunity.”

⁵⁵⁴ Allison Jones, “*Teachers’ near- ‘perpetual state of bargaining’ costing Ontario millions,*” *Toronto Star*, September 4, 2016.

<https://www.thestar.com/yourtoronto/education/2016/09/04/ontario-teachers-near-perpetual-state-of-bargaining-costing-the-province-millions.html>

out for both governments and public sector unions. On one hand, the Ontario government was able to use its legislative power at the provincial scale to impose its will upon workers. On the other, OSSTF, via its institutional strength and resources, purposefully employed teacher power at the local scale to inflict central political pain on the government.

In a blog post penned during the 2015 labour unrest, law professor David Doorey offered a pointed assessment of the 2015 OSSTF strikes and resulting OLRB case that occurred under the SBCBA. Doorey noted the complexity of the legislation's separation of central and local bargaining and asserted that the OLRB case "is an odd and complicated case arising from a flawed legislative model," one that he viewed as "volatile." In his opinion, the OLRB case only served to waste resources and poison labour relations.⁵⁵⁵ Doorey's predictions about the outcome of the case were accurate: the government enacted back-to-work legislation anyway, and the union would need to more carefully control messaging on strike signs, which he suggests are poor goals of "a proper functioning collective bargaining model."⁵⁵⁶

Doorey's analysis of the current education sector bargaining regime illustrates a theme running throughout this chapter: the continual legislative intervention of the state in education bargaining in Ontario by consecutive provincial governments, and the overall instability and labour unrest these

⁵⁵⁵ David Doorey, "A Primer on the Teacher's Strike Decision. Canadian Law of Work Forum," *The Law of Work*, May 25, 2015. <https://lawofwork.ca/a-primer-on-the-teachers-strike-decision/>

⁵⁵⁶ David Doorey, "A Primer on the Teacher's Strike Decision. Canadian Law of Work Forum," *The Law of Work*, May 25, 2015. <https://lawofwork.ca/a-primer-on-the-teachers-strike-decision/>

interventions have caused in public education, particularly since the Harris years. While the Wynne government amended the SBCBA in March 2017 via Bill 92, in part to allow for proposed ‘extension deals’ to be signed by the government and education unions,⁵⁵⁷ this amendment has done little to improve labour relations in the long term.⁵⁵⁸ As OSSTF noted in their submission on Bill 92: “While we participated in several rounds of so-called consultations, our recommendations were not taken into account. When we asked representatives of the Crown to identify where our input had been incorporated, not a single citation could be made.”⁵⁵⁹

Government-imposed changes to the bargaining regime in Ontario education since 1997 have never been intended to facilitate good labour relations, despite politicians’ claims to the contrary. Instead, they have been a neoliberal exercise in economic and labour control and an attempt to disempower education unions like OSSTF. As Shilton asserts in her analysis of the Harris years: “In retrospect, it is clear that the real quarrel was not about the new collective bargaining framework per se. It was about a shift in power within the school system from the local to the provincial level.”⁵⁶⁰ No government has since made any attempt to shift that power back to the local scale and, given the

⁵⁵⁷ OSSTF/FEESO, “Special Bulletin: Contract extension and Bill 115 remedy tentative agreements,” February 23, 2017.

⁵⁵⁸ Bill 92, the *SBCBA Amendment Act*, included making central bargaining mandatory; in the original legislation, it was not.

⁵⁵⁹ OSSTF/FEESO, “Submission on Bill 92, an Act to amend the School Boards Collective Bargaining Act, 2014,” March 8, 2017, 2.

⁵⁶⁰ Shilton, “Collective Bargaining for Teachers in Ontario,” 221.

control over education spending that it provides, it is unlikely any government ever will.

Like their affiliate counterparts, OSSTF's strategy had historically been a local one, with solidarity built and exercised in communities first. One way for a government to curb this strategy was to try and erode local power, by changing the scale at which teachers were able to contest their working conditions. With working conditions largely contingent on finances, shifting education funding to the central level meant that teacher resistance at the local level would not necessarily be successful. In addition, such resistance could potentially punish communities more than the government, something that would make teachers, whose professional identities are attached to the students that they serve, think twice.

Another way to control teacher resistance was to encourage fragmentation of bargaining between the OTF affiliates.⁵⁶¹ Centralization has negatively impacted solidarity between education unions, with each union going to central tables separately and bargaining based upon their own interests. For example, in his study of Bill 115, MacNeil asserts that OECTA's willingness to be the first to sign an austerity agreement in 2012 was a key factor in the government's ability to impose their will on other education unions.⁵⁶² Despite this, when OSSTF and ETFO received millions of dollars in compensation from the Liberals in response

⁵⁶¹ MacNeil, "Collective Bargaining between Teachers and the Province of Ontario," 125.

⁵⁶² MacNeil, "Collective Bargaining between Teachers and the Province of Ontario," 136.

to the successful 2012 Charter Challenge that they had filed against the government, the Liberals voluntarily granted OECTA the same. This so angered OSSTF and ETFO that they filed an unfair labour practice complaint against the Liberals on April 13, 2018, with ETFO President Sam Hammond referring to the OECTA payouts as “very expensive thank you cards from the Liberal government to unions that agreed to major financial concessions during 2012.”⁵⁶³ While the statutory requirement that Ontario teachers belong to one of the teacher affiliates provides a robust foundation for each union’s institutional and political strength, it maintains their separation and allows governments to pit them against one another. As Martell has put it: “It is easy, in retrospect, to see what a stroke of genius it was for the Tories to have set up *The Teaching Profession Act* in 1944 – separating the province’s teachers into five different federations. They have been feuding ever since.”⁵⁶⁴ The compulsory membership requirement imposed upon teachers also removes a mechanism of internal accountability, as teacher bargaining units cannot decertify and become part of another union.

The scaling up of bargaining has also meant that internal power within OSSTF has been scaled up in response. Local chapters of education unions once held the bargaining rights for their members. After 1997, the provincial government reassigned these rights to their provincial bodies. In this way,

⁵⁶³ Elementary Teachers’ Federation of Ontario, “Media release: ETFO, OSSTF/FEESO file unfair labour practice complaints against Liberal Government,” April 13, 2018. <https://www.globenewswire.com/en/news-release/2018/04/13/1471479/0/en/ETFO-OSSTF-file-unfair-labour-practice-complaints-against-Liberal-Government.html>

⁵⁶⁴ Martell, *A New Education Politics*, 130.

legislators have reached into the internal politics and scales of power within these unions, hoping to capitalize on their role as ‘managers of discontent’. While, like any political organization, there have always been internal power struggles between OSSTF’s provincial organization and local chapters, these have been exacerbated by changes in legislation, particularly as OSSTF’s internal processes were historically structured around local bargaining. This new centralized bargaining context is key to the analysis of internal democracy within OSSTF, in keeping with Hyman’s notion that union democracy can be profoundly impacted by external factors.⁵⁶⁵ I would argue that in any analysis of the internal democratic life of OSSTF or other Ontario education unions, the centralization of bargaining, imposed by governments through legislation, is the most significant external factor to consider.

As of 2023, the SBCBA continues to define the current bargaining regime in Ontario education. One of its results is that OSSTF has faced shifting scales of bargaining that are often blurred, particularly in the face of OPSBA’s new role. In the case of the 2014/2015 round of bargaining, school boards accused OSSTF of using job action at the local scale to create pressure at the provincial scale. Yet despite the difficulties that these shifts in scales presented, OSSTF was still able to employ a scalar strategy in response, allowing the union to mount resistance to the Liberal government’s austerity agenda. Neither the provisions of the SBCBA nor the 2015 OLRB decision were enough to contain this resistance and the

⁵⁶⁵ Hyman, *Marxism and the Sociology of Trade Unionism*, 37-8.

prolonged political pain inflicted upon the Liberals. Instead, the government had to employ their bluntest instrument, enacting back-to-work legislation in order to end the strikes. The 2015 conflict illustrates how workers and their unions are able to locate their power and employ their own scalar strategies against those of the state.⁵⁶⁶

The scope of this study does not include the 2019-2020 round of negotiations between Ontario's education unions and the Ford Conservative government, which were also highly contentious and became more complicated with the onset of the COVID-19 pandemic in March 2020. However, a decision rendered by the OLRB on September 6, 2019, indicates that scalar conflicts persist: OSSTF once again found itself in a dispute with school boards over what items should be bargained centrally. In his decision, OLRB Chair Bernard Fishbein directed "that all the matters in dispute (including staffing committees) be bargained centrally."⁵⁶⁷ This decision has set a precedent for future bargaining under the SBCBA, in that it left almost nothing to be bargained at local tables. The shift of power to the central level appears to be almost complete, making the future of local bargaining in the Ontario education sector uncertain and promising more internal restructuring within OSSTF's decision-making bodies. To better understand that structure, we now turn to an inside view of the union.

⁵⁶⁶ Herod, "From a Geography of Labor to a Labor Geography," 18-19; Herod, "Labor's spatial praxis," 161.

⁵⁶⁷ *OSSTF v. The Crown in Right of Ontario and Council of Trustees' Association*, OLRB Case No: 0906-19-M, September 6, 2019, p. 35.

6. Inside the Internal Structures of OSSTF

6.1: Introduction

On December 2, 2019, just under four weeks shy of OSSTF's centenary, more than one hundred people braved the cold to protest outside of Conservative MPP Norm Miller's office in Bracebridge, Ontario. The crowd included members of OSSTF, who stood with others to protest the Ford government's cuts to education. A local OSSTF leader interviewed by the media indicated members' resolve to stand up for the learning conditions of students, including smaller class sizes and support for students with special needs. Huntsville high school teacher Darryl Scott reiterated these concerns, adding teacher remuneration to his reasons for being there. But his overarching concern is summed up in his final quote: "it's fundamental to a functioning democracy that we have access to public schools and any other institutions that have been threatened by the government's cuts."⁵⁶⁸

There is no question that OSSTF is deeply committed to defending democracy, particularly in relation to public education. Multiple examples over time illustrate this commitment. Democracy and democratic participation were also very likely on the minds of the sixty-seven individuals who assembled in Toronto to form OSSTF in 1919. The federation's founders could not have

⁵⁶⁸ Sarah Law, "It's fundamental to a functioning democracy': Muskoka OSSTF educators picket," *MuskokaRegion.com*, December 3, 2019. https://www.muskokaregion.com/news/its-fundamental-to-a-functioning-democracy-muskoka-osstf-educators-picket/article_365f168f-2be2-5ba7-b12d-b080efcba7be.html

fathomed that OSSTF would be more than 60,000 members strong one hundred years later or anticipated the challenges of governance within such a large organization.

This chapter is an explanation of OSSTF's internal governance and decision-making structure in its current form. As I will describe, this structure is comprised of two scales of power, the local and the provincial. It is largely based upon a system of representative democracy, which has existed from the organization's inception. Understanding this system of democracy is important to the research questions posed by this study: has centralization of bargaining increased the centralization and bureaucratic character of OSSTF? If so, how have these changes affected their internal democratic practices?

Here, I will outline the governance structures at both the local and provincial levels. I will briefly discuss how OSSTF's meetings are run. Finally, I will assess OSSTF's characterization of itself as a bottom-up, fully democratic organization.

6.2: A Democratic Union

OSSTF represents over 60,000 teachers and support staff, organized into 35 districts across Ontario, with most districts representing multiple individual bargaining units.⁵⁶⁹ Districts 31-33 are comprised entirely of Francophone

⁵⁶⁹ OSSTF/FEESO, "Districts and Bargaining Units," *Ontario Secondary School Teachers' Federation*, <https://www.osstf.on.ca/districtsbargainingunits>; District 34 represents Independent Educational Programs, while District 35 represents University Support Staff. As these bargaining

support staff, and District 35 consists of bargaining units from six different universities. The federation describes itself as a “strong, democratic union.”⁵⁷⁰ In the following statement from its website, OSSTF describes its decision-making structure:

Democracy is the hallmark of OSSTF/FEESO decision-making. In our bottom-up process, decisions flow from individual members, through workplace representation, Bargaining Units, the Provincial Council, the Provincial Executive and the Provincial Assembly. Anyone can rise to the level of their talents and commitment through Progressive elections. Strong local autonomy is our foundation, and that is reflected in our Bargaining Units. Bargaining Unit officers are elected by all members of the unit.⁵⁷¹

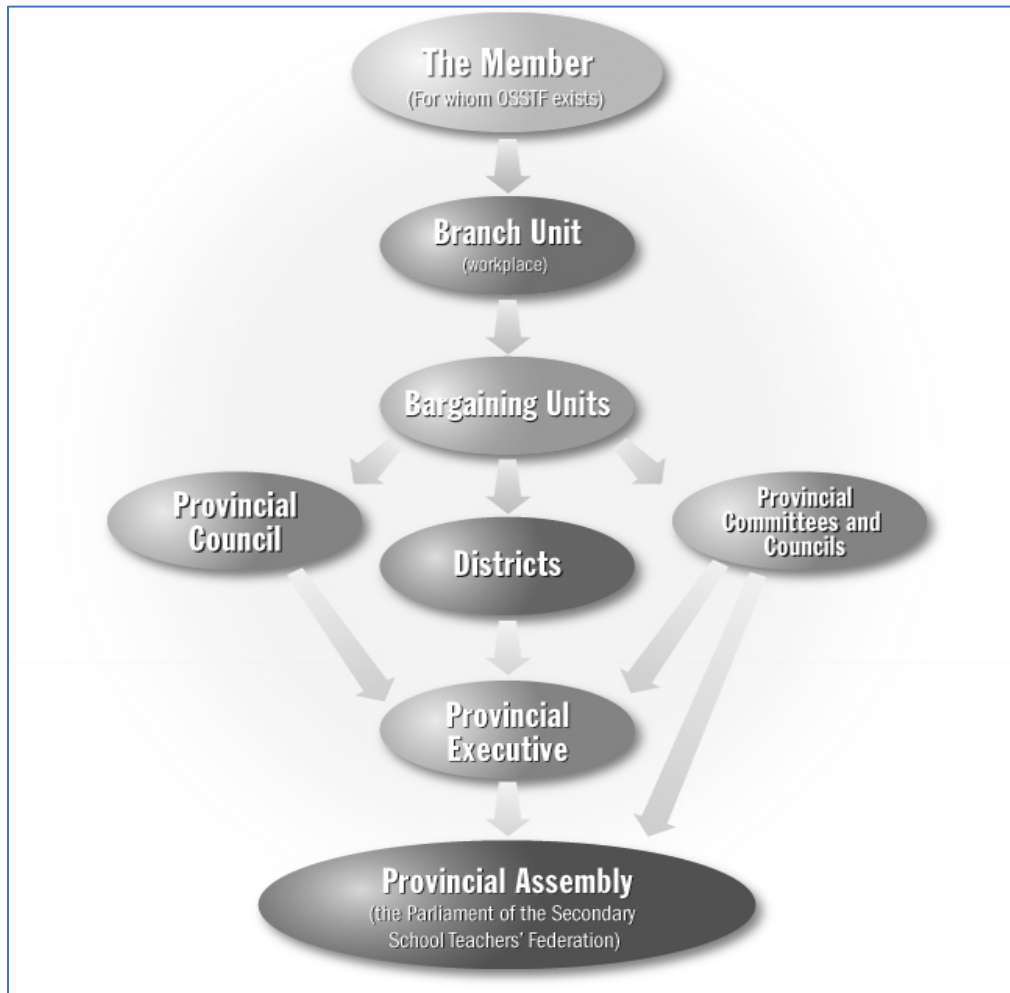
Accompanying this description is the following flow chart:

units have employers that are not school boards and fall outside of the legislation and funding described in this dissertation, they have been excluded from this study.

⁵⁷⁰ OSSTF/FEESO, “Information for Ontario Teacher Candidates,” *Ontario Secondary School Teachers’ Federation*, <https://www.osstf.on.ca/membership/information-for-ontario-teacher-candidates.aspx>

⁵⁷¹ OSSTF/FEESO, “How We Are Organized,” *Ontario Secondary School Teachers’ Federation*, <https://www.osstf.on.ca/en-CA/about-us/how-we-are-organized.aspx?class=socialmedia>

Figure 1: OSSTF's Internal Governance



Source: OSSTF/FEESO, <https://www.osstf.on.ca/en-CA/about-us/how-we-are-organized/how-we-are-organized>

This visual, like OSSTF's own written descriptions, suggests that individual members are at the top of the hierarchy, and that through democratic processes, can not only have their voices heard, but also direct the other levels of the federation, up to and including the Annual Meeting of the Provincial Assembly (AMPA). This process begins with the local structures at the bargaining unit level.

6.3: Local Bargaining Unit Structures

Variations in local bargaining unit structures exist across the province and are dependent upon the size of the bargaining unit, the geographic location, and whether more than one job class exists within the bargaining unit, as it does for many support staff and some teacher units. These structures, however, do follow an overall general model. Individual members form a 'branch' at their work site, which is most commonly at a school or board office. Each branch elects a representative, usually called the Branch President, to sit on a local bargaining unit council, as well as other branch representatives to sit on various bargaining unit committees, including a Collective Bargaining Committee. Branch representatives form the 'branch executive' at the worksite, where their role is to take forward their colleagues' concerns to the bargaining unit Council and committees. This Council includes a bargaining unit Executive, who are elected from among the bargaining unit's members.⁵⁷² Executive and Council are bodies that can act on behalf of the bargaining unit between local Annual General Meetings, which are held once per year. It is at these Annual General Meetings where potentially all members of the bargaining unit can assemble to elect officers, set policy, determine language for constitutions and bylaws, and direct their executive members to act. Bargaining unit executives may vary in the positions that exist, but all have Presidents, Chief Negotiators, and Treasurers as

⁵⁷² In cases of small bargaining units, there may be only one member at a worksite, and therefore no worksite-based branch executive. Additionally, because of their small size, only a unit executive may exist, rather than a council of representatives.

well as other positions mandated by the OSSTF provincial constitution and bylaws.⁵⁷³ Generally, unit Presidents and other members of a unit's Executive also sit on a local District Executive or Council, where they represent their bargaining unit. The number of individual bargaining units in a District varies across the province, with the largest number in District 25 Ottawa-Carleton, having seven, and District 5B Rainy River having only one. The remaining districts fall somewhere in between. While district structures do play a useful role in the actual organization and coordination of the union, structures for the purposes of democratic participation and collective bargaining largely revolve around individual bargaining units, as they have historically held the legal rights to represent their members.

Teacher bargaining units represent teaching staff and can include permanent teachers, occasional teachers, and adult education teachers. In some districts all these job classes will exist under one 'teacher' bargaining unit; in others, they are separate. For example, while occasional teachers are combined into one unit with permanent and adult education teachers in District 21 Hamilton, in District 9 Greater Essex occasional teachers form their own separate bargaining unit. Support staff units are sometimes organized around specific job classes but are more likely to have combined job classes included in one bargaining unit. For example, District 17 Simcoe has separate bargaining units for maintenance and office and clerical staff, but also includes a bargaining unit

⁵⁷³ OSSTF/FEESO, "Constitution and Bylaws, 2020," article 10.3, 6.

that represents both educational assistants and designated early childcare educators. Bargaining units of 'Professional Student Support Personnel', or PSSP, generally combine speech and language pathologists, educational psychologists, and social workers—all of whom belong to their own professional colleges. Support staff bargaining units may be separated because their employer is a different school board. For example, District 21 Hamilton has four bargaining units with the local public board, but also one support staff unit with the Catholic board. Districts 30-35 were later additions to OSSTF and are not organized according to specific geographical regions and school boards, but rather due to other factors. District 30 is a single bargaining unit representing 200 teachers in provincial schools across Ontario; Districts 31-33 represent Francophone support staff in three provincial regions; District 34 represents members working in private independent schools; and District 35 is comprised of six bargaining units, each of whom negotiate with a different university employer.

Within districts that are organized with school boards, it is common to have members from different OSSTF bargaining units working together within one school or in one 'branch.' In a secondary school, for example, permanent teachers, occasional teachers, office staff, and caretakers might all belong to one OSSTF district but be members of separate bargaining units, with separate collective agreements. In a small elementary school, there might be a single member of the office clerical unit and a small group of educational assistants, all organized by OSSTF. At a school board headquarters, there might be secondary

teachers, office clerical members, and PSSP members all working alongside one another. It is possible to have one unit engaged in strike action, and another with a settled collective agreement. While districts come together to make district decisions, such as running the local office (if the district is big enough to have one), determining the budget, planning events, and overseeing district committees and political action, collective bargaining is the sole purview of individual bargaining units and is viewed as the core function of each group. District structures had to be adapted when OSSTF first began to organize support staff, and several models were presented to districts to choose from as OSSTF expanded its membership. Because of this there are some local variations in how districts function.⁵⁷⁴

Local bargaining unit structures are set up to facilitate collective bargaining decisions. While the structure was originally created for teachers, it was later used as a model for support staff as well. Beyond unit Council, each bargaining unit's Collective Bargaining Committee has historically been viewed by OSSTF leaders and members as a place where important decisions are made. At the branch level, an elected representative will sit on the unit Collective Bargaining Committee, which will also include the unit Chief Negotiator, often the unit President, and the bargaining team, who are normally elected according to local bylaws. Again, there are variations in this structure according to bargaining unit size, organization, and geographic location, but the data has demonstrated that a

⁵⁷⁴ Malcolm Buchanan, interview by author, January 21, 2020.

general overall model exists. There are also local variations in the roles, level of involvement, and power of Chief Negotiators and Presidents in the process of contract negotiations, ultimately impacting how their influence manifests itself in local bargaining decisions. This may be due to different district cultures, personalities, and availability of release time. As part of the broader analysis of how centralized bargaining impacted OSSTF's internal structures, a discussion of how these local roles and their associated powers have shifted over time is included in Chapter 7.

6.4: Provincial Structures

The link between local OSSTF bargaining units and its provincial structures lies mostly with bargaining unit presidents. Presidents represent their units on a decision-making body called Provincial Council, which meets five times per year in accordance with the provincial constitution and bylaws.⁵⁷⁵ While every bargaining unit is guaranteed to have at least one representative on Provincial Council, regardless of bargaining unit size, more representatives are possible depending on the number of members in the bargaining unit.⁵⁷⁶ These additional representatives are appointed or elected according to locally determined

⁵⁷⁵ OSSTF/FEESO, "Constitution and Bylaws, 2020," Article 11.2.1.1, p. 19. The structure of Provincial Council underwent significant changes in 2012, and this is discussed further in Chapter 7. The description here represents its current configuration.

⁵⁷⁶ OSSTF/FEESO, "Constitution and Bylaws, 2020," Article 11.2.3, p. 21

processes. Decision-making votes at Provincial Council are weighted in accordance with the number of members they represent.⁵⁷⁷

Provincial Council is a key decision-making body of the union, acting between Annual Meetings of the Provincial Assembly (AMPA), which take place in March every year, usually at the Sheraton hotel in downtown Toronto. AMPA meetings include over 500 delegates.⁵⁷⁸ The number of delegates a bargaining unit can send to AMPA is determined by the number of members in that unit, and thus their number of votes is dependent on their overall number of delegates. Delegates are elected or appointed in accordance with local processes. AMPA determines provincial constitution and bylaw changes, policy, the annual budget, annual plan of action, and any other actions that come forward from bargaining units, districts, committees and councils, workgroups, and the Provincial Executive. Every two years, AMPA elects the seven voting members of the Provincial Executive, consisting of the President, two Vice-Presidents, Treasurer, and three Executive Officers. These seven individuals have the power to select the remaining four non-voting members, inclusive of one General Secretary and three Associate General Secretaries, who are senior members of staff.⁵⁷⁹

Provincial committees and councils are also an important part of OSSTF's provincial structure, and the work they do not only furthers the business aspects of the union, but the political and social justice aspects as well. Members of these

⁵⁷⁷ OSSTF/FEESO, "Constitution and Bylaws, 2020," Article 11.2.5, p. 21

⁵⁷⁸ OSSTF/FEESO, "AMPA News Applications," *OSSTF Update*, January 9, 2020. <http://osstfupdate.ca/2019/01/09/2174/>

⁵⁷⁹ OSSTF/FEESO, "Constitution and Bylaws, 2020," Article 8.1, p.3

committees are generally appointed by Provincial Council, with a few exceptions, where they are appointed by the Provincial Executive. The role of provincial committees is beyond the scope of this study, with the notable exception of the former Collective Bargaining Committee (CBC), which was renamed the Protective Services Committee (PSC) in 2017. Like its local counterparts, this committee has historically played a key role in OSSTF's bargaining process and as a result, has an elevated status within the union. Because of the CBC's prominent role within OSSTF, it has been a target of reform since bargaining centralization began, with AMPA 2017 ultimately voting to change not only its name but its structure and mandate.⁵⁸⁰ The changes to the CBC, in addition to the significant structural changes made to Provincial Council in 2012,⁵⁸¹ form part of this study's data, which are examined in detail in Chapter 7.

6.5: Rules of Order and Elections

OSSTF meetings of decision-making bodies, both at the provincial and local levels, utilize Robert's Rules of Order.⁵⁸² In general, the larger the meeting, the more formal these rules are. AMPA, for example, includes a procedural motion at the outset that clearly outlines how the meeting will be run, with instructions to delegates on how to engage in debate. Provincial Council strictly adheres to these parliamentary rules as well. Both of these large meetings

⁵⁸⁰ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly 2017."

⁵⁸¹ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly 2012."

⁵⁸² OSSTF/FEESO. 2020 Constitution and Bylaws. Rule 11. pp. 45-46.

include a steering committee made of up trained members of OSSTF's Parliamentary and Constitution Council (PCC), which is constituted of appointed volunteer members and provincial staff. Local bargaining units can request to have a member of PCC come to their district and oversee their local annual general meetings, due to their overall importance in the decision-making processes of the unit. In some larger districts, other meetings of decision-making bodies follow formal Robert's Rules as well. A notable example is District 12 Toronto's teacher unit council, whose sheer size necessitates the same formal meeting structures and processes used at AMPA.⁵⁸³

6.6: Representative Democracy

An overall analysis of OSSTF's internal structures make it clear that it was formed on a model of representative democracy, also known as indirect democracy, which still exists today.⁵⁸⁴ Even the invitation sent to schools for OSSTF's inaugural meeting in 1919 read: "we ask you to send a male [!] delegate as a representative from your staff."⁵⁸⁵ Only the local level of OSSTF employs direct democracy for elections.⁵⁸⁶ At this level, members have an opportunity to cast a vote for both their Branch and local Bargaining Unit representatives via their bargaining unit's constitutionally prescribed voting processes. It is then

⁵⁸³ Lisa Black-Meddings, interview by author, April 23, 2020.

⁵⁸⁴ Edelstein and Warner, *Comparative Union Democracy*, 29.

⁵⁸⁵ Robinson, *Do Not Erase*, 14.

⁵⁸⁶ David Held, *Models of Democracy*, 3rd edition (California: Stanford University Press, 2006), 4-5.

these representatives who cast votes on behalf of the membership for elections of provincial representatives and local bargaining team representatives. Direct democracy also occurs during the collective bargaining process. OSSTF members have historically cast direct votes for local strikes and contract ratification, and as bargaining became centralized, the union created internal processes to allow for similar votes during the central table bargaining process as well.

The local level, specifically at an Annual General Meeting, is also the only place where a member who does not occupy a union position can submit a motion directly for debate and potential action. If an individual member or group of members wanted to get a motion on the floor at any of the main provincial decision-making bodies, such as Provincial Council or AMPA, they would need to work through their bargaining unit representatives and would not have the opportunity to introduce the motion themselves. Debate on this motion would become subject to the willingness and commitment of those tasked with taking it forward, as well as to provincial staff interpreting Robert's Rules, at every step of the process. Those steps would include having the motion moved and debated at local Council via the member's Branch President, then submitted to the provincial body by the Bargaining Unit President. The motion would then have to be moved and debated on the floor of the provincial body, usually by the Bargaining Unit President or another approved unit delegate. For it to be successful, a majority of the other representatives in the room would have to vote in favour. In short, within

a union of 60,000 members, the chances that an idea submitted strictly through the democratic structure of the union by an individual member or group of members would be successful in changing the direction of the provincial organization is extremely low. This reality flies in the face of OSSTF's claim that its democratic process is "bottom up" and that "decisions flow from individual members" all the way up to the Provincial Executive and AMPA. Democratic participation, and the ability to control or influence the union's direction, is much more complex.

6.7: Conclusion

I return briefly to the definition of democracy that has guided this study: *members' ability to determine the direction of the union*. As explained in Chapter 2, this ability extends beyond opportunities to cast votes. It includes opportunities for discourse and learning in order to be informed. It involves access to information, including how to navigate the processes required for participation. From what I have laid out here, the ability for individual, rank-and-file OSSTF members to impact the direction of their union is very limited.

The limited ability for individual members to direct their union is in part by design, which is the structure of representative democracy that OSSTF has adhered to since its inception. However, in Chapter 7, I argue that it is also in part due to the centralization of bargaining, which shifted scales of power from local bargaining units to the provincial body. As I will assert in more detail, due to

OSSTF's model of representative democracy, internal union discussions around decision-making as centralized bargaining took hold rarely considered rank-and-file members. Rather, they focused on local leaders, whose overall ability to determine priorities in bargaining was diminished. Contributing to this diminishment was the reconfiguring of some of OSSTF's key provincial decision-making bodies, which at one time held a greater capacity for democratic engagement by local leaders. This reconfiguration is the subject of Chapter 7.

7. OSSTF's internal response to centralized bargaining

7.1: Introduction

The research presented in chapters 4 and 5 provides evidence that OSSTF has always relied on centralization, combined with the exercise of power at the local level, as part of a multi-scalar strategy to leverage good bargaining outcomes for their members. I argue, then, that when the Liberals came to power in October 2003 and brought in the first round of provincial discussions, OSSTF began to shift from a centralized to a super-centralized organization. This super-centralization included both internal process changes and the restructuring of key bodies within the union, particularly ones that provided spaces of resistance to the shift in bargaining power to the central union. This chapter will present evidence of the super-centralization of the union, with a view to containing dissent, via the discussion of several key events within the organization.

While I present separate discussions for each event in this chapter, it should be noted that these events did not occur separately but in tandem. In addition, the first key event is not singular but consists of a series of significant changes that OSSTF made to its constitution and bylaws between 2006-2018. These changes altered the roles, responsibilities, and power of provincial actors in negotiations and put into place new structures and processes for bargaining. The second event is the restructuring of OSSTF's Provincial Office in 2011, one that resulted in an increase to its bureaucracy. This expanded bureaucracy resulted in a greater number of upper management positions, more formalized

procedures for accessing Provincial Office resources, and a greater reliance on ‘expertise’ and training. The third is the reform and restructuring of two key decision-making bodies within the union, Provincial Council in 2012 and the Collective Bargaining Committee in 2018, respectively. I will begin by laying out the tensions that led up to, and ultimately resulted in, these changes within the union. I will then argue that together these changes have resulted in a more bureaucratic union, with power further shifted towards the centre and a lessened ability for members to democratically engage their union or direct its action.

7.2: The Local/Provincial Power Struggle: Constitution and Bylaw Changes in Response to Central Bargaining, 2006-2017

The struggle between OSSTF’s local and provincial scales in response to centralization of bargaining first becomes evident in internal documents from 2006, the period between the end of the first round of informal provincial discussions between the Liberals and OSSTF and the next round of formal bargaining that was slated to begin. At a Provincial Executive meeting on March 8, 2006, the executive voted to put forward a bylaw motion to AMPA 2006, scheduled for just a few weeks later: “It shall be the duty of the Provincial Executive to inform the membership should they become aware that the provincial government is considering changes that could result in the establishment of province-wide bargaining for any OSSTF members.”⁵⁸⁷ However, this motion was later amended by AMPA 2006 delegates to add a

⁵⁸⁷ OSSTF/FEESO, “Minutes of the Executive, March 8, 2006,” 2-3.

second part, one that mandated the Provincial Executive to “hold a vote of the membership in the affected bargaining unit(s) prior to the final approval of any change that results in province-wide bargaining for any OSSTF members.”⁵⁸⁸

Peter Tumey, at the time the Chief Negotiator for District 13 Durham and a member of the provincial Collective Bargaining Committee (CBC), seconded the amendment. The amendment’s mover was the Chair of CBC, a local leader who several interviewees noted was one of the most vocal opponents of centralized bargaining.⁵⁸⁹ When Tumey was asked why he seconded the motion, he responded: “I didn’t like the idea that the province was taking over bargaining. I thought, I still believe...that our strength was always the local bargaining piece.”⁵⁹⁰ According to Tumey, the loss of local bargaining meant a loss of creativity from individual bargainers around the province: “when I finally got in to the Provincial Office, started bargaining around the province and looking at different collective agreements, like *really* looking at them when I went to bargain them, it was kind of like ‘wow, that’s a fucking good idea right there’, you know.”⁵⁹¹ As explained in Chapter 5, the provincial organization, not local bargaining units, had held the legal bargaining rights since 1997, and OSSTF had

⁵⁸⁸ OSSTF/FEESO, “Minutes of the Annual Meeting of the Provincial Assembly, March 11, 2006,” 24-25.

⁵⁸⁹ Malcolm Buchanan, interview by author, January 21, 2020; ‘Eric’, interview by author, April 21, 2020; ‘Pat’, interview by author, April 7, 2020. I was unable to interview the chair of CBC these informants refer to.

⁵⁹⁰ Peter Tumey, interview by author, January 30, 2020.

⁵⁹¹ Peter Tumey, interview by author, January 30, 2020.

updated its bylaws to reflect that fact at AMPA 2002.⁵⁹² Still, Tumey recalled publicly voicing his opposition to centralized bargaining in a response to a staff presentation on the legal framework of education sector bargaining at a provincial meeting in 2005: “I tried...at the mic to say ‘yeah, but you [the Provincial Executive] have the ability to devolve that to us [local leaders]. Just because you own it [bargaining] doesn’t mean you can’t devolve it to us. And you should’.”⁵⁹³

While other interviewees agreed with Tumey that the loss of local bargaining meant a loss of creativity and the loss of opportunities for local leader capacity-building,⁵⁹⁴ only one agreed with the position he had taken in 2005, that the Provincial Executive should leave bargaining to local tables. Almost all key informants, even if begrudgingly, admitted the necessity of the provincial union to go to the table with the government to access funds for bargaining. As ‘Janice,’ an experienced local leader put it: “You know what...it [central bargaining] was coming. We had to evolve as an organization. Let’s be frank. The local school boards aren’t holding the purse strings anymore and it was getting harder and harder to negotiate [items] that had to do with funding.”⁵⁹⁵ ‘Eric,’ who became a local leader in 2003 just prior to the first round of informal central negotiations, noted that he was one of the individuals who spoke in favour of provincial

⁵⁹² OSSTF/FEESO, “Minutes of the Annual Meeting of the Provincial Assembly, March 9, 2002,” 21.

⁵⁹³ Peter Tumey, interview by author, January 30, 2020.

⁵⁹⁴ Joe Hirschegger, interview by author, January 27, 2020; Malcolm Buchanan, interview by author, January 21, 2020; ‘Dennis’, interview by author, May 8, 2020; ‘Kay’, interview by author, May 18, 2020.

⁵⁹⁵ ‘Janice’, interview by author, May 5, 2020.

representatives engaging in central discussions early on: “we can’t pretend that there isn’t a role for central discussions when the government now controls the money ... so I was one who said there needs to be some element of discussions with the holder of the money directly, otherwise we’re relying on someone else to do it for us.”⁵⁹⁶ The main concern about centralized bargaining for the majority of informants was the fear of local leaders losing autonomy and the ability to determine and bargain issues of importance to local members. As ‘Vera’ put it, “there were people who were afraid that it [central bargaining] would take away the power of local bargaining. That we wouldn’t be able to get the issues addressed.”⁵⁹⁷ Like ‘Vera’, most informants identified this fear as a key driver of the internal tensions that were evident at provincial OSSTF meetings as the centralized bargaining reality began to take hold. As former provincial bargainer and local chief negotiator Joe Hirschegger described, “so a lot of debate revolved around ... ‘wait a minute, you’re saying ... you’re saying that...we worked long and hard for this provision, and now it’s gonna be gone? Or it could be bargained away?’ So that was chiefly the amount [sic] of tensions that were discussed.”⁵⁹⁸

Overall, the key struggle that emerged from these tensions was ultimately not whether provincial leaders should engage in central bargaining, but rather how local leaders would have input and maintain some power in the process. There was a sense, several interviewees noted, that the first informal central

⁵⁹⁶ ‘Eric’, interview by author, April 21, 2020.

⁵⁹⁷ ‘Vera’, interview by author, April 30, 2020.

⁵⁹⁸ Joe Hirschegger, interview by author, January 27, 2020.

discussions between Minister Kennedy and provincial OSSTF representatives during 2004 were conducted without the knowledge of local leaders and members.⁵⁹⁹ In 'Eric's' words:

[S]o...a lot of local leaders were saying that there needed to be a lot more transparency of what was going on. And I think that it was local leaders that really pushed to see those motions come to AMPA for more debate, and then approval on what would become bylaws to define the steps that need to be taken to enter into central bargaining and then what needs to happen as far as briefs and ratification etcetera during that process.⁶⁰⁰

The Provincial Executive appeared to be sensitive to this concern when they proposed the bylaw motion at AMPA 2006 that bound them to inform the membership if the government proposed province-wide bargaining. However, local leaders wanted a further step. They wanted members to have a say in the matter, to have the right to permit or deny the Provincial Executive to engage in central negotiations.⁶⁰¹ With that, AMPA 2006 delegates adopted the motion that Tumey seconded, requiring the Provincial Executive to hold a vote of the membership before entering provincial bargaining. The bylaw did not change the fact that the provincial body held the legal bargaining rights. Instead, the new rule provided a mechanism, if imperfect, for local consultation and discussion.

⁵⁹⁹ 'Eric', interview by author, April 21, 2020; 'Pat', interview by author, April 7, 2020; Peter Tumey, interview by author, January 30, 2020; Buchanan, January 21, 2020; Malcolm Buchanan, interview by author, January 21, 2020.

Wendy Bolt, "Notes February 25, 2009," 2.

⁶⁰⁰ 'Eric', interview by author, April 21, 2020.

⁶⁰¹ The motion read: "*It shall be the duty of the Executive to hold a vote of the membership in the affected bargaining unit(s) prior to the final approval of any change that results in province wide bargaining for any OSSTF members.*" OSSTF/FEESO, "Minutes of the 2006 Annual Meeting of the Provincial Assembly, March 11, 2006," 24-25.

On November 8, 2007, the Provincial Executive called a special meeting for local leaders from around the province, whose purpose was to inform local leaders that the Liberals intended to initiate discussion of central table negotiations for both teachers and support staff and discuss the process for an all-member vote, as per the two bylaws adopted at AMPA 2006.⁶⁰² Two weeks later on November 20, the Provincial Executive had a “lengthy discussion” on “Proposed Provincial Discussion Structures” presented to them by President Ken Coran, seven days prior to meeting with the government on November 27. One day later, the executive met again to approve the “Proposed Provincial Discussion Structures.” These new structures included the creation of two ad hoc advisory groups, comprised of local leaders, “to advise PE [Provincial Executive] during PDT.”⁶⁰³ The executive proposed to call local leaders to another meeting in December 2007 to provide an update and discuss the composition of two new ad hoc advisory groups, one for teachers and one for support staff. In a memo to Bargaining Unit Presidents dated December 10, 2007, President Ken Coran named the fourteen individuals appointed by the Provincial Executive to each of the two ad hoc advisory work groups, a mix of local presidents and chief negotiators from across the province.⁶⁰⁴

A meeting took place between Coran, two senior staff, and representatives of the provincial government on December 18, 2007, with the ad hoc advisory

⁶⁰² OSSTF/FEESO, “Minutes of the Executive, November 6, 2007,” 6-7.

⁶⁰³ OSSTF Research Library, “Bargaining 1919-2015,” 19.

⁶⁰⁴ Ken Coran and Wendy Bolt, “Memorandum, D/BU # 67-2007/2008,” December 10, 2007.

groups in a back room. Coran summarized the events in a memo to local Presidents dated January 10, 2008. He carefully highlighted the government's commitment to local bargaining:

Once again, the Ministry staff reiterated that a central table does not preclude local bargaining and that Minister Wynne is very much in favour of local bargaining. They do not see that once discussions over funding conclude that there is no leverage locally. Whatever comes from the central table has to be negotiated locally.⁶⁰⁵

Soon after, the Provincial Executive became aware that local leaders were asking members of the ad hoc advisory groups for more information on the discussions at the December meeting. In a sternly worded memo issued to local presidents on January 23, 2008, Coran made it clear that the role of the leaders Provincial Executive alone would report back to other leaders and members. He rebuked local leaders:

The representatives on the ad hoc advisory work groups will not be reporting information back to districts and bargaining units about their meetings. All reports related to the provincial discussion tables will be issued by the Provincial Executive. Thank you for your cooperation in not asking ad hoc advisory workgroup members to make individual reports.⁶⁰⁶

Interestingly, OSSTF did not take a vote of either support staff or teachers to get their approval to enter provincial talks with the government in 2007 or early 2008, as per the motion passed at AMPA 2006. Because there was no formal, legal provincial bargaining process, the Provincial Executive did not consider informal 'provincial discussions' to be the same as 'province-wide bargaining.' In

⁶⁰⁵ Ken Coran, "Memorandum, D/BU #79-2007/2008," January 10, 2008.

⁶⁰⁶ Ken Coran, "Memorandum, D/BU #83-2007/2008," January 23, 2008.

the executive's estimation, they did not need to conduct a membership vote to engage in informal provincial talks. However, some local leaders disagreed, as evidenced by a motion local leaders brought to AMPA 2008 in March. The motion, which passed, sought to expand the definition of 'province-wide bargaining' as "any process ... whereby one or more representative(s) of Provincial OSSTF meet with the provincial government and/or provincial educational employer representatives with a view to agreeing on collective agreement provisions which will be binding on local Bargaining Units."⁶⁰⁷ In addition, a second motion mandated that the Provincial Executive "keep the membership informed, through local leadership and other appropriate means, of provincial dialogue/and or discussions that impact on local bargaining."⁶⁰⁸ Both of these motions sought to curb the power of provincial representatives to make back room agreements with the government without the knowledge of local leaders and members, and reflected the growing tensions between local and provincial scales of power within the union.

Without formal externally mandated processes for provincial bargaining, OSSTF responded with ad hoc internal processes. In June 2008, the Provincial Executive created ratification procedures for a tentative central framework agreement, as these did not exist in OSSTF's bylaws. These processes were modelled on local ratification procedures and included a mass meeting and a

⁶⁰⁷ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly, 2008," 12.

⁶⁰⁸ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly, 2008," 16.

vote for each bargaining unit within ten days of any tentative framework being reached.⁶⁰⁹ In June and October of 2008, respectively, OSSTF held votes of support staff and then teachers to obtain permission to enter into provincial discussions.⁶¹⁰ Both groups voted overwhelmingly in favour.⁶¹¹ By the end of December 2008, framework agreements for support staff and teachers were in place so that local bargaining could begin. By February 6, 2009, according to a memo from Ken Coran to bargaining unit presidents, the only bargaining unit that remained without a local agreement was District 12 Toronto Teachers' Unit. The Toronto District School Board (TDSB) had refused to comply with the provincial framework, prompting OSSTF to file a complaint with the OLRB.⁶¹² District 12 and TDSB finally reached a tentative agreement seven months later in August 2009.⁶¹³

Notes from an informal Provincial Executive meeting on February 25, 2009 provide rare insight into the state of internal tensions within the union following the 2008-2009 bargaining round. The purpose of the meeting was to review the PDT process, inclusive of "pros/cons" and "concerns." Several themes emerge

⁶⁰⁹ OSSTF/FEESO, "Minutes of the Executive, June 3, 2008," 3.

⁶¹⁰ OSSTF/FEESO, "Minutes of the Executive, June 6, 2008," 3; OSSTF/FEESO "Minutes of the Executive, October 22, 2008," 5.

⁶¹¹ Support staff voted 94.6 percent in favour; teachers voted 86 percent in favour. Individual bargaining unit results were not shared by OSSTF. OSSTF, "D/BU#049/2008/2009," November 18.

⁶¹² Ken Coran, "Memorandum: Collective Bargaining Update for CBC Regionals, D/BU #84, February 6, 2009." See Chapter 4 for more details.

⁶¹³ East York Mirror, "TDSB's secondary school teachers reach tentative agreement," *Toronto.com*, August 24, 2009. <https://www.toronto.com/news-story/41928-tdsb-s-secondary-school-teachers-reach-tentative-agreement/>

from the notes, which were recorded by the General Secretary.⁶¹⁴ First, the executive was clearly aware that some local leaders harboured a mistrust of the provincial bargaining process and asserted that it was this mistrust that led the Provincial Executive to have a “high level of transparency” when it came to internal bargaining processes.⁶¹⁵ Several executive members argued that these processes resulted in good collective agreements in the 2007-2008 bargaining round, particularly in the areas of wages and job protection. Second, the executive noted the external pressures impacting OSSTF’s bargaining, including government deadlines, fear of legislation, competing sectoral interests of other education unions, and the 2007 provincial election. Third, the executive was cognizant of the political balancing act between their legal responsibility for bargaining and allowing local leaders some autonomy. On one hand, “right now 7 [Provincial Executive members] elected to carry responsibility [for bargaining],” and, on the other, “some locals want you to take over [bargaining] and some don’t want you there.”⁶¹⁶ Executive members’ comments also point out how local leaders used AMPA motions to impact internal provincial bargaining processes, with President Ken Coran specifically mentioning the AMPA 2006 motion that directed the executive to take votes of the membership prior to entering province-wide negotiations: “Ken recapped AMPA 2006—motions re: votes—that’s where

⁶¹⁴ Wendy Bolt, “Notes,” 2.

⁶¹⁵ Wendy Bolt, “Notes,” 2.

⁶¹⁶ Wendy Bolt, “Notes,” 2.

it all began.”⁶¹⁷ Some members of the executive anticipated that local districts would bring more motions to AMPA 2009 in March.

The notes from the February 25, 2009 meeting also illuminate how the Provincial Executive viewed the ad hoc advisory bodies, the two groups of appointed local leaders whose official role, as described in the Provincial Executive motions that created them, was to advise the Provincial Executive during central table talks. However, there are almost no comments in the notes on the actual *advice* these bodies gave the Provincial Executive. Instead, the recorded comments highlight the ad hoc advisory bodies’ political usefulness to the executive in ratifying a central deal. The executive deemed the existence of the ad hoc advisory bodies as a success “because it helped get the deal accepted [by members and other local leaders]...[i]f they couldn’t be convinced, we wouldn’t have a deal ... [i]t would have been a disaster if the PE had accepted something they couldn’t agree with.”⁶¹⁸ These statements demonstrate the influence that local leaders maintained with their members as the faces of OSSTF at the local level, even as bargaining centralized. According to the notes, “some PE [Provincial Executive] were against ad hoc advisors at bargaining but the political clout was important.”⁶¹⁹

The Provincial Executive was aware that some members of the ad hoc advisory workgroups had expressed resentment at being used as political pawns

⁶¹⁷ Wendy Bolt, “Notes,” 2.

⁶¹⁸ Wendy Bolt, “Notes,” 2.

⁶¹⁹ Wendy Bolt, “Notes,” 2.

in the central bargaining process: “It will be interesting to see how they [the ad hoc advisory members] feel about the process, sometimes they felt they were being politically used sometimes on the outside.” Ad hoc advisory members did not have an official vote on acceptance or rejection of a tentative central agreement. As described in the notes, the executive “[n]ever really took votes, got tacit approval/disapproval.”⁶²⁰ This was a deliberate strategy, because according to one comment, “as soon as you tell them they can vote they are directing not advising...[the] PE is elected to make decisions.” It was also deliberate strategy for the Provincial Executive to appoint some leaders who did not support provincial bargaining to the ad hoc advisory groups, as the executive “needed to have naysayers in there too.”⁶²¹

Several key informants who took part in the early ad hoc advisory workgroups shared views about their participation. ‘J.P.’ felt “underutilized.” He wanted to tell the Provincial Executive that “you guys totally wasted the resources, valuable resources, in that room.” When it came to the point where the Provincial Executive went around the room and asked people to publicly indicate their approval or disapproval of the proposed central agreement, ‘J.P.’ recalled “feeling like a scapegoat, regardless of what was going to happen ... looking back I felt pretty manipulated.”⁶²² He noted the constant pressure from provincial staff who wanted him to take particular positions on issues. ‘Pat’ felt that local

⁶²⁰ Wendy Bolt, “Notes,”2.

⁶²¹ Wendy Bolt, “Notes,”2.

⁶²² ‘J.P.’, interview by author, February 15, 2020.

leader input was valued, but only from a select, more powerful few: “when it came to like the final decision-making on some very key issues in that round, there was a lot of political clout of a couple of people in the advisory room who seemed to control what the staff and the executive were going to do.”⁶²³ ‘Kay’ noted similar dynamics: “I think that there are individuals that were very much listened to...but I don’t feel that those groups led. Like there was a staff member that was assigned to chair those groups and they were baby-sat kind of stuff.”⁶²⁴

At AMPA in March 2009, in response to internal tensions that surfaced as a result of the 2008 provincial discussion tables, delegates passed a motion to direct the Provincial Executive to create a ‘PDT Review Workgroup’ to assess the 2008 bargaining round and PDT process, with a report to come to AMPA 2010.⁶²⁵ In addition, a policy motion put forth by a local district sought to have OSSTF take a position against the legislation of province-wide bargaining. The motion was referred to the Provincial Executive, with the recorded direction that it would be

⁶²³ ‘Pat’, interview by author, April 7, 2020.

⁶²⁴ ‘Kay’, interview by author, May 18, 2020.

⁶²⁵ OSSTF/FEESO, “Minutes of the Annual Meeting of the Provincial Assembly, 2009,” 45. The motion read: “Be it resolved that AMPA direct the Executive to review all processes and procedures surrounding the preparation for and utility of Provincial Discussion Tables and Provincial Framework Agreements, as it affected OSSTF bargaining provincially and at the local level. This review process will continue immediately after AMPA. Input will continue to be sought from, but not limited to, Secretariat, the PDT Ad hoc Advisory Committees, the Collective Bargaining Committee, and bargaining unit leaders, such as presidents and chief negotiators. The Collective Bargaining Committee will be assigned the task of compiling the input from the appointed members on the PDT Ad hoc Advisory Committees, the Collective Bargaining Committee, and all bargaining unit leaders through surveying and various discussions. The information gathered by the CBC shall be shared with the Executive during the October CBC meeting. A preliminary report will be made by the Executive on time and in writing to November Provincial Council with a final report and proposed recommendations to January Provincial Council.”

included in the PDT process review.⁶²⁶ The final report of the PDT Review Workgroup in 2010 was brief at only four pages long. According to the report, members of the workgroup had surveyed provincial staff, the Provincial Executive, the Collective Bargaining Committee, the ad hoc advisory workgroups, and local leaders—in short, everyone but rank-and-file members. The report made three general recommendations: that OSSTF “oppose legislated limitations on collective bargaining,” that they maintain “maximum flexibility in the collective bargaining structure,” and that the union “enter into a bargaining format that will provide maximum benefit to local collective agreements.”⁶²⁷ In addition, the report recommended that OSSTF continue with the ad hoc advisory workgroups and the two bylaws guiding the provincial bargaining process, including the bylaw mandating a vote of the membership prior to entering province-wide bargaining. There was no discussion or analysis in the report that justified these recommendations, beyond the claim that “current bylaws have served the membership and local leaders well on several levels.”⁶²⁸ “In conclusion,” the report states, “there are no recommendations to alter current OSSTF bylaws regarding bargaining.”⁶²⁹

At AMPA 2010, the Provincial Executive brought forward a motion to endorse the report of the PDT Review Workgroup. On the floor, AMPA 2010 delegates attempted to amend it, proposing that the Collective Bargaining

⁶²⁶ OSSTF/FEESO, “Minutes of the Annual Meeting of the Provincial Assembly, 2009,” 40.

⁶²⁷ OSSTF/FEESO, “Provincial Discussion Table Review: Final Report, MAC 213-09,” 2010, 2.

⁶²⁸ OSSTF/FEESO, “Provincial Discussion Table Review: Final Report, MAC 213-09,” 2010, 4.

⁶²⁹ OSSTF/FEESO, “Provincial Discussion Table Review: Final Report, MAC 213-09,” 2010, 4.

Committee and the ad hoc PDT advisory bodies be given the power to recommend the approval of the central bargaining brief to the Provincial Executive. The Chair declared the motion out of order, and the original report was eventually endorsed by the house.⁶³⁰ With their internal central bargaining processes remaining status quo, OSSTF began to prepare for the next round of bargaining, as collective agreements were set to expire on August 31, 2012. In anticipation of provincial discussions with the government, and in accordance with OSSTF bylaws, the Provincial Executive conducted another province-wide membership vote in April 2011. Members voted 96 percent in favour of engaging in provincial negotiations.⁶³¹

On November 17, 2011, the Provincial Executive called a special meeting of local leaders to review the process OSSTF wished to use for the upcoming round of bargaining. Interestingly, eight days before the scheduled meeting, according to Provincial Executive minutes from November 9, 2011, Coran led a discussion with executive members on the possible questions that local leaders might ask at microphones.⁶³² The president provided executive members with written answers, suggesting that the meeting would be carefully managed. So would the roles and duties of the Provincial Executive and staff, as evidenced by

⁶³⁰ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly, 2010," 48. OSSTF minutes do not capture the reasons why motions are ruled out of order.

⁶³¹ OSSTF Research Library, "Bargaining, 1919-2015," 22.

⁶³² OSSTF/FEESO, "Minutes of the Executive, November 9, 2011," 1-2. Neither the questions nor the answers are outlined in the minutes, only that "Ken Coran, President, distributed a paper on possible questions that could be asked at the microphone as well as possible answers to those questions."

a motion passed at the Provincial Executive meeting on November 16. The motion directed the General Secretary to design a plan to outline the roles, duties, and expectations of Provincial Executive, and to create manuals to describe these roles, including during bargaining.⁶³³

At AMPA 2012 in March, the executive put forth a “Strategic Negotiations Action Plan,” which was discussed in executive session.⁶³⁴ The plan included detailed descriptions of the roles, expectations and responsibilities of the Provincial Executive and staff, as recommended by the General Secretary.⁶³⁵ The plan also included “actions up to and including province-wide sanctions.”⁶³⁶ The motion to approve the plan was subsequently followed by a request for an initial expenditure of \$3 million in funding. Delegates voted to approve the expenditure and the plan itself, which included a reference to the bylaw that mandated a vote of the membership prior to entering province-wide bargaining. This vote is the only reference to rank-and-file member input or action in the report.

With no formalized legislated bargaining processes, few internal bylaws to guide central bargaining, and a government hell-bent on austerity, the 2012 bargaining round was a difficult struggle for the union. Several interviewees did not feel that what transpired in 2012 constituted actual ‘bargaining.’ District 27

⁶³³ OSSTF/FEESO, “Minutes of the Executive, November 16, 2011,” 3.

⁶³⁴ ‘Executive session’ is defined as a confidential session of OSSTF members at AMPA where minimal staff and no observers are present in the house during the discussion. Those in the room are expected to keep discussions confidential to those present.

⁶³⁵ OSSTF/FEESO, “Minutes of the Executive, March 6, 2012,” 2.

⁶³⁶ OSSTF/FEESO, “Minutes of the Provincial Assembly, 2012,” 90.

Limestone President Andrea Loken described it as “fake bargaining.”⁶³⁷ Retired District 6B Superior North President Buzz Grebenc suggested that the outcome should be referred to as the “Brotten package” or “McGuinty-Hudak package” rather than a ‘contract’ or ‘collective agreement,’ terms that he felt misleadingly suggested that two sides freely negotiated a deal.⁶³⁸ Members and local leaders watched as President Ken Coran publicly took a stand against the government’s agenda, but privately offered the Liberals a central deal that included a wage freeze.⁶³⁹ At the October 2012 meeting of Provincial Council, two support staff local leaders presented motions to direct the Provincial Executive to step up their resistance to the Liberals and Bill 115. They wanted to see political protests included as part of the executive’s bargaining plan, including a province-wide protest prior to the end of the year. The motions were defeated.⁶⁴⁰ Instead, four weeks later, the Provincial Executive approved \$2 million to hire a communications company to assist in the development of a “communication plan to fight Bill 115.”⁶⁴¹

As discussed in detail in Chapter 5, internal tensions arose between the Provincial Executive, staff, and local leaders as the Provincial Executive tried to reach local deals that complied with the requirements of Bill 115, in some cases

⁶³⁷ Andrea Loken, interview by author, February 24, 2020.

⁶³⁸ Bernard ‘Buzz’ Grebenc, interview by author, May 26, 2020.

In 2012, Laurel Brotten was the Liberal Minister of Education responsible for Bill 115, Dalton McGuinty was the Premier, and Tim Hudak, who was leader of the PCs and the official opposition, propped up the Liberal minority government by supporting the passage of Bill 115.

⁶³⁹ Hewitt-White, “The OSSTF Anti-Bill 115 Campaign,” 181.

⁶⁴⁰ OSSTF/FEESO, “Minutes of Provincial Council, October 12, 2012,” 5 & 16.

⁶⁴¹ OSSTF/FEESO, “Minutes of the Executive, November 29, 2012,” 2.

steamrolling over local democratic processes and constitutional rules that had been long established by individual districts.⁶⁴² In the late fall of 2012, with few internal channels to directly express discontent to their provincial leadership, teacher members in York, Niagara and Hamilton took their concerns to social media and then rejected local contracts that contained similar strips to that of the central deal bargained by OECTA in July 2012.⁶⁴³ While central deals for both teachers and support staff were eventually reached in the spring of 2013 after the government repealed Bill 115, this did not settle the internal tensions around the processes that were employed by the Provincial Executive throughout the 2012-2013 round of bargaining.

In January 2014, a report from an ad hoc workgroup, named the “Provincial Negotiations Review Workgroup” was presented to Provincial Council. The workgroup was comprised of seven local leaders appointed by the Provincial Executive, three members of senior staff, and one member of the Provincial Executive. The report traces the creation of the workgroup to a motion moved and seconded by two local leaders representing two different districts at the May 31, 2013, meeting of Provincial Council. The motion refers to selection criteria for the workgroup “established in D/BU [District/Bargaining Unit Memo] #162.”⁶⁴⁴

⁶⁴² Bernard ‘Buzz’ Grebenc, interview by author, May 26, 2020; Peter Tumey, interview by author, January 30, 2020; ‘J.P.’, interview by author, February 15, 2020.

“Secondary teacher ratification vote will stand: OSSTF investigation finds nothing improper in voting procedure,” *Guelph Mercury*, December 3, 2012. <https://www.guelphmercury.com/news-story/2749788-secondary-teacher-ratification-vote-will-stand/>

⁶⁴³ Mancini, “Austerity, Struggle, and Union Democracy,” 13.

⁶⁴⁴ OSSTF/FEESO, “Minutes of Provincial Council, May 31, 2013,” 19.

Examination of this D/BU reveals that in the month before the May 31, 2013, Provincial Council meeting, the General Secretary sent a memo to all local presidents outlining “Criteria for Application to Work Groups and Ad Hoc Committees.” The criteria, created by the Provincial Executive, included “expertise,” “experience” (inclusive of “working with others in a collaborative manner” “representing members local and provincially” and “demonstrated ability to see provincial perspective”), and “representativeness of membership” (inclusive of job class, region, gender and language.)⁶⁴⁵ In other words, membership on work groups was restricted to those already in leadership positions within the union, with the criteria for appointment deliberately limiting prospective candidates to a very select few.

The role of the Provincial Negotiations Review Workgroup was to review and make recommendations on the role of member communications, including social media, in the 2012/2013 round of bargaining, as well as the “the purpose and decision-making capacity of meetings of Presidents,” and “the role of Districts and Bargaining Units in communications with Provincial Office.”⁶⁴⁶ Notably, the Workgroup’s report did not problematize the power wielded by the Provincial Executive throughout the provincial resumption of negotiations process in the 2012/2013 bargaining round or their initial failed bargaining strategy and outcomes. It also did not directly address the internal tensions that arose

⁶⁴⁵ OSSTF/FEESO, “D/BU #162/2012-2013, Criteria for Application to Work Groups and Ad Hoc Committees.”

⁶⁴⁶ OSSTF/FEESO, “Report of the Provincial Negotiations Review Work Group to January 2014 Provincial Council, PC#53/2013-2014,” 1-2.

between the local and provincial scales of the union as provincial OSSTF leaders attempted to settle local deals that complied with the concessionary provisions of Bill 115. The one exception is a critical reference to “the rushed 11th-hour decision making as experienced at Markham Suites in November 2012,” an event corroborated by several informants, and one which the Workgroup recommended should not be repeated in the future.⁶⁴⁷ Additionally, while not explicitly identified as such, the Workgroup’s recommendations touched on internal democratic processes related to the central bargaining process but tiptoed around the tensions between local and provincial internal scales of decision-making. In particular, the Workgroup paid close attention to the purpose of “special meetings” held for local leaders during central bargaining and noted criticisms by some local leaders of how they were used.

According to several informants involved with negotiations prior to the centralization of bargaining, informal ‘special meetings’ were generally called by the Provincial Executive to present local leaders with the union’s bargaining priorities and to request their input before coordinated local bargaining began.⁶⁴⁸ In the period of centralized bargaining beginning in 2004 and up until 2013, data from Provincial Executive minutes and interviews paints the purpose of these special meetings as somewhat different. In some cases, local leaders were provided with information updates on central bargaining. In others, local

⁶⁴⁷ OSSTF/FEESO, “Report of the Provincial Negotiations Review Work Group,” 6.

⁶⁴⁸ Malcolm Buchanan, interview by author, January 21, 2020; Peter Tumey, interview by author, January 30, 2020.

presidents and chief negotiators were asked to give input on and/or endorse a central bargaining brief or a tentative agreement. However, according to the Provincial Negotiations Review Workgroup, the purpose of the special meetings during the 2012-2013 bargaining round was not always clear to local leaders beforehand. The workgroup recommended that the executive provide more clarity to participants as to why the special meetings were being held. The report also questioned whether a “special meeting” should be “duly constituted as a decision-making body” with formal rules of order rather than an informal one where nebulous “straw polls or endorsements” were conducted by the Provincial Executive without explanation of how these would be translated into action.⁶⁴⁹ The report also recommended more time for local leaders to consider central bargaining briefs and/or tentative agreement provisions prior to being asked for an endorsement, an issue that had been repeatedly raised by local leaders.⁶⁵⁰

The report of the Provincial Negotiations Review Workgroup notes that “as a result of our recommendations, changes may be made in the future to the Provincial Resumption of Negotiations (PRN) manual⁶⁵¹ or to the Bylaws to reflect the changing reality of bargaining in the future.”⁶⁵² However, a comparison of two versions of the PRN manual in existence directly before and after the

⁶⁴⁹ OSSTF/FEESO, “Report of the Provincial Negotiations Review Work Group,” 6.

⁶⁵⁰ Andrea Loken, interviewed by author, February 24, 2020; ‘Ann’, interview by author, April 1, 2020;

‘Eric’, interview by author, April 21, 2020; ‘J.P.’, interview by author, February 15, 2020.

⁶⁵¹ This manual is a handbook provided to local leaders to guide them through provincial takeover, ratification and strike processes. According to several key informants, the PRN manual is updated by provincial staff and then subjected to final approval by the Provincial Executive.

⁶⁵² OSSTF/FEESO, “Report of the Provincial Negotiations Review Work Group,” 2.

release of the Workgroup's report, updated by provincial staff in November 2011 and April 2014 respectively, provide no evidence that the Workgroup's recommendations resulted in any actual changes.⁶⁵³ Except for what could be characterized as minimal housekeeping corrections, the manuals, which provide information and instruction to leaders whose bargaining units have been formally placed under the responsibility of the union's provincial body during negotiations, are identical. The minutes of AMPA 2014 also provide no evidence that the report and recommendations of Provincial Negotiations Review Workgroup were translated into formal action, bylaw, or policy motions to be voted on by the house. The recommendations seem to have disappeared not long after the report was formally made, suggesting that they were more performative than anything else.

In contrast, a workgroup created by the Provincial Executive rather than local leaders, was pivotal to significant constitution and bylaw changes and internal processes adopted at AMPA 2014. The "Collective Bargaining Process Workgroup," which was approved by Provincial Council over a year before in January 2013, consisted of three members of the provincial Collective Bargaining Committee, six local leaders, two Provincial Executive members, and six members of the provincial staff, and was tasked with devising a formal internal

⁶⁵³ OSSTF/FEESO, "Provincial Responsibility for Negotiations Manual, November 2011," and OSSTF/FEESO, "Provincial Responsibility for Negotiations Manual, April 2014."

structure for conducting central bargaining.⁶⁵⁴ The awkwardly written rationale for the workgroup is provided in the January 24, 2013 minutes of Provincial Council:

In order to prepare OSSTF/FEESO, it is proposed that we take a proactive approach to the bargaining process and create a workgroup that would develop a collective bargaining process to ensure local priorities are addressed at the bargaining table, but also includes an aspect of provincial bargaining which recognizes all funding sources for school boards.⁶⁵⁵

The “guiding principles” of the workgroup, however, did not include consideration of internal democratic processes involving rank-and-file members. Rather, they emphasized the external process with the government, with a focus on maintaining local bargaining and protecting superior individual contract provisions “when standardization is pursued.” These guiding principles speak to the ongoing struggle for power and control between the local and provincial scales of the union. The only guiding principle addressing rank-and-file members stated that “members must be engaged in the process.”⁶⁵⁶ However, there is no explanation of what engagement meant or how it would be encouraged and measured.

According to former provincial negotiator Joe Hirschegger, who sat on the Collective Bargaining Process Workgroup, part of the drive to create and entrench formal central bargaining processes into OSSTF’s constitution and bylaws was in anticipation of the Liberals’ forthcoming *School Boards’ Collective Bargaining Act* (SBCBA), enacted in April 2014.⁶⁵⁷ Peter Tumey, who at the time

⁶⁵⁴ OSSTF/FEESO, “Minutes of the Provincial Executive, January 22, 2013,” 9.

⁶⁵⁵ OSSTF/FEESO “Minutes of Provincial Council, January 24, 2013,” 13.

⁶⁵⁶ OSSTF/FEESO, “Report of the Collective Bargaining Process Workgroup to Provincial Executive, Appendix B. PER #147/2012/-2013, March 5, 2013.”

⁶⁵⁷ Joe Hirschegger, interview by author, January 27, 2020.

was a provincial negotiator along with Hirschegger, was also assigned to workgroup as part of OSSTF staff. He was tasked with researching how other unions approached provincial bargaining. In Tumey's estimation, "I thought we hit a good balance actually between them [the proposed OSSTF processes and the other unions' processes]. I thought it was a good plan...and so I was happy with the constitutional changes."⁶⁵⁸ As a result of the workgroup's recommendations, the Provincial Executive brought ten motions to AMPA 2014. "It was a big thing," Tumey recalls. "There were huge changes that came in with the local/central split of the process. All those changes were significant ... lots of language around what meetings had to occur, who voted on briefs ... all of that language was big."⁶⁵⁹ AMPA 2014 documents indicate that the original ten motions focused on changing the constitution and bylaws to align with the forthcoming legal changes to bargaining in the education sector and clearly state that the responsibility for bargaining was held by the Provincial Executive. The proposed changes also provided guidelines for votes cast at meetings of presidents and chief negotiators to endorse the central bargaining brief and any resultant tentative agreement, created a process for the ratification of central agreements by members, and formally entrenched the previously ad hoc advisory bodies created by Provincial Executive in prior rounds of central bargaining. The proposed motions would also remove the existing bylaw that mandated the Provincial Executive to hold a vote

⁶⁵⁸ Peter Tumey, interview by author, January 30, 2020.

⁶⁵⁹ Peter Tumey, interview by author, January 30, 2020.

of the membership prior to entering province-wide bargaining with the government.⁶⁶⁰

The minutes of AMPA 2014 reveal a significant debate over these proposals, and that thirteen amendments were made from the floor. The underlying themes of the amendments were concerned with protecting the involvement and input of local leaders in the central bargaining process and ensuring more transparency. Several amendments came from an occasional teacher unit that wanted the bylaws to explicitly include designated representatives of occasional teacher units during the bargaining process.⁶⁶¹ Another amendment sought to limit the Provincial Executive's ability to standardize collective agreement provisions at the expense of bargaining units with superior language.⁶⁶² Two amendments sought to make the central process more transparent to members, the first by mandating the release of the numbers of ratification votes cast in addition to the percentage results, and a second compelling the Provincial Executive to ensure that any tentative agreement would be in the hands of local members within five days of being endorsed for ratification by local leadership.⁶⁶³ All of these amendments were defeated, along with a motion to make member ratification votes binding on the Provincial Executive, and the executive's motions were adopted with minimal changes.⁶⁶⁴

⁶⁶⁰ OSSTF/FEESO, "AMPA 2014, March 7-10, Volume 2, Supplementary Information and Resolutions."

⁶⁶¹ OSSTF/FEESO, "Minutes of AMPA 2014, March 8, 9 & 10," 14.

⁶⁶² OSSTF/FEESO, "Minutes of AMPA 2014, March 8, 9 & 10," 16.

⁶⁶³ OSSTF/FEESO, "Minutes of AMPA 2014, March 8, 9 & 10," 17.

⁶⁶⁴ OSSTF/FEESO, "Minutes of AMPA 2014, March 8, 9 & 10," 17.

Among the constitution and bylaw changes to centralized bargaining processes that dominated AMPA 2014, a notice of motion from District 27, Limestone is worth special attention. The notice signalled to AMPA 2014 delegates District 27's intention to bring the following action motion forward the following year:

Be It Resolved that a work group be created to review the democratic processes currently used by OSSTF/FEESO and make recommendations to increase member engagement, increase voting enfranchisement, increase accountability of OSSTF/FEESO representatives. The Democratic Processes work group will be comprised of the following: Two members of PE [Provincial Executive], one T/OT [teacher/occasional teacher bargaining unit] President, two other BU [bargaining unit] Presidents, two provincial CPAC [Communications/Political Action Committee] members, and four members at large.⁶⁶⁵

When asked about the origins and intent of the motion, Andrea Loken, District 27 President, explained that it came from the Chair of that district's Political Action Committee and was motivated by discontent with OSSTF's response to Bill 115 and Ken Coran's subsequent run as a Liberal candidate in the June 2013 by-election in London West.⁶⁶⁶ According to Loken, the 'democratic processes' this individual member had hoped to bring forward through the workgroup included allowing all members to vote for their Provincial Executive:

[T]his was on the heels of the Ken Coran [running for the Liberals in the London West byelection in 2013] right? And people were just outraged. And were more engaged [at the time] I guess, and realized it is important who you elect for your President ... members wanted to be able to vote directly for President, one member, one vote. They didn't want just AMPA delegates voting.⁶⁶⁷

⁶⁶⁵ OSSTF/FEESO, "Minutes of AMPA 2014, March 8, 9 & 10," 33.

⁶⁶⁶ Coran lost to NDP candidate Peggy Sattler.

⁶⁶⁷ Andrea Loken, interview by author, February 24, 2020.

The motion hit the floor of AMPA 2015, and after what Loken described as a “very brief” debate, was defeated. Loken attributed the defeat to the fact there were so many other motions to consider that year but also noted “[i]t was an attempt...a truly grassroots attempt ... to improve access to our federation and make it more transparent to the members.”⁶⁶⁸ When the mover realized that AMPA delegates were not interested in examining their union’s internal democracy, he was, in Loken’s words, “crushed.” Loken noted that the member subsequently became less involved with OSSTF.

The constitution and bylaw changes from AMPA 2014, as well as interview data, support the overall finding that the union was not prioritizing how to democratically engage rank-and-file members in a centralized bargaining process beyond the usual input in a bargaining survey and a ratification vote. Most informants acknowledged that members had less input into the central bargaining process than they had in the local one. Former OSSTF President Harvey Bischof described this result as the inevitable byproduct of centralization:

I think ... there’s still some opportunity there [for input into central bargaining priorities]. I mean we still do a survey, accessible to the entire membership. But I think inevitably there is some distancing of the bargaining process from the membership. You know when it was happening [at the local level] ... dealing with more important issues at the local bargaining table, they knew their local bargaining team, they might know the players on the school board side ... it’s a concern for me that it’s been distanced and that the union becomes ... a bit of a faceless entity rather than that local team that the membership will know to a much greater degree. So I think it’s just an inevitable reality of that distancing

⁶⁶⁸ Andrea Loken, interview by author, February 24, 2020.

and less direct member input into the bargaining process, because now it occurs on behalf of tens of thousands of members at once at a central bargaining table.⁶⁶⁹

Recently retired teacher and local union activist John Bates echoed Bischof's point of view from a rank-and-file perspective, noting that he and his colleagues felt that they had much less of a say in bargaining priorities as negotiations shifted to the central level: "I don't think that a teacher's voice at Trenton High School today is heard as loudly provincially as it was locally."⁶⁷⁰

Many of the local leaders interviewed felt that members were not knowledgeable about or engaged in the central bargaining process. 'Vera' claimed that "I don't think they [members] really know the difference between central and local [bargaining]."⁶⁷¹ Lisa Black-Meddings noted that "members are removed enough from the bargaining process for the most part that to them, they don't understand."⁶⁷² 'Ann' described members as "disjointed from the [bargaining] process."⁶⁷³ 'Megan' claimed that members are "ambivalent ... they're more concerned about the end result than the process."⁶⁷⁴ Despite their view that members didn't understand the bargaining process and had become more removed from it, most interviewees did not frame this as a problem for the union to solve. For example, 'J.P.' felt that knowledge of the bargaining process should fall to local leaders, not members:

⁶⁶⁹ Harvey Bischof, interview by author, June 17, 2020.

⁶⁷⁰ John Bates, interview by author, February 21, 2020.

⁶⁷¹ 'Vera', interview by author, April 30, 2020.

⁶⁷² Lisa Black-Meddings, interview by author, April 23, 2020.

⁶⁷³ 'Ann', interview by author, April 1, 2020.

⁶⁷⁴ 'Megan', interview by author, February 11, 2020.

I don't think that the average members really had much to say or ask [about central bargaining] because they in many cases didn't understand it. They were just basically going to work every day, doing their job, and you know...trying to reach out to many of them...they were really oblivious to what's going on. They leave that to us. As they should. And that's ok.⁶⁷⁵

Lisa Black-Meddings shared similar thoughts:

As one of my friends likes to say, she's a classroom teacher still, 'I pay you for you to do this [bargaining]. So, I vote for you so that you worry about this, and let me worry about my teaching. So I have faith in you. And when you come to call me, you call me and you want me to go to a rally, I'll go to a rally. You want me to vote on a strike vote, I'm going to vote on a strike vote. But otherwise I want you to do that, and I'm gonna teach my kids.' So I think a lot of our members feel that way, and generally.⁶⁷⁶

Overall, a thread running through the reports of various workgroups tasked with reviewing the centralized bargaining process, as well as interview data, is the assumption that the preservation of local bargaining would, by itself, maintain member engagement in the bargaining process. Further democratic input by members beyond a central bargaining survey and a ratification vote would not be required. Local leaders would continue to represent their members' concerns via the model of representative democracy that OSSTF had adopted at its inception in 1919. How centralization challenged this model of democracy, and what this has meant for the union overall, does not seem to have been considered by OSSTF leadership at either the central or local level.

Instead, the formal, internal centralized bargaining processes that OSSTF developed grew out of tensions between the provincial and local scales of the

⁶⁷⁵ 'J.P.', interview by author, February 15, 2020.

⁶⁷⁶ Lisa Black-Meddings, interview by author, April 23, 2020.

union as provincial leaders exercised their legal responsibility for bargaining and local leaders attempted to maintain enough power and influence to address local concerns. Former President Harvey Bischof called the new internal bargaining structures “really rigorously democratic...[t]hat while things have been centralized, we don’t want to take away the capacity of locals to engage with central bargaining, particularly local leaders.”⁶⁷⁷ When asked why these structures needed to be embedded in OSSTF’s constitution, he felt this was “because they are the guarantee of engagement with local leaders in a democratic process. That’s what they set out. And being constitutional, that guarantees their implementation.”⁶⁷⁸

However, while most local leaders seemed to generally agree that the constitutional processes provided them with some opportunities for input, which was important, they did not agree that this input would automatically translate into real decision-making power or influence over the central bargaining process. For example, Lisa Black-Meddings, the chief negotiator for District 12 Toronto, felt that the members of the advisory workgroups provided valuable advice to the Provincial Executive, because “if you’re a staff person or a Provincial Executive member, you have likely been out of a classroom or out of a school or out of a workplace for a fair amount of time.” However, Black-Meddings also admitted that she did not have veto power on a tentative agreement as part of the advisory

⁶⁷⁷ Harvey Bischof, interview by author, June 17, 2020.

⁶⁷⁸ Harvey Bischof, interview by author, June 17, 2020.

workgroup.⁶⁷⁹ ‘Ann’, who was appointed to a central advisory body after it was formalized in OSSTF’s bylaws, had a less positive assessment of her participation: “I’m not really sure how beneficial it is ... it sometimes feels you are only there because that’s what the policies and procedures say we have ... you’re shared information about what’s happening at the table, but you’re not really part of that table.”⁶⁸⁰ ‘Kay’ characterized the advisory bodies as “awkward layers to keep the members and the local leadership involved ... I don’t think that they were as effective as they needed to be.”⁶⁸¹ ‘Janice’ expressed that the advisory groups were more performative than anything else: “I think there is a constitutional obligation for the Provincial Executive to engage with their advisories and ask for input. And ask for guidance and ask for advice. But there’s nothing saying that they have to follow it.”⁶⁸²

Local leaders made similar comments about the special meetings where they were asked for input, and a vote of endorsement, on the central brief and tentative central agreements.⁶⁸³ Colin Matthew, the President of District 15 Trillium-Lakelands since 2013 (who was elected to the Provincial Executive in 2021), noted that “the agendas are entirely centrally controlled, which is to say the nature of the questions are given by the central powers that be to the

⁶⁷⁹ Lisa Black-Meddings, interview by author, April 23, 2020.

⁶⁸⁰ ‘Ann’, interview by author, April 1, 2020.

⁶⁸¹ ‘Kay’, interview by author, May 18, 2020.

⁶⁸² ‘Janice’, interview by author, May 5, 2020.

⁶⁸³ According to OSSTF bylaws, articles 15.2 and 15.3, Presidents and Chief negotiators vote to ‘approve’ the central brief but vote to ‘endorse’ the tentative central agreement ‘for ratification.’ These votes are weighted.

attendees at these meetings. So now [the meeting] is a time for questions of clarification, but not comment.”⁶⁸⁴ Matthew’s assertion is supported by Provincial Executive minutes, which describe meetings where senior staff, or in some cases the President, presented the executive with the intended agenda, messaging, communications plan, and even answers to anticipated questions for special meetings.⁶⁸⁵ Related to this is the issue of *time*, a topic mentioned by multiple key informants. Specifically, informants felt that the information being presented to local leaders was becoming increasingly complex, and that they were never granted enough time to digest it or to ask meaningful questions in order to make an informed decision. Matthew described one such meeting where local leaders were presented with information on a new provincial benefits plan:

[S]o we’ve got [senior staff member] presenting power points to this group of Presidents and Chiefs [Chief Negotiators] and then we’re basically asked at the end of the presentation if there’s any questions. And we haven’t even begun to formulate or conceptualize the material that we’ve been presented, or how it might impact us locally ... and we’re asked to process [this] in a very short amount of time. And from there we’re going to provincial info meetings and then to ratification.⁶⁸⁶

‘J.P.’ shared a similar experience: “there were times where we’re in those meetings and we’re given the initial [central] brief and we had to turn the documents back in. We have very short turnaround time and everybody’s thinking, ‘this is a huge decision people, like don’t rush us. But we felt very rushed.”⁶⁸⁷

⁶⁸⁴ Colin Matthew, interview by author, June 11, 2020.

⁶⁸⁵ OSSTF/FEESO, “Minutes of the Executive, November 9, 2011,” 1-2.

⁶⁸⁶ Colin Matthew, interview by author, June 11, 2020.

⁶⁸⁷ ‘J.P.’, interview by author, February 15, 2020.

The lack of time to digest information and ask questions at the special meetings of local leaders became so frustrating to Andrea Loken that she raised the issue on the floor of a meeting in 2017. Loken explained: “I actually am the person who asked at the meeting that we had time ... we were going to be presented with a vote on it [a tentative central agreement], and I actually asked that we had time given that we could read it and confer with each other. And they actually said, ‘no you can’t’.”⁶⁸⁸ According to Loken, the Provincial Executive only backed down when other local leaders went to the microphones in support of Loken’s request. Months later, at AMPA 2017, Loken’s district brought forward a bylaw motion that would guarantee Presidents and Chief Negotiators two hours between the presentation of the central tentative agreement and their vote to recommend it for ratification.⁶⁸⁹ AMPA 2017 ended before the motion could be debated, but it was brought back and passed by delegates the following year at AMPA 2018.⁶⁹⁰ ‘Eric’ cited this event as an example of AMPA and the union’s responsiveness to locals’ need “to see that they have a place ... in central bargaining.”⁶⁹¹

However, the legalities and politics of locals’ actual ‘place’ in central bargaining aren’t entirely clear to local leaders themselves. Interestingly, there

⁶⁸⁸ Andrea Loken, interviewed by author, February 24, 2020.

⁶⁸⁹ OSSTF/FEESO, “Internal document to AMPA 2017, late and revised resolutions received after January 31 and prior to March 10, 2017,” 125. Note that originally, Loken wanted 24 hours of time, not 2.

⁶⁹⁰ OSSTF/FEESO, “Constitution and Bylaws 2019-2020,” 26.

⁶⁹¹ ‘Eric’, interview by author, April 21, 2020.

were different answers given by local leaders, including very experienced ones, when asked if the votes they cast at special meetings as per OSSTF bylaws are binding on the Provincial Executive. In part, this is because Presidents and Chief Negotiators have yet to vote down a proposed central brief or tentative agreement presented to them by the Provincial Executive, so the bylaws have not been tested. While I cannot offer a legal analysis, I note that both the *School Boards Collective Bargaining Act* and OSSTF bylaws clearly express that the provincial body of the union, and therefore its elected provincial leaders, own the bargaining rights for members. Thus, there is an argument to be made that the internal debates over local leader input and endorsement votes are, from a legal perspective, relatively unimportant. These debates are not, however, unimportant from a political perspective, within an organization whose leaders are duly elected. ‘Kay’ put it this way:

[P]eople at Provincial Office and local leaders, all of them honestly believe in the union and in OSSTF. We have very different ideas of how to actually put that into place, and we all have very different capabilities of putting that in place, so I believe that ... almost everybody is well-intentioned almost all of the time. But ... we all have different priorities and we’re all tired at different times, and we all have different information. So I think that those [special] meetings...and those votes are important to keep in the back of people’s mind all of the time. How am I going to sell that at the Presidents’ and Chiefs’ meeting? How am I going to stand up at AMPA and explain that? How am I gonna do the visits in each district? So. I think they’re important.⁶⁹²

⁶⁹² ‘Kay’, interview by author, May 18, 2020.

'Kay's' comment demonstrates her thinking around the importance of local leader votes as a form of feedback on whether the majority would buy (or at least not resist) what the provincial union was selling. Provincial leadership can use this feedback to measure whether a tentative central agreement would pass its final and ultimate test: ratification by members. That OSSTF provincial leaders believe that local leaders' buy-in is essential for members' buy-in is further supported by documentary evidence presented earlier in this chapter. The interview data demonstrates similar views by local leaders and provincial staff. For example, 'Ann' described an event whereby an agreement between a mediator and a provincial negotiator was made without her participation:

[A]nd the mediator and the provincial person came to me and said, 'here's the deal'. And my response was, 'I understand we're in PRN and you get to make the decisions and that's fine, you go ahead, but I will not be at the ratification meeting.' And I still remember the [mediator] looking at [provincial staffer] and said 'oh shit!' And the [provincial staffer] said, 'and we won't get it signed if she's not there.' So they had to go back to the table. Now I knew fully well that they could sign off the deal, but I had to come up with a strategy of what I was thought was going to be best for my members, so that was my strategy.⁶⁹³

Ann's 'strategy' was to invoke the influence she had with her local members to threaten to stop a deal she did not agree with in order to shape the final deal. Similarly, Buzz Grebenc recalled how he publicly informed the Provincial Executive that he and his chief negotiator were prepared to employ a similar strategy to 'Ann's' during the 2012 bargaining round if provincial leaders

⁶⁹³ 'Ann', interview by author, April 1, 2020.

attempted to sign a collective agreement they did not feel was in the best interests of their members:

As I said at the microphone at the December 3rd [2012] meeting, the province had the right to negotiate a deal, but if it was not one our local team could support, the province could pit its 'authority' against ours during the ratification process. And for your information, that ratification process would have involved at least five meetings in five different communities because our geography makes it difficult to gather everyone in one place at one time as we have members who live in every community in our District plus others who reside in Thunder Bay, and, to a lesser degree, because there is no facility large enough to house all our members in one place... This would have required the provincial team to present its proposal five times and, as local leaders, our members would have expected us to be present and to comment on the deal the province was recommending. This gave us, if you will, clout, and maybe more importantly, conviction, resolve.⁶⁹⁴

Peter Tumey, a provincial negotiator during the 2012 bargaining round, recounted how he refused to negotiate with a local school board after local union representatives left a Markham hotel where bargaining was taking place: “[T]hey [senior OSSTF staff] wanted me to continue [bargaining], and I said, “I’m not doing it without the local guys. I’m not gonna do this. I’m not doing it without [local President] and [local Chief Negotiator]. We’re not doin’ it.”⁶⁹⁵

During the 2012 Bill 115 struggle, which is the context for both Grebenc and Tumey’s recollections, the internal OSSTF bylaws that outline votes of endorsement by local leaders were not formally in place. No central agreement had been reached. Instead, the Provincial Executive attempted to bargain similar concessionary local contracts without officially ‘testing’ local leaders via a vote of

⁶⁹⁴ Bernard ‘Buzz’ Grebenc, interview by author, May 26, 2020.

⁶⁹⁵ Peter Tumey, interview by author, January 30, 2020.

endorsement on their terms. If an official collective vote had been in place, it might have provided the feedback to the provincial body that members weren't ready to agree to contracts that had largely been dictated unilaterally by the provincial government, particularly with little involvement of their local representatives. However, this is speculation and is dependent on how individuals understand and view power. For example, while 'Ann' had at one point resisted the imposition of the provincial body's will on her local by employing the social and political influence she held with her local members, she felt that the 2014 constitution and bylaw changes undermined her influence:

[T]he constitution is written in a way that we, we're just there as advice. As advisors. And so really we have no say or power. We...this may be a blanket statement, and I could be wrong, but my perception as things have moved...we have less and less say over our organization. That the constitution and bylaws have changed in a way that we've [local leaders] lost more of our rights.⁶⁹⁶

'Ann' felt that the constitutional changes had restricted her rights rather than enhanced them, in direct contrast to Harvey Bischof's assertion that they are a guarantee of democratic rights. Leaders like Peter Tumey and Andrea Loken demonstrated views similar to Bischof's by purposefully pursuing constitutional changes they felt would curb some of the provincial leadership's power over bargaining processes. 'Kay', however, indicated that she wasn't sure about the impact of OSSTF's constitution on how power was exercised within the union:

Well, I mean there's no question that there's structure involved. In my mind. But I haven't figured out how easy it is for individuals to be moved by structure. Like I think there's always that tension, our constitutions

⁶⁹⁶ 'Ann', interview by author, April 1, 2020.

are...are clear in terms of who gets to vote and who has ultimate power. But using power is way different than having it.⁶⁹⁷

In other words, entrenching structures and processes in a union's constitution only works if individuals follow them, which entails having the knowledge and the confidence to invoke and enforce constitutional rules if others are ignoring them.

Still, it is clear from the data for this study that for OSSTF, constitutional rules are important to the functioning of the union and remain a key area of contestation and change. Here, they have served as a historical roadmap of how the union responded to a new centralized bargaining regime between 2006-2017, providing evidence of how external forces can impact the internal structures of trade unions.

7.3: The Restructuring of OSSTF's Provincial Office

The evolution of centralized bargaining in Ontario education prompted OSSTF not only to revisit their constitution and bylaws, but also to examine their internal administrative structures and bureaucratic functions of the Provincial Office, housed at the site of a former elementary school in Toronto at 60 Mobile Drive.⁶⁹⁸ In May 2011, OSSTF's Provincial Executive appointed two new Associate General Secretaries and advertised for two in-house legal positions.⁶⁹⁹ These appointments were part of a restructuring of OSSTF's Provincial Office

⁶⁹⁷ 'Kay', interview by author, May 18, 2020.

⁶⁹⁸ At the time of this writing, the original building at 60 Mobile Drive was bulldozed and replaced with a new, modern building.

⁶⁹⁹ OSSTF/FEESO, "Minutes of the Executive, May 4, 26 and 31, 2011."

staff, a process that began in the fall of 2007.⁷⁰⁰ According to the “Organizational Restructuring Report” presented to AMPA 2011, OSSTF’s organizational structure had remained unchanged for approximately thirty years. The union hired two consultants to assist with a “review process of services” at head office and conducted interviews with most staff, Provincial Executive members and management, as well as seventy-nine local leaders.⁷⁰¹ The two objectives of the review were to “improve the current structure and processes in order to maximize service delivery to members” and “improve the capacity for service delivery throughout provincial office.”⁷⁰²

The rationale for the proposed restructuring of Provincial Office provided by the AMPA 2011 report contains two overall themes. The first is a general increase in, and complexity of, the services that OSSTF is required to provide to members. The second is the growth of the union’s membership, with a focus on the increasing diversity of job classes represented by OSSTF, with the specific mention of university support staff. Embedded in both themes are points regarding the increasing workload for staff and a need for more accountability. However, beyond the growth of OSSTF’s membership, the fourteen page report does not cite any other factors driving the increased workload and need for a better “service delivery model.”⁷⁰³ The closest that the report comes to the mention of external factors impacting the union’s work is the following sentence:

⁷⁰⁰ OSSTF/FEESO, “Organizational Restructuring Report, AMPA 2011,” 1.

⁷⁰¹ OSSTF/FEESO, “Organizational Restructuring Report,” 2.

⁷⁰² OSSTF/FEESO, “Organizational Restructuring Report” 1.

⁷⁰³ OSSTF/FEESO, “Organizational Restructuring Report,” 3.

“To continue to be successful as an organization, the Federation has to develop increasingly sophisticated strategies based on political action, lobbying, government relations and long term preparation and planning.”⁷⁰⁴ Implicit in this statement is the impact of the centralized bargaining regime, which required OSSTF to work more directly with the government in order to access funds for bargaining and influence education policy.

The report on the restructuring of Provincial Office staff (exclusive of administrative support staff, who are represented by the Canadian Office Professionals and Employees union) proposed hiring of one Associate General Secretary, two In-House Legal Counsel, and one secretariat. The hiring of the extra secretariat⁷⁰⁵ would be offset by the reduction of one Organizer position, from two to one. The hiring of one of the new legal counsel positions would be offset by the retirement of the Grievance/Arbitration Coordinator. Therefore, the actual total staff complement would only rise by two. The restructuring would increase the Associate General Secretary positions from one to three, with the current Chief Financial Officer renamed as an Associate General Secretary and the addition of one secretariat. The plan also eliminated three Director positions but created four Department Heads. As a result of bargaining between OSSTF management and the staff association, the four Department Heads, like the three Directors before them, remained unionized. In-house legal counsel joined the

⁷⁰⁴ OSSTF/FEESO, “Organizational Restructuring Report,” 3.

⁷⁰⁵ “Secretariat” are the Executive Assistants hired internally by OSSTF from amongst their ranks. Their 2019 salary range was \$180,313-\$210,078 per year. Source: Pierre Côté, “D/BU #25/2019-2020, September 30, 2019. Job Posting for Executive Assistant.”

staff association. In total, management, inclusive of the Provincial Executive, would number thirteen, up from twelve, and staff association members would number thirty-five, up from thirty-four.

The restructuring of OSSTF's Provincial Office created additional layers of management and a clearer management and administrative hierarchy, particularly for secretariat. The prior structure saw secretariat managed by one General Secretary, with support staff managed by the single Associate General Secretary and three unionized Directors. Now, secretariat would be managed by the General Secretary, who reports directly to the Provincial Executive, three Associate General Secretaries, and four unionized Department Heads. More legal services would be offered in-house rather than be contracted out to the Toronto-based legal firm that the union had used for many years, and legal counsel would become subject to the internal management structure. In-house legal counsel would take on work previously handled by secretariat and would assist "in many areas including advice, training and actual legal work."⁷⁰⁶

The minutes of AMPA 2011 record that the Organizational Restructuring Report, which included constitution, bylaw and budget motions and an attached cost of \$894,923, was passed in its entirety with no amendments.⁷⁰⁷ Malcolm Buchanan, who served as General Secretary from 1995-2002, was critical of the changes. While Buchanan asserted that the pre-2011 staffing structure was

⁷⁰⁶ OSSTF/FEESO, "Organizational Restructuring Report," 10.

⁷⁰⁷ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly, 2011, March 12, 13 and 14," 44.

imperfect, the new one is “a huge bloody pyramid of staff ... it’s a French bureaucracy system where nobody’s responsible for fucking anything.”⁷⁰⁸ Peter Tumey, who held a staff position from 2006-2017 and served as the staff association’s chief negotiator, noted that despite the staff association’s pushback, the Provincial Executive “were intent on expanding senior management.”⁷⁰⁹ He explained further:

We had initially a GS [General Secretary] and an AGS [Associate General Secretary] who looked after the directors. And now you have AGS [Associate General Secretaries] who have taken over the director role, the [department] heads were subtended to that...but I mean...I believe that the executive talks to themselves. They certainly don’t engage [with] staff. That changed in my time there. It was a significant change.⁷¹⁰

In Tumey’s view, the new structure has meant “a centralization of decision-making”⁷¹¹ in which staff no longer has any influence on policy. He felt that, with only a small number of the same people in management providing ideas, this restructuring was detrimental to the union overall.

The restructured organizational model also illustrates how OSSTF views its primary functions as a union. The reduction of one organizer position and an increase in the number of legal counsel positions suggests a de-emphasis on organizing new non-teaching members and a greater focus on the union’s legal obligation to represent and service existing members. A clearer hierarchy of management provides more supervision and direction of staff, most of whom

⁷⁰⁸ Malcolm Buchanan, interview by author, January 21, 2020.

⁷⁰⁹ Peter Tumey, interview by author, January 30, 2020.

⁷¹⁰ Peter Tumey, interview by author, January 30, 2020.

⁷¹¹ Peter Tumey, interview by author, January 30, 2020.

once occupied political, elected positions in their districts, but once hired, are expected to leave their political views behind and carry out the mandate of the Provincial Executive. With more management to surveil their work, any staff opposition to the Provincial Executive's actions would be subjected to greater scrutiny. In sum, the reorganization of Provincial Office administration appeared to be about increasing managerial control, with a structure that clearly positioned the Provincial Executive as the locus of decision-making. This brought the union's bureaucracy into alignment with the centralized bargaining landscape.

7.4: Restructuring Provincial Council and the Collective Bargaining Committee

With provincial negotiations here to stay, OSSTF also decided to review the structures of two of its key decision-making bodies, Provincial Council and the Collective Bargaining Committee (CBC). Provincial Council has long held responsibility for conducting the business of the union in between Annual Meetings. It has historically brought together representatives from across the province to debate policy, action, and other general issues and, second only to AMPA, remains the most important internal body of the union. While the CBC has never shared a position of overall importance equal to that of Provincial Council, it nevertheless played a key role in bargaining, the central focus of the union. A large provincial committee, it had historically been comprised of representatives who were appointed by Provincial Council's nomination committee. The CBC was

changed to a Protective Services Committee after AMPA 2018 voted to restructure and rename it.

As two high-profile internal bodies within the union, the restructuring of Provincial Council and CBC in response to centralized bargaining is not surprising as OSSTF evolved their internal processes to match what was happening externally. A discussion of each follows.

7.4.1: A 'New' Provincial Council

At AMPA 2012, delegates voted to make significant changes to Provincial Council. However, in the same fashion as the constitutional changes and the restructuring of Provincial Office discussed above, changes to Provincial Council were made after a significant period of consideration by a workgroup and a formal report. The Strategy and Structure Review committee was created at AMPA 2009 and tasked with reviewing OSSTF's governance structures. In its first phase, the committee identified five 'Core Union Strategies', listed as follows and adopted by AMPA 2010: "Engaging members; extending our influence; influencing decision makers; protecting members; shaping public opinion."⁷¹² These 'core union strategies' were then used to guide the committee's analysis of internal governance structures.

⁷¹² OSSTF/FEESO, "Final Report of the Strategy and Structure Review Committee, MAC 203-09, AMPA 2011," 4.

There is no specific mention in the report of centralized bargaining as a key external challenge to OSSTF's governance structures. Instead, the report alludes to a "changing environment" and "environmental priorities that include education funding."⁷¹³ However, with their emphasis on extending OSSTF's influence with 'decision makers' and the public, the 'core strategies' speak to the new centralized environment that depended on OSSTF's ability to secure higher levels of education funding that could be used to negotiate collective agreement improvements. This imperative clearly elevated the importance of political action and wielding influence that the union could translate into good collective agreements for members. No longer could OSSTF rely on local relationships between their bargaining units and school boards to maximize wage increases and improvements to benefits and working conditions. The union's focus had to necessarily become central rather than local.

While the Strategy and Structure Review committee did consider all OSSTF's internal governance bodies, they chose to focus specifically on Provincial Council and the accompanying Sector Councils of Presidents.⁷¹⁴ The committee proposed to create a new Provincial Council structure that would be renamed the Council of Representatives (COR). The new structure would include at least one voting representative from every bargaining unit, who would by

⁷¹³ OSSTF/FEESO, "Final Report of the Strategy and Structure Review Committee, MAC 203-09, AMPA 2011," 5.

⁷¹⁴ The reasons for this focus are outlined in the committee report, page 6, but largely they chose to not review other decision-making bodies because they were being reviewed elsewhere or were too diverse (as in the case of individual bargaining units.)

default be the President (or alternate), with another representative allowed for every additional 1000 full-time members of the unit. In addition to this representation by population, votes by each bargaining unit representative would be weighted in accordance with bargaining unit size. The Provincial Executive would be voting members with one vote each.

This new structure would be a departure from the previous one in very specific ways. First, under the old model, very small bargaining units did not have their own representative on Provincial Council. If they were part of a district with multiple bargaining units, they would be represented by a larger bargaining unit in that district. This generally meant that smaller support staff bargaining units would be represented by teachers. Second, bargaining units typically elected or appointed their own delegates, meaning that a unit's representative was not necessarily the President and could potentially be any OSSTF member. For example, Jim Douglas, from District 21 Hamilton-Wentworth, recalls how he held the position of Provincial Councillor as a rank-and-file teacher. In his bargaining unit, this position was a non-time-release executive position.⁷¹⁵ The new structure would effectively become a Council of Presidents. Third, in the original configuration of Provincial Council, votes were not weighted. That meant that someone's vote from a bargaining unit of 100 members would hold the same weight as someone from a bargaining unit of 2000 members. Fourth, under the old model of Provincial Council, votes would be conducted by a show of hands,

⁷¹⁵ Jim Douglas, interview by author, March 25, 2021.

which the new model would replace with electronic voting. ‘Dennis’ recounted how he spoke out against electronic voting because it meant that he would not be able to scan the room to determine how his colleagues in the meeting voted in order to speak with them later.⁷¹⁶ Lastly, Sector Councils of Presidents (SCOPS) would be eliminated as formal decision-making bodies. SCOPS were created as OSSTF began to organize support staff and were intended to provide separate avenues for discussion and action based upon job class, divided into sectors for Education Support Staff, Professional Support Services Personnel, and later Teachers/Occasional Teachers. They were ‘add-ons’ to the Provincial Council structure as the union expanded, intended to allow local Presidents the ability to take issues and motions for debate to Provincial Council and AMPA.⁷¹⁷ However, with a new COR structure, every bargaining unit President would now attend Provincial Council. The Strategy and Structure Review Committee recommended that informal, optional sector meetings be held instead as a way for those Presidents to share information and concerns.⁷¹⁸

At AMPA 2011, the Review Committee presented their report and recommended bylaw motions, which included forming another workgroup to oversee the implementation of the new COR. According to the minutes of AMPA 2011, while a motion to adopt the report was passed by AMPA delegates,⁷¹⁹ all

⁷¹⁶ ‘Dennis’, interview by author, May 8, 2020.

⁷¹⁷ Jim Douglas, interview by author, March 25, 2021.

⁷¹⁸ OSSTF/FEESO, “Final Report of the Strategy and Structure Review Committee, MAC 203-09, AMPA 2011,” 8.

⁷¹⁹ OSSTF/FEESO, “Minutes of the Annual Meeting of the Provincial Assembly, 2011,” 44.

constitution and bylaw motions recommended by the workgroup were defeated.⁷²⁰ The proposed motion amendments in the minutes reveal that the issues of weighted votes and bargaining unit representation were particularly contentious. As 'Vera' recalled, the proposal for weighted votes caused "a lot of animosity towards District 12 [Toronto] because they had so many weighted votes...and people felt at the time that D[istrict] 12 was making all the decisions."⁷²¹ Still, members of Provincial Executive and staff, who subsequently formed a Strategy and Structure Review In-House workgroup after AMPA 2011, felt that the overall defeat of the proposed motions was more about process than actual content. They asserted that the parliamentary procedures used left "delegates feeling that they were unable to debate key aspects of the proposed model."⁷²² Because the actual creation of COR was dependent on AMPA passing amendments to OSSTF's constitution and bylaws, the existing Provincial Council remained unchanged for 2011/2012.

At AMPA 2012, the in-house workgroup, via the Provincial Executive, brought forward another series of motions that would restructure Provincial Council. For the most part, the 2012 motions were similar to those proposed by the original Strategy and Structure Review Committee at AMPA 2011. The accompanying report addressed and clarified the issues of weighted votes, bargaining unit representation, electronic voting and other issues that had been

⁷²⁰ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly, 2011," 12-27

⁷²¹ 'Vera', interview by author, April 30, 2020.

⁷²² OSSTF/FEESO, "Report of the Strategy and Structure Review Committee In-House Workgroup {SSRC} to AMPA 2012," 2.

raised on the floor of AMPA 2011. Instead of basing weighted votes on the number of full-time members in each bargaining units, the workgroup proposed relying on the already established formula used for generating each bargaining unit's number of representatives at AMPA, though they note that the difference between these two methods was minimal.⁷²³ Votes on the business of the house such as the adoption of the agenda, minutes, and election of the Chair and Vice Chair would remain a simple majority. All other votes such as those on action, spending, policy, etc., would be weighted.⁷²⁴ Representatives would be able to view on a screen how their colleagues voted, which had also been raised as a concern with a new electronic voting system. The workgroup proposed the retention of the term 'Provincial Council' rather than 'Council of Representatives' and maintained that alternate representatives should be chosen by individual bargaining units. This time the motions passed, and the few amendments proposed by delegates were defeated by the house.⁷²⁵

In August 2012, the newly restructured Provincial Council made its debut. Now with representation from all individual bargaining units, the body had nearly doubled in size. Minutes from April 2012 list 82 voting members, while minutes

⁷²³ The formula that OSSTF uses to calculate each bargaining unit's number of representatives at AMPA is "a minimum of 1 and then 1 for every 100 FTE" (or 'full time equivalent' member.) OSSTF/FEESO, "Report of the Strategy and Structure Review Committee In-House Workgroup {SSRC} to AMPA 2012," 4.

⁷²⁴ OSSTF/FEESO, "Report of the Strategy and Structure Review Committee In-House Workgroup {SSRC} to AMPA 2012," 4.

⁷²⁵ OSSTF/FEESO, "Minutes of the Annual Meeting of the Provincial Assembly, 2012," 18-28.

from May 2013 list 159.⁷²⁶ OSSTF continued to hold the meeting at a Toronto airport hotel. Informants with experience of Provincial Council were asked for their thoughts on the restructured format, though not all had experienced both formats and could compare the two. All informants except for one were in favour of the idea of shifting Provincial Council to a council of Presidents. The near consensus from informants was that it was important to have the individuals responsible for carrying out OSSTF's work in the locals at Provincial Council making the decisions. As Peter Tumey put it, "I thought that the idea of a Provincial Councillor from a school who has no connection to the local executive was insane, because they had no responsibility back to anybody."⁷²⁷ 'Vera' described it this way:

[T]he Provincial Council before, when it wasn't Presidents ... was made up of people from the bargaining units that weren't released usually. Like [time] released leaders. And though they were very active in their locals, they didn't have all the insights that Presidents do. So they wouldn't know all of the day-to-day issues that happen.⁷²⁸

Harvey Bischof's perspective as a member of the Provincial Executive was similar: "you could not take big decisions to be made to Provincial Council because the wrong people were there."⁷²⁹ Bischof maintained that this led to short meetings because there was little to discuss or decide.

⁷²⁶ OSSTF/FEESO, "Provincial Council Minutes, April 27-28, 2012," 1-3; OSSTF/FEESO, "Provincial Council Minutes, May 31, 2013," 1-5.

⁷²⁷ Peter Tumey, interview by author, January 30, 2020.

⁷²⁸ 'Vera', interview by author, April 30, 2020.

⁷²⁹ Harvey Bischof, interview by author, June 17, 2020.

‘Dennis’, who recognized himself as “an outlier,” held a different opinion. He felt that having representatives at Provincial Council who were not Presidents “allowed for another voice, another set of ears” and “allowed us to diversify the opinions, different points of views...and another contact.”⁷³⁰ In contrast to Bischof’s assertion, he felt that meetings were longer under the previous structure. ‘Dennis’ believed that long discussions served democracy:

I understand that it’s [Provincial Council] much more streamlined now, and it’s a lot easier and it saves money and it’s less time and all those things, but I don’t think ... that the purpose of these things is to be quick and efficient. The purpose of them is to represent members and democracy and I’ve said this a thousand times before and I’ll say it again, democracy is messy. And it is time-consuming ... and it can be expensive ... we should be considering them [changes] in terms of democracy and how they affect the members and the ability to share information and to be as open and democratic and fair as possible. And that in itself becomes messy and time-consuming, so I liked having them [Provincial Council representatives and Presidents] separate.⁷³¹

The 2012 changes meant that ‘Dennis’ small bargaining unit would no longer be able to send anyone other than their President to Provincial Council. However, under the restructured model, larger bargaining units retained the ability to bring additional representatives to Provincial Council, including those who did not occupy elected positions. In ‘Janice’s’ case, for example, her bargaining unit was able to bring more representatives, which she felt served democracy and provided more opportunity for “diverse input.”⁷³²

⁷³⁰ ‘Dennis’, interview by author, May 8, 2020.

⁷³¹ ‘Dennis’, interview by author, May 8, 2020.

⁷³² ‘Janice’, interview by author, May 5, 2020.

Although almost all informants agreed with changing the structure of Provincial Council to a council of Presidents, considerably fewer were happy with the result. Only three informants who addressed the topic spoke positively about the changes. ‘Janice’ felt that the changes allowed Presidents, particularly those who had not been able to sit on the previous configuration of Provincial Council, to grow and build leadership skills. ‘Kay’ expressed that the new structure would be “hugely helpful” to newer Presidents, allowing them to better understand “the way the organization works.”⁷³³ Harvey Bischof described the restructured Provincial Council as “a much more functional body.” He felt that

debate is a lot more vigorous there now than it used to be ... the nature of the questioning of the Provincial Executive is probably much more vigorous than it used to be, because you have people with a real, constant engagement with the operation of their bargaining unit.⁷³⁴

Contrary to Bischof’s assertion, seven informants argued that the new structure resulted in noticeably less questioning of the Provincial Executive or debate of issues. Andrea Loken asserted that “you’ve seen a culture change from a lot of vigorous debate to ... I think much less debate.”⁷³⁵ In Colin Matthew’s opinion, “the voting of Provincial Council is almost a rubber stamp process on many things.”⁷³⁶ ‘Dennis’, who attended Provincial Council both before and after its restructuring, felt that meetings changed from “fiery” to “less and less engaged and involved,”⁷³⁷ while ‘Eric’ believed “it’s a lot quieter. We don’t challenge the

⁷³³ ‘Kay’, interview by author, May 18, 2020.

⁷³⁴ Harvey Bischof, interview by author, June 17, 2020.

⁷³⁵ Andrea Loken, interview by author, February 24, 2020.

⁷³⁶ Colin Matthew, interview by author, June 11, 2020.

⁷³⁷ ‘Dennis’, interview by author, May 8, 2020.

Provincial Executive as much. There's nowhere near the debate we used to have."⁷³⁸ 'Ann' shared similar sentiments, recalling a time at Provincial Council where representatives asked "hard questions' of the Provincial Executive. She felt that this was not the case after 2012:

I'll even go out as far to say that I feel that under the new structure of Provincial Council, people don't go to the mic. People don't ask questions, and I find it very frustrating. I just sit there and shake my head and think "My god, I can't believe that someone's not questioning this."⁷³⁹

Peter Tumey described that in the current structure, "you sit back and observe. You don't engage."⁷⁴⁰ "Pat" asserted that Provincial Council representatives "weren't willing to challenge ... they basically did whatever the staff said. Whatever the politicians wanted them to do. Like there was hardly anybody except for a couple going up to the microphones to ask questions even."⁷⁴¹

Informants who held the view that representatives to the restructured Provincial Council engaged in less debate than those in the past were pressed to provide their opinion as to the reasons why. One reason that emerged was the immense responsibility and workload placed upon Presidents in their bargaining units, particularly in smaller bargaining units where the work can't be shared or where the President doesn't have time release. As Andrea Loken put it, "Presidents aren't able to give it [Provincial Council] the time and energy it deserves."⁷⁴² 'J.P.' expressed similar thoughts, particularly for Presidents of

⁷³⁸ 'Eric', interview by author, April 21, 2020.

⁷³⁹ 'Ann', interview by author, April 1, 2020.

⁷⁴⁰ Peter Tumey, interview by author, January 30, 2020.

⁷⁴¹ 'Pat', interview by author, April 7, 2020.

⁷⁴² Andrea Loken, interview by author, February 24, 2020.

smaller units: “maybe you run your [District] office out of your home while you’re still trying to run your home ... the last thing you want to do is read a thirty - to forty - page document to prepare for a one-day meeting in Toronto that you literally don’t have time to attend.”⁷⁴³ Buzz Grebenc, who comes from a Northern Ontario district, pointed out how the distance to meetings in Toronto alone translates into longer travel times and increased workload for representatives from small Northern bargaining units, who are doing the work entirely on their own.⁷⁴⁴ Overall, these informants felt that the workload placed upon Presidents potentially left those with the least resources uninformed and unable to meaningfully participate in debate.

Several interviewees noted that the physical structure and layout of the Provincial Council meeting changed significantly, and that this created a different dynamic in the room. Buzz Grebenc described the restructured Provincial Council as “a lot like AMPA.”⁷⁴⁵ ‘Megan’ described the former Provincial Council meeting setup as a “double horseshoe shape,” but noted that due to the increase in number of representatives of the restructured model, “now it’s in rows.”⁷⁴⁶ Peter Tumey gave the most detailed explanation of this point in his interview, describing the previous Provincial Council’s physical structure this way:

It was in a square setup, there was the staff at the front, like the chair and vice-chair, and there was a u-shaped body, with the executive spread around [the room] ... nobody was raised, first of all. I don’t even think the

⁷⁴³ ‘J.P.’, interview by author, February 15, 2020.

⁷⁴⁴ Bernard ‘Buzz’ Grebenc, interview by author, May 26, 2020.

⁷⁴⁵ Bernard ‘Buzz’ Grebenc, interview by author, May 26, 2020.

⁷⁴⁶ ‘Megan’, interview by author, February 11, 2020.

back chair was raised, I don't think there was any dais ... they were right behind ya ... you would have had different people all over the place.⁷⁴⁷

Tumey noted that the President would speak at a podium, but that everyone else in the room went to different microphones that were spread around the room.

After Provincial Council was restructured, the meeting setup included a raised dais at the front of the room, where the Provincial Executive sat in front of rows of representatives who all faced the front. According to Tumey:

[T]hey went to AMPA-style. With the Executive up here and two tiers ... two aisles. And they spoke down to you now. I remember the very first time I went ... to the Provincial Council as staff the first time they did this. I walked in and went, whoa, this feels really different ... cause then you had people sitting at the back, observers. I feel that it changed the dynamic significantly. I felt that as soon as they did that, the amount of interaction that used to go on, the amount of challenge that used to go on, was lost. I didn't feel like it was anything other than an AMPA ... you have a few people that always speak, and everybody else sits there and shuts up. I think that the people who went to AMPA suddenly became acting like AMPA, because it looked like AMPA. It was a mini-AMPA ... I think it was really, really significant.⁷⁴⁸

The physical reconfiguration of the restructured Provincial Council thus appeared to reflect the changing dynamic of power within the union, one that shifted the bulk of decision-making to the provincial rather than local scale. 'Ann' described it this way:

Before it felt more like a bargaining unit executive meeting ... you felt like you were all equal within the structure. And the ability to have a voice ... under this new structure it seems very two-tiered. And it's physically two-tiered. You've got your PE [Provincial Executive] and your reports sitting up above, and then you have everybody else all lined up in a row. And ...

⁷⁴⁷ Peter Tumey, interview by author, January 30, 2020.

⁷⁴⁸ Peter Tumey, interview by author, January 30, 2020.

it's hard to see what others are thinking because you are not in that u-shaped structure that we were in before.⁷⁴⁹

While it is impossible to determine if the physical re-configuration of Provincial Council meetings to an AMPA-style room was merely the result of its nearly doubled size and hotel space restrictions, was intentionally redesigned to reflect a shift in power, or became subject to someone's subconscious ideal of what it should be, the 2012 Report of the Strategy and Structure Review In-house workgroup provides a noteworthy clue. On page 4, the report refers to Provincial Council as "our AMPA between AMPAs."⁷⁵⁰ Clearly, the workgroup did, at the very least, envision a restructured Provincial Council as a smaller version of OSSTF's Annual Meeting.

A common theme that emerged in interviews was informants' sense of the increased power and influence of provincial actors, not only on the union's direction but also on individual leaders' aspirations within the organization. 'Eric' theorized that the lack of debate at Provincial Council was "because the responsibility for making decisions and outcomes around significant issues has shifted to more of a central body now, and locals don't have the ownership of the issues as much as they used to have."⁷⁵¹ 'Pat' and 'J.P' felt that the Provincial Executive and staff had greater power and influence over local leaders, who were dissuaded from questioning provincial direction. Part of this power and influence,

⁷⁴⁹ 'Ann', interview by author, April 1, 2020.

⁷⁵⁰ OSSTF/FEESO, "Report of the Strategy and Structure Review Committee In-House Workgroup, AMPA 2012," 4.

⁷⁵¹ 'Eric', interview by author, April 21, 2020.

some interviewees believed, came from the ability of provincial actors to determine who would be hired for the high-paying positions at Provincial Office.

Colin Matthew explained:

Based on the current hiring practices, there's pretty clear evidence that Provincial Council essentially represents a hiring pool, which is to say that for a non-councillor to be hired would be essentially unheard of at this point. So people at Provincial Council, some of them, would have aspirations to be hired. And so you end up with what is meant to be a democratic body, the supreme legislature between AMPAs, that serves this double role as also a hiring pool for Provincial Office jobs. And so when you look at the old Provincial Council, and you had many more front-line workers engaged in that Provincial Council, who may or may not have had any aspirations, and may or may not have any real opportunity to be hired at Mobile Drive, you now have 160 people, all of whom are theoretical candidates to be hired at Provincial Office. And so I think that Provincial Council has become much more compliant.⁷⁵²

'Ann' made similar assertions, suggesting that some local leaders' "career trajectory" made them fearful of asking questions of provincial leaders: "Many times leaders will come to me and say, well, you know ... you'll go to the mic, so can you ask this question? And it's like, 'well why don't you want to go?' 'No, no, no. I don't want them [the Provincial Executive] to see that it's me'."⁷⁵³

Beyond reducing their chances for a job with the provincial union, several informants interviewed for this study indicated their belief that there were personal and political consequences for those who expressed dissenting opinions at Provincial Council. 'J.P.' asserted that "There's also the feeling...when you go to stand up to the mic at Provincial Council, and you speak honestly on behalf of

⁷⁵² Colin Matthew, interview by author, June 11, 2020.

⁷⁵³ 'Ann', interview by author, April 1, 2020.

your members, and that happens to be a dissenting voice against those provincial folks, there's a level of shunning."⁷⁵⁴ Andrea Loken felt that "when you do push, you're seen as a rabble-rouser, you're seen as a disruptor."⁷⁵⁵ For these reasons, 'Pat' felt that local leaders "were afraid to even ask a question, because it would seem like they were challenging."⁷⁵⁶

Buzz Grebenc felt that Provincial Council representatives from small bargaining units, especially support staff units, often found themselves up against the voting power of "a small group of potentially teacher-only bargaining units within a short radius of downtown Toronto."⁷⁵⁷ He felt that in this context, "if you are a small unit within the larger body politic of an organization, and you do not have the political power to set a policy or direction, the unit's power can only come through its ability to persuade ... small bargaining units must rely on their ability to persuade rather than exert."⁷⁵⁸ In such a situation, this would require extra effort by individual leaders, whether preparing to effectively express an idea at a microphone or politicking between meetings. Several interviewees noted the barriers to such efforts, such as time, distance, family responsibilities, understanding of issues, and a lack of knowledge of how to use the processes of Provincial Council to raise ideas. Andrea Loken suggested training for Provincial Council representatives on how it works.⁷⁵⁹ While OSSTF's restructuring of

⁷⁵⁴ 'J.P.', interview by author, February 15, 2020.

⁷⁵⁵ Andrea Loken, interview by author, February 24, 2020.

⁷⁵⁶ 'Pat', interview by author, April 7, 2020.

⁷⁵⁷ Bernard 'Buzz' Grebenc, interview by author, May 26, 2020.

⁷⁵⁸ Bernard 'Buzz' Grebenc, interview by author, May 26, 2020.

⁷⁵⁹ Andrea Loken, interview by author, February 24, 2020.

Provincial Council theoretically ensured that every bargaining unit had a voice, there appeared to be little discussion of how the union could encourage representatives to use it. And overall, informants felt that Provincial Council became a much quieter and complacent place after 2012.

Neither the documentary research nor data from informants indicated that there was any consideration of how rank-and-file members could access Provincial Council, but it is important to note that members did not have much access in the prior structure either. Still, the creation of a new body that mandated that most of the attending decision-makers would be elected Presidents shut down what little access rank-and-file members did have. The assumption that member concerns, needs, and ideas would be carried forward by their elected local leaders in a system of representative democracy once again informed the internal changes OSSTF made to this important internal decision-making body.

7.4.2: From Collective Bargaining Committee (CBC) to Protective Services Committee (PSC)

While the 2018 change from a Collective Bargaining Committee (CBC) to a Protective Services Committee (PSC) appears last in the timeline of this study, minutes of CBC meetings in late 2008 provide evidence that the seeds of change were planted a full decade before they came to fruition. Both the November and December 2008 meeting minutes indicate discussions “on the Future Role of the

Collective Bargaining Committee.”⁷⁶⁰ According to OSSTF’s 2015-2016 policies and procedures, CBC consisted of up to 25 members, with up to 18 appointed by Provincial Council and the rest comprised of the Provincial Executive and staff appointed by the Provincial Executive. Of the latter appointments, only two were voting members.⁷⁶¹ The CBC’s role was broad and significant, with responsibility for recommending and presenting bargaining priorities, writing model contract language, assisting locals in all aspects of bargaining and contract maintenance, and monitoring education funding and policy. Bylaw 16.1.1.9.4 specifically identified the CBC as the “vehicle” by which the Provincial Executive would disseminate bargaining information and consult the membership to determine bargaining priorities.⁷⁶²

As outlined in Chapter 5, bargaining rights were held by local OSSTF bargaining units up until 1997. Necessarily, the priorities established by the provincial CBC at that time were broad and focused on things like wage and benefit increases, or more universal contract issues such as class sizes or teacher discipline. Individual bargaining units maintained local priorities that were often unique but important to their membership. Several informants noted that CBC was historically viewed as an important and influential OSSTF committee, with ‘Pat’ asserting that “generally, if there was a recommendation from the Collective Bargaining Committee to the Provincial Executive, they would take it

⁷⁶⁰ OSSTF/FEESO, “Minutes of the Collective Bargaining Committee, November 7-8, 2008,” 3; OSSTF/FEESO, “Minutes of the Collective Bargaining Committee, December 6, 2008,” 4.

⁷⁶¹ OSSTF/FEESO, “2016-2016 Policies and Procedures,” 27.

⁷⁶² OSSTF/FEESO, “2015-2016 Constitution and Bylaws,” 29.

seriously.”⁷⁶³ Malcolm Buchanan felt that rank-and-file members were able to influence the Provincial Executive via the CBC.⁷⁶⁴ However, other informants did not view CBC the same way, with “Janice” describing the committee as “a boys club,”⁷⁶⁵ and Peter Tumey claiming that it was “overrated ... there was nothing really terribly creative done there...I don’t think the CBC committee was terribly functional.”⁷⁶⁶ Still, with CBC’s attachment to bargaining, it is unsurprising that it was targeted for restructuring once centralized bargaining became the norm.

Tensions arose on CBC from 2004 onward, which Harvey Bischof linked to centralized bargaining: “it became less and less clear what the function of the Collective Bargaining Committee was, and how they interacted with a process of bargaining that had now become more centralized.”⁷⁶⁷ ‘Vera’ felt that the province’s centralization led to “upheaval” and “infighting,” driven by the fact that “there wasn’t responsibility being given to the committee as much.”⁷⁶⁸ ‘Pat’ characterized the tensions as more between CBC members and the Provincial Executive as they grappled for power during bargaining: “the CBC was trying to maintain their status.”⁷⁶⁹ According to ‘Kay,’ “people who were on provincial CBC felt that their influence on the organization declined.”⁷⁷⁰ In response to these

⁷⁶³ ‘Pat’, interview by author, April 7, 2020.

⁷⁶⁴ Malcolm Buchanan, interview by author, January 21, 2020.

⁷⁶⁵ ‘Janice’, interview by author, May 5, 2020.

⁷⁶⁶ Peter Tumey, interview by author, January 30, 2020.

⁷⁶⁷ Harvey Bischof, interview by author, June 17, 2020.

⁷⁶⁸ ‘Vera’, interview by author, April 30, 2020.

⁷⁶⁹ ‘Pat’, interview by author, April 7, 2020.

⁷⁷⁰ ‘Kay’, interview by author, May 18, 2020.

tensions, CBC members felt that to maintain their influence and input into bargaining they had to become a committee of ‘experts’.

At AMPA 2014, CBC brought forward a motion to change its composition to individuals who were “current or former Bargaining Unit Chief Negotiators, Presidents, Grievance Officers, Time Release federation officers or bargaining unit collective bargaining table team members.” The motion was defeated.⁷⁷¹ According to ‘Janice,’ who supported the committee’s reform, the motion failed because it appeared that CBC was trying to become “an elitist committee:”

That was the fear. That grassroots members wouldn’t have an opportunity to contribute and while we were making the argument that this committee, which is very specialized in nature ... was basically providing guidance and training and building resources for new leaders, we were arguing that this wasn’t the place for somebody to learn.⁷⁷²

Data from other informants supported ‘Janice’s’ characterization of the key arguments that arose throughout the organization’s attempts at “CBC renewal.” On one hand, the new bargaining landscape required a body of experienced CBC members to assist the Provincial Executive; on the other, this vision would eliminate rank-and-file members from being chosen for the committee and would no longer be a place to gain the experience required for leadership in the union.

Now that the CBC and Provincial Executive knew what the key concerns with their vision would be, they set out to have a series of conversations at various bodies within the union. According to Lisa Black-Meddings, a long-time

⁷⁷¹ OSSTF/FEESO, “Minutes of the Annual Meeting of the Provincial Assembly, March 10, 2014,” 33; OSSTF/FEESO, “Volume 2, AMPA 2014, Supplementary Resolutions,” 63-4.

⁷⁷² ‘Janice’, interview by author, May 5, 2020.

member of the CBC: “We started the conversations early, went through and said, okay, from the get-go, we need to start talking to people.”⁷⁷³ Black-Meddings said that these conversations began at the CBC committee and Provincial Executive, and then were taken to Provincial Council and sector caucuses. In early 2018, local leaders were invited to series of regional town hall teleconferences to “have further opportunities for feedback.”⁷⁷⁴ While several informants expressed some hesitancy about changing CBC to a place where only members with bargaining experience could participate, they, as well as other informants, saw the change from a “Collective Bargaining” committee to a “Protective Services” committee as generally positive. Many indicated that having a group of individuals with ‘expertise’ in bargaining and contract maintenance was a necessary change for OSSTF.

The emphasis on ‘expert’ and ‘expertise’ on the new Protective Services Committee (PSC) arose repeatedly in informant interviews. For example, ‘Vera’ expressed that “CBC/PSC members were to be the experts. They were trained and experienced in bargaining at the local level.”⁷⁷⁵ Harvey Bischof described the new PSC as “a committee of people with some expertise, who can go out to things like protective services regionals, and do the training at those things.”⁷⁷⁶ ‘Janice’ felt that “we needed to tap into the knowledge, skills and expertise that

⁷⁷³ Lisa Black-Meddings, interview by author, April 23, 2020.

⁷⁷⁴ Sandra Rahim, Internal OSSTF email communication, December 15, 2017.

⁷⁷⁵ ‘Vera’, interview by author, April 30, 2020.

⁷⁷⁶ Harvey Bischof, interview by author, June 17, 2020.

were there.”⁷⁷⁷ The report on CBC Renewal, presented at AMPA 2018, contained the same sentiment in its description of the “Goals of a Renewed Committee.” The first goal listed is “[t]o serve OSSTF/FEESO as an expert committee, comprised of local members and leaders with threshold experience requirements.”⁷⁷⁸ According to the report, “Although change never comes easily, we are long past due in re-examining the Collective Bargaining Committee. The world of collective bargaining has fundamentally changed around it, the CBC has not been given the opportunity to change with it.”⁷⁷⁹

The new PSC, a name change that “more appropriately reflects the scope of the work of the committee ... and also serves to align the structure of the committee to the Protective Services Division at Provincial Office,”⁷⁸⁰ would now consist of committee members and incorporate the Advisory Groups described earlier in this chapter. Members would receive specialized training on issues related to bargaining and contract maintenance. Provincial Council would appoint committee members, while the Provincial Executive would appoint the members of the Advisory groups. All appointments would be based upon an “objective matrix” of experience, which serves as a scorecard for applicants—a brand new committee selection procedure. Almost the entire matrix is comprised of various forms of internal union experience, with only one section dedicated to

⁷⁷⁷ ‘Janice’, interview by author, May 5, 2020.

⁷⁷⁸ OSSTF/FEESO, “CBC Renewal Report to the 2018 Annual Meeting of the Provincial Assembly,” 47.

⁷⁷⁹ OSSTF/FEESO, “CBC Renewal Report,” 47.

⁷⁸⁰ OSSTF/FEESO, “CBC Renewal Report,” 48.

“specialized experience, training or skills” developed outside of OSSTF.⁷⁸¹ The report asserts that the committee is “meant to be an experienced group, not an elitist group.”⁷⁸² The CBC Renewal Report and associated motions were passed at AMPA 2018 with little debate.⁷⁸³

On June 18, 2019, an online bulletin issued by Queen’s University Industrial Relations Centre (IRC) titled “Relationship Management” outlined “How OSSTF Used Custom Training to Improve Their Workplace Relationships.” According to the bulletin, OSSTF approached the IRC to provide a “custom training program for its new Protective Services Committee ... Bob Fisher, OSSTF Director of Member Protection, says that the vision for the New Protective Services Committee is that it’s a committee of experts.” The author also quotes Kerri Ferguson, OSSTF Director of Negotiations and Contract Maintenance, who described that the former CBC committee “tended to be populated with grassroots members who didn’t necessarily have all of the skills and experience.” The bulletin claims that

[T]hese days, organizations like the Ontario Secondary School Teachers’ Federation (OSSTF/FEESO) are stepping away from the attitude that, as a union, you have to be in ‘fight mode’ all the time. They are working towards accomplishing more for their members by trying to have better relationships with management.⁷⁸⁴

⁷⁸¹ OSSTF/FEESO, “CBC Renewal Report,” 55.

⁷⁸² OSSTF/FEESO, “CBC Renewal Report,” 47.

⁷⁸³ OSSTF/FEESO, “Minutes of the 2018 Annual Meeting of the Provincial Assembly.”

⁷⁸⁴ Cathy Sheldrick, “Relationship Management: How OSSTF Used Custom Training to Improve their Workplace Relationships. Industrial Relations Centre, Queen’s University,” June 18, 2019. <https://irc.queensu.ca/relationship-management-in-a-union-environment/> Accessed August 16, 2021.

In addition to training members on how to have better relationships with management, the facilitator of the training described that “building these kinds of relationship skills also improves internal relationships within the union itself— department to department, individual to individual, employee to management.”⁷⁸⁵ In other words, not only would the union’s external relationships improve, but its internal dynamics might also become less contentious as well.

The Queen’s IRC bulletin seemed to suggest that OSSTF’s approach to collective bargaining was experiencing a cultural shift, one that viewed employers more as partners than adversaries. When asked what he thought about the shift from CBC to PSC, Colin Matthew also referred to a cultural shift: “you end up with a PSC that in one way or another is beholden to the Provincial Executive for their membership on that committee. If you want to be on that committee, you probably want to be part of the culture that the committee’s promoting.”⁷⁸⁶ The ‘culture’ to which Matthew refers positions local leaders as those tasked with carrying out the decisions of the provincial body, rather than as decision-makers themselves. Andrea Loken described this culture as “top down”, and in her view, unhelpful to local leaders. Still, with the emphasis on creating a committee of ‘experts’, being appointed to the PSC affords local leaders training and the opportunity to work closely with OSSTF Executive and staff. These are all advantages when the union is required to fill a vacancy in the Protective Services

⁷⁸⁵ Sheldrick, “Relationship Management.”

⁷⁸⁶ Interview with Colin Matthew, June 11, 2020.

Department, and this is not incidental. Almost half of informants expressed that one of the drawbacks of centralized bargaining was a loss of experienced bargainers, and an overall loss of the opportunity for capacity-building at the local level. A committee of trained leaders could now be tapped as a hiring pool for future provincial staff—individuals who had received the ‘right’ training to provide service to members, rather than those who had built capacity through activism or other political means.

The committee’s name change is itself suggestive of the cultural shift that took place as a result of the centralization of negotiations. ‘Collective Bargaining Committee’ describes a group of individuals who are actively and collectively engaged in the process of bargaining. ‘Protective Services Committee’, in contrast, emphasizes the passive delivery of service. It reflects what has occurred in OSSTF Districts as local leaders and members have faced a reduced role in bargaining. As the responsibility for bargaining shifted to the central union, the role of local leaders as decision-makers and active agents of change diminished with each bargaining round as more and more issues went to the central bargaining table as opposed to local ones. This reality was acknowledged consistently by all key informants. Major decisions are now made by Provincial Office, with local leaders spending most of their days on contract maintenance and member service. As ‘Dennis’ put it, “provincial deals will be reached, and they’ll come down from on high, and they’ll be an expectation that we will ... they

will be implemented regardless of how we feel at the local level.”⁷⁸⁷ This point will be examined more in my final chapter. However, it is important to raise it here in the context of the changes OSSTF made to CBC.

7.5: Conclusion

This chapter details the key changes that OSSTF made to its internal structures in response to the external imposition of centralized bargaining by the provincial government. Specifically, I focused on a series of constitution and bylaw changes that govern the union’s internal collective bargaining processes, changes to the provincial union’s bureaucratic structures, and reforms to two of OSSTF’s key decision-making bodies, Provincial Council and the Collective Bargaining Committee. In all cases, these changes were made to shift more internal decision-making power to the central actors in the union, to better manage local actors, and to virtually eliminate rank-and-file members’ already limited access to provincial-level decision-making bodies. The discussions that surrounded these changes paid little attention to how democratic input by rank-and-file members would be preserved. In the case of local leaders, even where the union made changes to provide opportunity for their input on central bargaining issues, there is no formal way to compel central decision makers to act on that input. That said, local leaders still hold influence with local members,

⁷⁸⁷ ‘Dennis’, interview by author, May 8, 2020.

and this political influence remains an important consideration for elected provincial union officials when seeking legitimacy for their decisions.

The internal struggle for control within OSSTF, and the fundamental tensions between provincial and local actors that accompanied each of the changes that OSSTF made, is the direct result of the centralization of bargaining.

Richard Hyman explains this tension well:

Changes in bargaining structure thus exert a powerful influence on the patterns of industrial conflict; and in particular, since centralisation of negotiation increases the interdependence of workplace and external union organisations, conflict over control *within* trade unionism is intensified.⁷⁸⁸

While Hyman's analysis arose from his examination of private sector industrial conflict in Britain in the early 1970s, it applies here to this case study of OSSTF, a public sector union. As I describe in this chapter, as centralized bargaining took hold in education in Ontario, conflicts over who would determine bargaining priorities arose in the union. These conflicts led directly to the internal changes OSSTF made, with some championed by individual local leaders, but more often formally moved forward via provincial ones. However, these changes did not address the internal conflicts by increasing real decision-making power for local leaders and members. Rather, they solidified decision-making at the provincial scale of the union and removed formal opportunities that might have allowed local leaders and/or rank-and-file members to disrupt provincial-level decisions via internal democratic processes. In return, the changes offered local leaders

⁷⁸⁸ Hyman, *Industrial Relations: A Marxist Introduction*, 166.

guaranteed spots on internal union bodies, formal opportunities for consultation and participation, and a clear process for the ratification of central agreements. The union also increased the bureaucratic capacity of their organization and shifted definitively to a service model by training ‘experts’ rather than building the activist and organizing capacity of local leaders and rank-and-file members. While these changes were contested by some, they were ultimately accepted by the majority.

The acceptance of these changes boils down to three factors. First, they were a response to a legislated central bargaining regime in which the union had little say. Second, OSSTF’s long-held structure of representative democracy assumed that local leaders are the informed voices of local bargaining unit members and therefore the most important people to consider as bargaining was ‘upscaled.’ While this system of representative democracy has historically limited members’ ability to directly engage with their provincial union as its membership grew, centralization has reduced it further, while allowing decision-makers to hold on to the view that these changes preserved democracy in the union. The third factor involves the legal configurations of teacher unions in Ontario and requires more explanation.

As I note earlier in this study, every informant interviewed indicated that the power local OSSTF districts once had to determine their bargaining priorities has diminished significantly with each central bargaining round. Andrea Loken

described how centralized bargaining has tied the hands of locals when it comes to addressing concerns specific to her members:

Now we have a really hard time adjusting any local priorities because of the central process ... if it costs a dime, it's going to be centrally bargained ... so we can't get at certain local issues and improve things. And they'll never be bargained centrally because they're just not a priority for everyone else in the province.⁷⁸⁹

The sentiments expressed by Loken and others support Hyman's argument that "[t]he potential for intra-union conflict is increased where only limited scope exists for workplace bargaining."⁷⁹⁰ According to this view, then, it is unsurprising that OSSTF faced some internal conflict as local needs could no longer be addressed by individual bargaining units. For Hyman, such situations drive "the challenge from below," as local stewards and members resist their national union's agenda.⁷⁹¹ In the context of British industrial unions, this resistance took the form of "rank-and-file strike committee[s]" or "breakaway union[s]."⁷⁹² However, in the case of OSSTF, Ontario teachers are not legally able to strike separately from their colleagues or decertify and join other unions, even other teacher unions. Any "challenge from below" is limited. This external factor, once again, has shaped OSSTF's response to its own internal tensions, including the outcomes of conflict. The most significant response by OSSTF members to centralized contracts to date is their rejection of the concessionary agreements that their

⁷⁸⁹ Andrea Loken, interview by author, February 24, 2020.

⁷⁹⁰ Hyman, *Industrial Relations: A Marxist Introduction*, 165.

⁷⁹¹ Hyman, *Industrial Relations: A Marxist Introduction*, 151.

⁷⁹² Hyman, *Industrial Relations: A Marxist Introduction*, 165.

union leaders accepted when faced with Bill 115 in 2012. However, even then, members went on to accept similar contracts just months later in 2013.

The external factors that OSSTF continually faces as they attempt to negotiate good wages and working conditions for their members must seem insurmountable. These factors are directly related to their status as a public sector union. OSSTF is subject to the political whims of the government of the day, to public opinion, to legislative frameworks, to neoliberalism, and to the general fragmentation of bargaining that exists in the education sector in Ontario. Still, an analysis of the changes that they have made in response to centralized bargaining suggests that there has been little imagining of alternative strategies for building member power and resistance in the context of these external factors. Rather, they suggest that the spaces that might have allowed for such imagining to happen have been shut down to allow the union to better manage discontent. What this means for the overall democracy of the union, and for public education in Ontario, is addressed in the next chapter.

8. Findings and Implications

8.1: Overview

To begin this chapter, I return to my research questions. Has centralization of bargaining increased the centralization and bureaucratic character of OSSTF, and if so, how have these changes affected their internal democratic practices? How have these internal changes enhanced or limited the ability of OSSTF to effectively further their members' interests and to protect quality public education?

These questions form the basis for my findings, which I will summarize here. I will connect these findings to the literature and theories that have framed my analysis: union democracy, public sector unionism, labour geography, and teacher professionalism. In particular, I am most concerned with the context of centralization and what it means for both the future of the union and for public education. Lastly, I provide recommendations for consideration by both OSSTF and future researchers.

8.2: OSSTF's history: a conservative organization with limited democratic capacity

In order to understand how centralization of bargaining impacted OSSTF and its internal democratic processes, it was important to first assess the union's formation and history. The data points to an organization that was built largely on conservative ideals. The federation's founders were concerned with advancing

teacher professionalism as a means of improving their lot, eventually partnering with the provincial government to ensure mandatory membership and growth. OSSTF's earliest leaders largely rejected unionism, painting it as antithetical to their aims as professionals. However, elements of unionism did exist among OSSTF's ranks, leading to its eventual certification as a trade union. The evidence presented here demonstrates periods of militancy where teachers employed collective acts of resistance in order to improve their wages and working conditions, including mass resignations and protests, working-to-rule, and full withdrawal of services. Still, my research demonstrates that in general, OSSTF has mostly been concerned with securing and maintaining processes that allow for legalized collective bargaining, grievance and arbitration processes, and legal proceedings rather than militant action. Combined with other research that has demonstrated OSSTF's more recent history of involvement in electoral politics,⁷⁹³ the evidence suggests a union that is largely conservative and bureaucratic in its approach.

The data also suggests that the provincial level of OSSTF has had limited capacity for direct democratic participation since its inception. With its earliest internal processes subject to government intervention, and its founding group partially comprised of management and concerned with a disciplined, professional membership, a system of highly participatory direct democracy

⁷⁹³ Walchuk, "Changing Union-Party Relations in Canada;" Savage and Ruhloff-Queiriga, "Organized Labour, Campaign Finance, and the Politics of Strategic Voting in Ontario;" Savage and Mancini, "Strategic Electoral Dilemmas."

would have presented as too unwieldy and was an unlikely goal. Instead, OSSTF was founded on principles of representative democracy, which has remained unchanged as the organization grew in size. Interestingly, as I indicate in Chapter 4, the federation was comprised of 22,000 members in 1966, and sent approximately 500 delegates to their Annual General Meeting as representatives. In 2023, with a membership of over 60,000, 562 delegates attended the Annual General Meeting.⁷⁹⁴ In short, OSSTF's membership has nearly tripled since 1966, but the number of representatives on the central decision-making body of the union has stayed approximately the same.

Still, as bargaining rights pre-1997 were assigned to local units, direct democracy developed at the local level, with every member having the opportunity to participate in elections and vote on the business and direction of their local. This allowed members to have a say in their contracts, to elect the leaders they felt would best represent their local needs, and to propose ideas, actions, and directions that could be directly debated and potentially come to fruition if the democratic majority felt that they had merit. This democratic system theoretically remains in place at the local level; however, the power that members once had to influence bargaining outcomes and the direction of their union has not.

⁷⁹⁴ OSSTF/FEESO. 2023. Representation—District Delegate Count. March 2023, Annual Meeting of the Provincial Assembly.

8.3: The impact of centralization on OSSTF

Overall, this study finds that the centralization of bargaining and the shift to negotiating with the provincial government rather than individual school boards has only exacerbated the union's bureaucratic tendencies, supporting Lipset's assertion that union structures often mirror those of the employers they must deal with. My findings demonstrate that the upscaling of power resulted in the super-centralization of the union, and that this has had significant impacts on the union's internal processes and overall democracy. Every informant interviewed for this study noted that power and influence significantly decreased for local leaders, while it increased for provincial leaders and staff. As 'Dennis' put it:

I think most of the decision-making is coming from the top, or from groups of people that are either paid staff or are involved in Mobile Drive [head office] and there's less input from local leaders and the importance of Provincial Council has decreased. I'm seeing that as a general trend ... there's very little local decision-making, if at all."⁷⁹⁵

I add to the findings of both Hyman and Sweeney et al, in that the shift in decision-making power to the provincial level resulted in significant tension between provincial actors and local ones, as provincial actors tried to manage bargaining processes and outcomes, and local actors tried to maintain a meaningful level of influence and input. However, these tensions did not translate into collective, organized resistance by local leaders or members as the organization centralized power, in part because the spaces to develop challenges to provincial direction within the union were so few. In addition, interview data

⁷⁹⁵ 'Dennis', interview by author, May 8, 2020.

pointed to a sense among local leaders that those who express opposition to the Provincial Executive's agenda are painted as troublemakers and face personal and/or political consequences, further supporting Hyman's claims about centralization and the resulting internal struggle for control. Specifically, several informants indicated their belief that 'troublemakers' risked losing access to highly compensated provincial staff positions or appointments to provincial committees and workgroups, which provides further explanation as to why there was little challenge to the centralization of power in the union. Put another way, the career aspirations of OSSTF's local leaders have a disciplining effect and discourage dissent.

Changes to OSSTF's formal rules and constitutions have not prevented the increased bureaucratization of the union, contrary to Edelstein & Warner's assertions about the role of formal rules in maintaining democracy. Interview data confirmed how the written procedures OSSTF created in response to the new bargaining landscape did not necessarily align with actual practice and were largely performative, confirming the claims made by Lipset and Ross that constitutions cannot be counted on to preserve democracy. Instead, the procedures OSSTF created were more about political expediency than democracy, giving the illusion of meaningful input by local leaders despite that legally, the Provincial Executive holds bargaining rights. In addition, both documentary and interview evidence suggest that the new policies and procedures did not address input by rank-and-file members at all. Instead,

members provide their input into provincial bargaining priorities via highly structured surveys,⁷⁹⁶ and have little, if any, access to the central bodies of the union.

This study also contends that Michels' indicators of oligarchy are alive and well within OSSTF. For example, the theme of 'expertise,' which Michels indicated helps to maintain oligarchy within trade unions, was prevalent throughout both documentary and interview data. As centralization of bargaining resulted in more complex legal processes and collective agreement language, it resulted in increased deference to the expertise of leaders and staff. The idea that union members are largely uninformed about bargaining and collective agreements was repeatedly promulgated by informants in interviews, justifying their own positions as 'experts.' In addition, the notion of expertise was frequently cited by both documentary and interview data as the main driver for the restructuring of the provincial Collective Bargaining Committee, eliminating rank-and-file members from participation. 'Expertise' is also used to justify the compensation of provincially appointed staff, which is well above that of rank-and-file members.⁷⁹⁷ Michels describes this situation in his work, arguing that paid leaders and staff become a separate leadership class within the union, disconnected from the concerns of the working class and less likely to engage in disruption in order to

⁷⁹⁶ OSSTF/FEESO, "Bargaining 101 #3: What is a Bargaining Priorities Survey?" *Update*, April 4, 2023. <https://osstfupdate.ca/2023/04/04/bargaining-101-3-what-is-a-bargaining-priorities-survey/>

⁷⁹⁷ OSSTF Toronto, "Final President's Memo from Doug," December 19, 2017. <https://osstftoronto.ca/news/2017/12/final-presidents-memo-from-doug/>

further member interests.⁷⁹⁸ However, OSSTF members and local leaders appear to accept the division of labour between themselves and provincial leaders and staff, as well as the large disparity in compensation. This can be attributed to the union's history of professionalist ideology, one that places value on the expertise associated with being a 'professional.'

The literature reviewed for this research does not paint centralization of bargaining, as an external context, as inherently bad for unions, and this study supports this view. Labour geographers identify compelling reasons why unions move to centralized bargaining, including the improved ability to achieve equitable outcomes for members across an industry, or scaling up power to employ more collective pressure during the negotiations process. Several of this study's informants confirmed this, pointing to collective agreement provisions that they had not been able to achieve for their members prior to centralization, even when similar provisions already existed in the collective agreements of larger and more powerful bargaining units. Scholars of union democracy do not view centralization of bargaining as having the inevitable outcome of oligarchy within unions either. I support this position and contend that while the external context of centralization was indeed the driving force behind the super-centralization of OSSTF, it was not the external context of centralization of bargaining *in itself* that caused this shift. Instead, I conclude that OSSTF became a more bureaucratic

⁷⁹⁸ Michels, *Political Parties*, 86.

union when faced with centralization of bargaining because of its unique character: a union that operates in the public sector, with a decidedly professionalist ideology.

As Bocking notes in his study of public education systems in Mexico, the US and Canada, the state's manipulation of scales of bargaining is a tool that governments use to discipline the labour of teachers and manage the cost of public education. In the case of the US and Canada, Bocking notes the state's shift to centralization over the past several decades. "This was the means to attempt to implement an array of neoliberal policies that provoked resistance from teachers' unions, which was most effective at lower levels of scale (i.e., municipal or regional levels)."⁷⁹⁹ The Ontario government's move to centralizing governance in public education maximizes the state's ability to control funding, streamline public messaging, and most importantly, to efficiently employ coercive means to contain the wages of teachers and education workers. If all teacher and education worker bargaining units are bargaining at once, it is easy to legislate the entire union in one fell swoop rather than try to contain local resistance as it occurs. Informants who participated in this study referred to the sweeping powers of the government again and again, conveying a sense of inevitability due to the legislative hammer of the provincial state. This sense of inevitability works to dampen militancy, the exact outcome that the state likely hoped to achieve.

⁷⁹⁹ Bocking, "Understanding the Neoliberalization of Education," 129.

In addition, my findings indicate that the upscaling of bargaining strengthened the professionalism impulses in OSSTF, further contributing to the weakening of union militancy. As the research on OSSTF's history demonstrates, it was the central body of the union that decidedly promoted teachers as professionals first. Calls for militancy typically came from members outside the central halls of power, with provincial spokespersons repeatedly attempting to convince the public that OSSTF was an organization of professionals, not trade unionists. While the union demonstrated more militancy in the 1970s, again in the late 1990s when faced with Mike Harris and Bill 160, the documents reviewed for this study, which span the last two decades, reveal an overall lack of willingness to go toe-to-toe with the provincial government. In short, between 2004-2017, displays of militancy have been rare, even when the union was faced with draconian legislation like Bill 115. As legal bargaining rights shifted into provincial OSSTF's purview, and the union reduced spaces for democratic engagement, their role as "managers of discontent"⁸⁰⁰ has only solidified.

8.4: Implications for OSSTF members and for public education

To assess the implications of a more bureaucratic union on OSSTF's ability to further member interests and defend public education, I first turn to some indicators of the union's effectiveness over the past decade and the current

⁸⁰⁰ C. Wright Mills, *The New Men of Power: America's Labour Leaders* (New York: Harcourt Brace, 1948), 8-9.

state of public education in Ontario. The first indicator is OSSTF members' wages since central bargaining began to be formalized. The 2008-2012 agreement between OSSTF and the McGuinty Liberal government saw investments in education and wages that matched or exceeded inflation, with a 3 percent increase in salary and allowances each year.⁸⁰¹ However, since that time, OSSTF members' wages have failed to keep up with inflation and resulted in a significant reduction in their buying power. From 2012 to 2021, the salaries of OSSTF members have only risen a total of 9.5 percent,⁸⁰² in increments ranging from 0 to 1.5 percent. In contrast, inflation for the same period totaled 19 percent.⁸⁰³

The second indicator are general improvements in working conditions prescribed by collective agreements. Specifically, I refer to tangible improvements that have impact on members' daily working lives, with the most significant one being class size. The last time OSSTF teacher bargaining units were able to bargain class size locally was 2008. As an example, the 2008-2012 collective agreement between the Hamilton-Wentworth District School Board and OSSTF District 21 Teachers' Unit contains class size reductions every September from 2008 to 2011.⁸⁰⁴ An examination of teacher central agreements that extend from

⁸⁰¹ "McGuinty government announces significant new funding for Ontario students," *NewsOntario.ca*, March 19, 2007. <https://news.ontario.ca/en/release/84846/mcguinty-government-announces-significant-new-funding-for-ontario-students>

⁸⁰² This data has been calculated using publicly available *Memorandums of Understanding* between the provincial government, OPSBA, and OSSTF, from 2013, 2014, 2017 and 2020.

⁸⁰³ Canadian Union of Public Employees, "Education Workers' Wages in Ontario: The Impact of Ten Years of Cuts," March 2023, 2. https://cupe.on.ca/wp-content/uploads/2022/03/Education-Workers-Wages-Report_ENG_FINAL-Web.pdf

⁸⁰⁴ *A Collective Agreement between the Hamilton-Wentworth District School Board and the Ontario Secondary Teachers' Federation, District 21, Employed by the Board*, 20.

2012-2022 demonstrates no improvement in class size, which is an indicator that consecutive provincial governments were not willing to increase overall funding for public education during this period. As described in Chapter 5, the 2012-2014 central teacher agreement OSSTF reached with the provincial government after they repealed Bill 115 was referred to by staff as a ‘salvage operation’—in other words, it aimed to try to protect gains made in the past rather than make real improvements. The 2014-2016 central teacher agreement explicitly froze class sizes at current numbers and contained a long list of working conditions that were deemed as ‘status quo.’⁸⁰⁵ The 2017-2019 teacher agreement was known as an ‘extension agreement,’ and merely extended all existing collective agreement terms in exchange for small salary increases.⁸⁰⁶ Finally, the 2019-2022 central teacher agreement contains language that *increases* class sizes, which intensified teacher workload. Signed in April 2020 soon after the onset of the COVID 19 pandemic, it was the first central agreement reached during the Ford government’s tenure. OSSTF mounted significant resistance to the government’s intention to markedly raise class sizes and cut staff, engaging in provincial strikes for the first time in twenty years.⁸⁰⁷ However, the pandemic created a significant new context for OSSTF, causing them to end strike action and sign a deal. While OSSTF managed to fend off the worst of what the government originally

⁸⁰⁵ *Memorandum of Settlement between Ontario Public School Boards’ Association and Ontario Secondary School Teachers’ Federation*, August 20, 2015.

⁸⁰⁶ *Extension Agreement between Ontario Public School Boards’ Association and Ontario Secondary School Teachers’ Federation*, February 23, 2017.

⁸⁰⁷ Ryan Rocca, “Ontario teachers’ strikes: A timeline of key events and actions taken,” *Global News*. January 21, 2020. <https://globalnews.ca/news/6433115/ontario-teachers-strike-timeline/>

intended, the central deals reached by the government and the union still represented an intensification of member workload and cuts to resources for students.⁸⁰⁸ In addition, due to the wage restraints imposed by the government's enactment of Bill 124 in 2019, which capped salary increases at 1 percent, the central agreement included another round of wage increases that fell behind the rate of inflation.⁸⁰⁹

While the past decade of central bargaining did result in overall improvements to benefits through OSSTF's ability to secure funding for a union-run benefits plan, there is a great deal of central agreement language that focuses on bureaucratic processes, such as grievance and arbitration procedures, administration of sick leave, and the parameters and processes associated with the new central benefits plan. This supports my earlier claim that central bargaining has resulted in more complex agreements that increasingly require more 'expertise' to administer. It also indicates the bureaucratic focus of the provincial union, who seems to be moving further away from the daily realities of the 'shop floor' and in turn, members' consciousness.

⁸⁰⁸ *Memorandum of Settlement between Ontario Public School Boards' Association and Ontario Secondary School Teachers' Federation*, April 20, 2020. In the case of the HWDSB and OSSTF District 21, this central agreement returned class sizes to 2010 levels.

⁸⁰⁹ Liam Casey, "Billions at stake as Ontario takes public sector workers to court of appeal," *The Canadian Press*. June 20, 2023. <https://www.cbc.ca/news/canada/toronto/ontario-bill-124-1.6882082>

Since the Ford government came to power in 2018, they have significantly underfunded public education, with that funding being reduced each year.⁸¹⁰ Ontario's education unions and OPSBA have noted the devastating impact this has had, and continues to have, on schools and students.⁸¹¹ The Ford government has also introduced legislation intended to give them more control over school boards, with a particular focus on oversight of curriculum, spending, and governance.⁸¹² OSSTF has had little ability to force the government to change course. In addition, when school boards violated their members' working conditions during the pandemic (at the urging of the provincial government), OSSTF's responses remained within the parameters of legal labour relations processes, ranging from local letters of understanding with school boards that attempted to mitigate some of the worst impacts (but ultimately agreed to contract violations), to the glacially slow grievance and arbitration process.⁸¹³ During the Ford government's recent attempt to use the *notwithstanding clause* to contain a potential strike by CUPE education workers, OSSTF explicitly reminded their members that they were not in a legal strike position and could not demonstrate

⁸¹⁰ Ricardo Tranjan, "Ontario school board funding fell by \$800 per student over four years: CCPA," *Canadian Centre for Policy Alternatives*, April 28, 2022.

<https://policyalternatives.ca/newsroom/news-releases/ontario-school-board-funding-fell-800-student-over-four-years-ccpa>

⁸¹¹ Kristin Rushowy, "There will be an impact': Ford government shortchanging school boards, unions say," *Toronto Star*, April 20, 2023. https://www.thestar.com/politics/provincial/there-will-be-an-impact-ford-government-shortchanging-school-boards-unions-say/article_95b7ad5f-dfd9-566a-8960-544687e83903.html

⁸¹² Jessica Smith Cross, "Lecce introduces bill to increase provincial control over education," *collingwoodtoday.ca*, April 17, 2023. <https://www.collingwoodtoday.ca/local-news/lecce-introduces-bill-to-increase-provincial-control-over-education-6864812>

⁸¹³ OSSTF District 21, "Quadmaster Grievance Minutes of Settlement," September 20, 2022 (all-member email.)

solidarity by taking part in CUPE's plans to strike in defiance of the government on November 4, 2022.⁸¹⁴ As I write this, OSSTF members have been without a contract since September 2022, and the union has remained at the bargaining table, describing the process as "frustratingly slow."⁸¹⁵ All of the evidence presented above is a clear demonstration that public education is under attack by a right-wing government, that OSSTF's responses have been largely bureaucratic, and that this is not serving OSSTF members nor public education particularly well.

8.5: Recommendations and future research

The obvious response to this is, "well, what else was the union to do?" In the context of a majority government that has demonstrated its willingness to employ all their legislative power to control school boards and discipline the labour of education workers, as well as publicly demonize them, this response is a valid one. However, as Compton & Weiner write: "Ironically, the potential power of teachers and our unions to derail neoliberal reforms like privatization is often more apparent to our opponents than it is to teachers and union leadership."⁸¹⁶ This power lies in the provincial scale of resistance that the government made available to education unions when they upscaled bargaining. There is no

⁸¹⁴ Chris Goodsir, "CUPE-OSBCU Job Action—Information for Members of OSSTF/FEESO, D/BU #051/2022-2023," November 3, 2022.

⁸¹⁵ 'Frustratingly slow: teachers' union without a contract weighs in on negotiations," *CityNews*. January 25, 2023. <https://ottawa.citynews.ca/2023/01/25/frustratingly-slow-teachers-union-without-a-contract-weighs-in-on-negotiations-6429016/>

⁸¹⁶ Compton and Weiner, *The Global Assault on Teaching*, 7.

question that using this scale of power requires significant courage, resources, and risk. Mobilizing sixty thousand members, whether to engage in a political protest, work-to-rule, or a full withdrawal of services, is considerably messier, more expensive, and less controllable than organizing individual local bargaining units. Doing so along with other education unions in the province, the ultimate show of force, will require the abandonment of individual union interests. It will also require more collective focus on bargaining objectives that tie the interests of education workers with those of the public good, capitalizing on recent evidence that the general public holds teachers in higher esteem than other provincial government workers.⁸¹⁷ Mobilization at the provincial scale requires the union to move beyond professionalist thinking and to employ a greater working-class consciousness, one that acknowledges that the interests of employers and workers are fundamentally opposed. This is admittedly a tall order for a union that was founded on professionalist ideals.

From a structural perspective, this study casts doubt onto whether OSSTF is capable of these things in its current form, unless the union prioritizes more time and money spent on building internal democracy over growing their central bureaucracy. Additionally, as Hyman writes, “A union can wield effective job control only if, and to the extent that, it can mobilise disciplined, collective action on the part of its members.”⁸¹⁸ Whether OSSTF members themselves are ready

⁸¹⁷ Chris Erl, R. Michael McGregor, Jack Lucas, and Cameron D. Anderson, “Resentment and Admiration: Public Opinion Toward Teachers and Public Sector Employees in Ontario,” *Canadian Journal of Education* 1 (June 1, 2023) <https://doi.org/10.53967/cje-rce.5857>

⁸¹⁸ Hyman, *Industrial Relations: A Marxist Introduction*, 65.

to engage in actions outside the realm of bureaucracy and professionalism is outside the scope of this research and requires further study. In addition, an examination of the state's use of a particular narrative of teacher professionalism to discipline the labour of teachers would be very useful, as would more research on how the professionalist and bureaucratic approaches of teacher unions impact the participation of Black, Indigenous and racialized members. Finally, there needs to be further research on public sector unions more broadly, to better understand the impact of the public sector context on trade union democracy, as well to determine if there are proven strategies and structures that can lead to more democratic unions.

Despite the overall pessimism that arises from this case study, I will continue to take the side of theorists who argue that the 'iron law of oligarchy' is in fact permeable, and that democracy remains a possibility, even if it is slim. I also add to the assertions by scholars like Hyman that in the case of union democracy, context is everything. This optimism is buoyed by the recent wave of worker action in North America who, in the face of rampant inflation and a cost-of-living crisis, are displaying incredible resistance to attempts to discipline their labour and further their exploitation by employers and, in some cases, their own unions.⁸¹⁹ Will this wave translate into provincial-scale resistance by OSSTF, their

⁸¹⁹ "It's a red-hot labour summer across North America: Brock University professor Larry Savage," *BNN Bloomberg*, July 20, 2023. <https://www.youtube.com/watch?v=2fdIq5elzOM>; Stephanie Bai, "A wave of strikes has hit Canada. What does this say about our labour market?" *Macleans.ca*, July 21, 2023. <https://macleans.ca/society/strikes-employment-union-wages/>

members, and other teacher unions in Ontario's public education system, even when faced with a majority right-wing government? Only time will tell.

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2. Malcolm Buchanan, former OSSTF President and General Secretary, January 21, 2020.
3. Joe Hirschegger, former OSSTF Executive Assistant, January 27, 2020.
4. Peter Tumey, former OSSTF Executive Assistant, January 30, 2020.
5. 'Megan,' local OSSTF leader, February 11, 2020.
6. 'J.P.', local OSSTF leader, February 15, 2020.
7. John Bates, retired OSSTF member, February 21, 2020.
8. Andrea Loken, Teacher Unit President, OSSTF District 27, February 24, 2020.

9. 'Ann,' local OSSTF leader, April 1, 2020.
10. 'Pat,' local OSSTF leader, April 7, 2020.
11. 'Eric,' local OSSTF leader, April 21, 2020.
12. Lisa Black-Meddings, OSSTF Executive Assistant, former Teacher Unit Chief Negotiator, OSSTF District 12, April 23, 2020.
13. 'Vera,' local OSSTF leader, April 30, 2020.
14. 'Janice,' local OSSTF leader, May 5, 2020.
15. 'Dennis,' local OSSTF leader, May 8, 2020.
16. 'Kay,' local OSSTF leader, May 18, 2020.
17. Bernard 'Buzz' Grebenc, former President, OSSTF District 6B, May 26, 2020.
18. Colin Matthew, OSSTF Executive Officer, former President of OSSTF District 15, June 11, 2020.
19. Harvey Bischof, former OSSTF President, June 17, 2020.
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