

It's Elementary

by Barbara Richter

A brief history of Ontario's public elementary teachers and their federations

PART 4:
Early 1980 to 1998



Barbara Richter recently retired after spending 36 years as a staff officer at ETFO and its predecessor organization, the Federation of Women Teachers' Associations of Ontario.



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The 1980s – Decade of Equity



Although the 1960s and 1970s were the years of consciousness-raising, the rise of teacher militancy, and the beginnings of many social justice movements, it was during the 1980s that progress on equity issues was made in policy, legislation, union structure, and collective agreements.

In 1982 Canada got a constitution. Section 15, the main equality rights section of the Canadian Charter of Rights and Freedoms, came into effect on April 17, 1985. The Charter's enshrinement of women's rights was the result of intensive work by women's groups, including FWTAO, which helped organize the 1981 Women's Constitutional Conference to push for women's equality. FWTAO later gave startup support to the Women's Legal Education and Action Fund (LEAF), to ensure that women's rights were upheld.

Trade unions responded to the demand for equality in part by creating designated positions on their executives. The first labour organization in Canada to do so was the Ontario Federation of Labour, which in 1983 designated seats specifically for women on its executive. Other unions soon followed, and designated positions expanded to include visible minorities; Aboriginal Canadians; people living with disabilities; gay, lesbian, and transgendered persons; and youth.



Greater equality in schools

Amendments to the *Education Act* made education more accessible to students with special needs, giving them more opportunities and eventually removing labels like “trainable retarded” from the education vocabulary. Teacher federations supported the new opportunities but also demanded funding to back up the move toward integration of special needs students. They also made a renewed thrust in negotiating working conditions clauses to ensure that class sizes were appropriate and that teachers had the resources and the time to do their work effectively. At the beginning of the decade, only a handful of elementary agreements contained preparation-time language. By the end of the decade, and following the 1987 strike for preparation time in Metro Toronto, almost every teacher collective agreement had such provisions. ETFO's *Campaign 200* continued that initiative.

The federations fought for just-cause clauses prohibiting boards from firing teachers without just cause, and for protections against discrimination and sexual harassment. Paid pregnancy leave, a revolutionary concept at the time, became a major focus in bargaining.



Equal opportunity for women teachers

Although women elementary teachers succeeded in eliminating many discriminatory practices in the workplace, they soon faced another challenge – barriers to promotion.

Prior to the consolidation of school boards in 1969, about 26 percent of school principals were women, most working in small schools that closed with consolidation. By 1972 women's representation in the ranks of administration, already low in relation to their numbers in the profession, had plummeted to only 8.5 percent.¹ In 1980, although women made up two-thirds of the elementary teaching population, they held only 7 percent of principal and 20 percent of vice-principal positions.

One barrier to promotion was the new Principals' Course required by the Ministry of Education. Initially, only those already holding principal positions could take it. Later, boards selected applicants to attend. While board administrators encouraged many men teachers to apply, they overlooked all but a few women.

Boards insisted that their policy was to promote the best person, but women found this difficult to believe when one out of every five men was being promoted to principal or vice-principal compared with only one out of every 50 women.² Boards then said women didn't want promotions, but FWTAO surveys showed women were interested in promotions but were rarely encouraged to seek them.³

Surviving Restraints

It seems that no decade is without its challenges. The provincial *Inflation Restraint Act* of 1982 curtailed bargaining rights for 500,000 public sector employees including teachers. It removed the right to strike and the right to arbitration, extended collective agreements, and held salary settlements to a maximum of 9 percent for 1982–83 and 5 percent for the following year. The federations worked to get the best rulings possible for teachers and were partially successful when they launched a Charter of Rights and Freedoms challenge. While the court upheld the law's compensation restrictions, it struck down provisions curtailing bargaining and the right to strike on noncompensation items.

At the bargaining table, the federations pushed for nonmonetary clauses such as just cause, fair transfer, and promotion procedures. The federations also used this time to train teachers to become more visible and active in their communities through political action and public relations.

In ETFO Today...

When FWTAO and OPSTF created ETFO, the new constitution included guaranteed executive positions for women and dedicated funding for programs for women, amounting to 6 percent of the annual budget. In the years since, ETFO has developed strong equity and social justice programs, including women's programs, to meet its fundamental constitutional objective: "To foster a climate of social justice in Ontario and continue a leadership role in such areas as anti-poverty, non-violence and equity."¹

The programs also respect the spirit of the definition of equity adopted by the executive in October 1999:

ETFO recognizes that we live in a society characterized by individual and systemic discrimination against particular groups. Within this context ETFO defines equity as fairness achieved through proactive measures which result in equality for all."

An organization-wide consultation process led to a comprehensive policy on equity and social justice that was adopted by delegates to the 2003 Annual Meeting.²

ETFO has published award-winning curriculum documents giving classroom teachers tools to combat homophobia and other forms of bigotry and to promote healthy, equal relationships among children. ETFO programs encourage women from equity-seeking groups to become leaders in their union and to address violence against women. ETFO reaches out into the broader community by participating in CLC and OFL equity programs, supporting women's shelters across the province, and entering into partnerships with a variety of groups promoting equity and social justice.

1 ETFO constitution, Article 3, Objects, 3.4.

2 *Equity and Women's Services – 2004 Annual Report.*



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In 1980, after continued lobbying by FWTAO, the ministry finally changed the requirements for admission to the Principals' Course. Interested applicants could apply directly and not through their boards. A good indication of women's interest was the change in attendance: in 1975, only 18 percent of the participants were women; by 1984, four years after the restrictions were removed, 33 percent of participants were women.⁴

The FWTAO 1980 Annual Meeting made equal opportunity for women teachers a priority. It aimed to have affirmative action plans in place in school boards within five years. This did not mean the organization supported promoting unqualified people; it meant providing leadership training, identifying interested candidates, developing objective criteria for promotion, and ensuring a bias-free interview process. It also included numerical goals, timetables, and a method to measure success.

FWTAO developed a variety of support materials and held workshops for teachers and training programs for board administrators. The Ministry of Education encouraged boards to adopt employment equity measures and even provided incentive funding. Nevertheless, years of encouraging voluntary compliance did not produce results: women were still underrepresented in positions of additional responsibility, and by the end of the decade the government passed legislation requiring school boards to have employment equity plans in place for women. In 1996, the last year for which statistics were available (principals and vice-principals were removed from the federations in 1998), women held 60.4 percent of the vice-principal and 42 percent of the principal positions in the public elementary panel.⁵

Equal opportunity for equity-seeking groups

The push for equal opportunity for women was soon extended to include other groups. Ontario's population was diverse and becoming more so, but the makeup of the teaching staff in schools did not reflect this change. In the early 1990s, the Ontario government released the discussion paper *Working towards Equality* and announced an extensive consultation on the implementation of employment equity. Legislative guarantees would be extended to women, visible minorities, Aboriginal persons, and persons with disabilities. School boards would be required to apply the *Employment Equity Act* and to establish policies on antiracism and ethnocultural equity.

The legislation was short-lived; the Mike Harris government repealed the Act shortly after coming to power in 1995.

Pay equity

Equal-pay legislation required that people performing the same job be paid equally regardless of gender; however, it did not eliminate gender discrimination in employment. Certain jobs were considered women's





work and paid less. “Salesladies” earned less than “stock boys,” nurses’ aides less than orderlies, and clerical workers less than machine operators. The classic example was Queen’s Park switchboard operators, women who had more education and more skills than male parking lot attendants but who were paid considerably less. In the 1980s a female university graduate entering the workforce could expect to earn about as much as a male high school dropout.

The Ontario Liberal government passed the *Pay Equity Act* in 1988. It was designed to eliminate gender discrimination by comparing predominantly female job classes against predominantly male job classes on the basis of skill, effort, responsibility, and working conditions. Employers were required to redress wage imbalances. Teachers lobbied for the legislation and applauded its proclamation.

Many people thought teachers would see no immediate benefit from the Act. After all, grid structures were gender neutral, weren’t they? An examination of the salary differential between male and female public elementary teachers was an eye-opener. At the time the legislation came into effect, women elementary teachers were earning on average about 80 percent of what their male colleagues did. In part this occurred because there were fewer women in the higher-paying administrative jobs; it was also because women had more broken service before collective agreements provided maternity leaves and because more women taught part-time. But a significant portion of the disparity could be attributed to the prevalence of women in the non-degree categories. Only about 18 percent of public elementary teachers were in those categories, but 96 percent of them were women. There were many reasons for this but none had anything to do with skill, effort, responsibility, or working conditions. At the same time, 80 percent of the non-degree teachers in the secondary panel were men, all placed in the higher paying A1 category, as secondary had no non-degree categories.

Pension Plan

As a result of sustained pressure from the federations, teacher pensions continued to improve between 1980 and 2000. Pensions would be based on the best five years’ average salary, down from seven years. Common-law and same-sex partners would qualify for survivor pensions. In 1998, the 85 factor (age plus years of service totalling 85) was introduced as a temporary measure to encourage retirements; it later became permanent.

The federations also began to demand more say in managing the plan. In April 1989, during the provincial Liberal Party convention, over 20,000 OTF members demonstrated at Copps Coliseum in Hamilton, calling for an equal teacher-government management partnership. It was achieved in 1991.

FWTAO and OPSTF worked with local bargaining committees, trustee organizations, and individual boards to collapse the non-degree categories to achieve real pay equity for the teachers in them. The final pay equity settlement was reached in 1995 after lengthy negotiations and hearings before the Pay Equity Tribunal. While most collective agreements still have a single pre-degree category, the maximum rate reflects parity with category A1. It is estimated that implementation of the pay equity plans resulted in about \$43 million in additional wages to non-degree teachers, with individual increases ranging from \$3,000 to \$13,000 per year. The impact on their pensions would last a lifetime.

The pay equity struggle demonstrates how the federations have worked over the years to ensure teachers have the full benefit of laws that could assist them, as well as protection from laws that could have negative effects.

The 1990s –Decade of Turmoil

The Social Contract

In the fall of 1990, the Liberal government was defeated by the New Democratic Party led by Bob Rae. Early in their term, in addition to legislating employment equity, they put in place improved labour laws. Amendments to the *Employment Standards Act* created better maternity and parental leave provisions, enshrining in law many of the benefits teachers had negotiated over the years.

However, in April 1993 the government announced restraint measures to curb public sector spending and reduce the province’s deficit. Thus began the Social Contract. The government invited public sector unions and employers to negotiate a \$2 billion cut in the cost of public sector wages. The education portion of that cut was \$520 million.



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Teacher federations joined a coalition of almost 30 public sector unions to attempt to negotiate a concerted response with the government, but negotiations were unsuccessful and the unions walked away from the table on June 3.

The government response was swift: Bill 48, *The Social Contract Act*, passed by a slim majority on July 7. It forced cost-cutting measures on public sector organizations: municipalities, school boards, hospitals, and provincial departments and agencies. If the federations failed to negotiate alternative plans, teachers would be faced with up to 12 unpaid leave days (known as Rae Days). As well their salaries, already frozen, would be further reduced by the cancellation of all increments and category changes. Staffing reductions of 4.75 percent loomed and boards would have wide powers to impose other cost-saving measures.

Faced with these pressures, the unions, including the federations, returned to intensive negotiations with the government in July and August. By bargaining a framework agreement, and using surplus money in the teachers' pension fund to offset cuts, the federations were able to reduce the number of Rae Days teachers faced. They also retained category changes and gained the ability to negotiate the return of lost increments. Most staffing reductions were accommodated through attrition.

About 30 percent of federation members were affected by the increment freeze which, over the course of the Social Contract period, would have meant the equivalent of one year's loss of salary for some members. Teacher federations recognized that it was unfair to have those teachers not earning the maximum bear such a larger portion of the cost reduction. They launched an aggressive bargaining campaign to restore lost increments and to place teachers in their rightful place on the grid. Although they were challenged further by the cuts made by the Conservatives when they came to power in 1995, the federations were eventually successful.

A new vision for education

Bob Rae's NDP government also sought to reform the education system. After 20 months of deliberation, research, and public hearings, in January 1995 it released *For the Love of Learning*, the 550-page report of the Royal Commission on Learning. The government response to the recommendations in the report included creation of the College of Teachers, the School Board Reduction Task Force, the Education Quality and Accountability Office and standardized testing, school councils, and much more. In June the NDP government was defeated, and it would be up to the Tories and their Common Sense Revolution to implement many of these initiatives.



Officers of FWTAO and OPSTF sign the agreement to create a new teacher federation, ETFO. They are (back row) Stan Korolnek, VP, OPSTF; Joan Wescott, executive director, FWTAO; Flo Keillor, VP, FWTAO; Gene Lewis, deputy general secretary, OPSTF; Sandra Gaskell, deputy executive director, FWTAO; (front row) Maret Sadem-Thompson, president, FWTAO; Phyllis Benedict, president, OPSTF; Dave Lennox, general secretary, OPSTF.

Countering the Common Sense Revolution

The Mike Harris government was elected in June 1995 on the promise to cut taxes, slash government spending, and eliminate the provincial deficit. Once elected, it hit fast, hard, and everywhere. The government cut social services, slashed health care, rescinded labour laws and other progressive legislation, merged cities and downloaded onto them the cost of many programs previously paid for by the province – highways, social housing, and welfare, for example. They generally made Ontario a meaner place to live.

The Tories deliberately manufactured a “crisis” in education, claiming the system was in decline, that education was costing more but producing poorer results, that boards were wasting money, and that there was too much “fat in the system.” Their “cure” cut \$2 billion from the education system. While they pretended to put more money into classrooms, the cuts reduced special education programs and programs like ESL, music, physical education, and many more. Support staff were fired, libraries were closed, class sizes increased, transportation, maintenance, and capital budgets were

cut. School buildings started to crumble.

The ministry introduced a radically new curriculum without providing supports, textbooks, or training. It reorganized school boards, providing little rationale for the new boundaries. It threatened to curtail collective bargaining rights. The government took the right to levy taxes away from school boards and placed education funding solely in the hands of the province.

Over their 80 years of existence, the federations had faced many challenges, but the breadth and speed of changes in education, all done without consultation, were unprecedented. Teachers found allies in other unions, parents, students, community activists, academics, social justice groups, and concerned citizens. Education became an important public issue.

While fighting board efforts to extract concessions from teachers at the local level, the federations also launched extensive public education programs, documenting the cuts and the harm to students. Local leaders met with their MPPs to try to influence political decisions and demonstrated outside their local constituency offices when they were not invited inside.

The federations and their members participated in the Days of Action, protests held in several cities across the province to demonstrate opposition to the cuts to education, health care, and social services. In spite of the fact that over 100,000 people joined the Hamilton protest, and over 200,000 demonstrated in Toronto, the government dismissed the protesters as members of “special interest groups” who did not speak for the average citizen.

In education the conflict reached crisis proportions with the introduction in the fall of 1997 of Bill 160, the *Education Quality Improvement Act*, which brought sweeping changes. When discussions with the government failed to produce amendments, the federations called on their members to engage in a political protest – a 10-day walkout that shut down schools across the province. The government’s attempt to get an injunction preventing it was unsuccessful.

Occasional Teachers

For many years the federations maintained that occasional teachers became fee-paying members of their respective federations when they had worked for 20 days. Boards accepted that interpretation until official bargaining legislation was introduced in 1975, excluding OTs from the new bargaining structures.

The Ontario Public Service Employees Union moved to organize occasional teachers under the *Ontario Labour Relations Act (OLRA)* and eventually succeeded in Toronto and Brant County. That pushed some federations into organizing, and in 1984 OPSTF became the bargaining agent for Kent County OTs. They signed their first contract in 1986. OPSTF began to organize education assistants in 1990. Eventually OPSTF became the bargaining agent for approximately 16,000 occasional teachers and education assistants.¹

In 1991, FWTAO launched a lawsuit on behalf of OTs who were denied the right to buy back time in the pension plan for absences following a period of occasional teaching, a right contract teachers had enjoyed for years. This was particularly punitive to women, many of whom had to take time away from teaching for maternity leave. The lawsuit took four years and ended in the Supreme Court, but FWTAO was ultimately successful in gaining millions of dollars in pension improvements for occasional teachers.

A positive provision of the 1998 *Education Quality Improvement Act*, Bill 160, was that it made occasional teachers members of the federations.

1 Charlotte Morgan. “Happy 75th Anniversary, OPSTF,” *OPSTF News*, February 1996, p. 11.



The court ruled the teachers' action was not an illegal strike under bargaining legislation and took no action to end the protest.

Although the protest ended with desired changes to the bill, teachers' actions created more interest in education than ever before: people who never discussed education issues were reading all 262 pages of Bill 160; previously hostile media personalities were writing supportive articles and editorials; parent groups emerged to take up the fight for quality education; labour organizations took on education issues like never before. Even though Bill 160 passed later that fall, the actions of teachers and their supportive partners helped to prevent even deeper cuts to education.

OPSMTF pushes for amalgamation

The original founders of the Ontario Public School Men Teachers' Federation (OPSMTF) created a separate men's federation only after they failed to convince women elementary teachers and secondary teachers to establish one teacher organization. However, they never abandoned their goal and over the years made several overtures to FWTAO to band together into one organization. The FWTAO, believing there were issues specific to women that were better addressed in their own organization, rebuffed these overtures.

The 1972 OPSMTF annual meeting voted to accept women as voluntary members. In 1982 it removed the word "Men" from its name and became the Ontario Public School Teachers' Federation (OPSTF).⁶

Unsuccessful in achieving amalgamation by mutual agreement, OPSTF turned to litigation and in 1984 voted to provide financial backing to members who challenged the OTF by-laws that

assigned membership to FWTAO and OPSTF. There followed a challenge under the equality provisions of the Charter in 1985 and a charge of discrimination under the Ontario Human Rights Code. While the Charter challenge was dismissed, a board of inquiry was struck to hear the case under the Code. In April 1994, the one-man board of inquiry deemed the OTF by-law violated the Code and gave OTF time to make necessary adjustments.

ETFO – The federation of the future

In 1995 FWTAO launched an extensive consultation with its members about creating a new federation. With those responses in hand, FWTAO entered into negotiations with OPSTF to create a new teacher organization. Delegates to the 1997 annual meetings of the two federations approved, in principle, the constitution and by-laws of the new organization and authorized their respective officers to sign an application to incorporate the new federation. The Elementary Teachers' Federation of Ontario was created in 1998.

Some final thoughts

Throughout their histories, the federations were always ahead of their times, looking for ways to improve conditions for elementary teachers and protect and advance their rights in good and in challenging times. They also took up the cause of public education and the interests of students.

The federations could not have accomplished what they did over the decades without the involvement and commitment of individual members. And they won't make progress in the future without member involvement. ETFO is your federation. Make the most of your membership. We hope this series of articles helped you find your place in your federation's history. Most importantly, we hope you find your place in its future.

Notes

1. Mary Labatt, *Always a Journey*, FWTAO, 1993, p. 270.
2. Labatt, p. 172.
3. Labatt, p. 130.
4. Labatt, p. 282.
5. *FWTAO Affirmative Action Report*, 1998, p. 3.
6. Charlotte Morgan, "Happy 75th Anniversary, OPSTF" in *OPSTF News*, February 1996, p. 10.