Neoliberalism and Ontario Teachers' Unions: A "Not-So" Common Sense Revolution

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Résumé

L'article présente une analyse critique du degré auquel le gouvernement du premier ministre Mike Harris s'est lancé sur une voie néolibérale, ce qui a entraîné une crise de l'éducation en Ontario. La période allant de 1995 à 2000 est l'une des plus controversée de l'histoire de l'éducation en Ontario, avec l'adoption de deux mesures législatives : la Loi de 1996 sur l'Ordre des enseignantes et des enseignants de l'Ontario (projet de loi 31) et la Loi de 1997 sur l'amélioration de la qualité de l'éducation (projet de loi 160). Elles ont dressé contre le gouvernement Harris les syndicats d'enseignants, notamment la Fédération des enseignantes/enseignants des écoles secondaires de l'Ontario (FEESO) et l'Association des enseignantes et des enseignants catholiques anglo-ontariens. Le projet de loi 160 a entraîné dix jours de manifestations d'enseignants dans tout l'Ontario et marqué un virage spectaculaire dans les relations des enseignants et du gouvernement, ainsi que le début d'une période de crise du secteur de l'éducation en Ontario.

Abstract

This paper will critically analyze the degree to which the Ontario government, led by then Premier Mike Harris, embarked on a neoliberal agenda that led to a crisis in Ontario's educational system. The period from 1995-2000 was one of the most contentious in Ontario's educational history, and two pieces of legislation, The *College of Teachers Act* (Bill 31) and the *Education Quality Improvement Act* (Bill 160), pitted teacher unions, in particular, the Ontario Secondary School Teachers' Federation (OSSTF) and the Ontario English Catholic Teachers' Association (OECTA), against the Harris government. Bill 160 led to a ten-day protest by teachers across Ontario, which signaled a dramatic shift in teacher and state relations that marked a crisis period in Ontario's educational sector.

Introduction

On 27 October 1997, close to 126,000 Ontario teachers took to the streets to demonstrate their frustration with the proposed *Education Quality Improvement Act* (Bill 160). Lasting ten days, this protest was one of the largest and longest educational labour disputes in North America. Approximately two years before, former Minister of Education John Snobelen, in a closed meeting of senior bureaucrats, commented on the need to create a "crisis" to bring about school reform. Snobelen stated, "I think of it as creating a useful crisis. Creating a useful crisis is what part of this is about" (Krueger, 1995: A16). The day after the story broke, Minister Snobelen publicly apologized for his remarks; however, a number of teacher union leaders,[1] along with representatives from other educational organizations, demanded Snobelen's resignation (Morgan, 2006). While the majority of this paper is focused on the Harris government, it should be noted that a number of initiatives, especially in education, introduced by Premier Bob Rae and his New Democratic Party (NDP) government exhibited neoliberal characteristics. The Harris government continued with selected Rae government changes, and then unleashed a litany of neoliberal initiatives, based on its Common Sense Revolution.[2]

For the purpose of this paper, neo-liberalism can be viewed as the recasting of relations between citizens and the state in terms of capitalist restructuring, which reflects a renewed approach to the free market strategies of the 19th century associated with classical liberalism (Burke, Mooers, and Shields, 2000). One of the goals of neoliberalism is to create a 'lean' state, which is nimble and able to respond to global economic shifts, without being bogged down by burdensome contract requirements and costly employee benefits. Ironically, while the state appears to be 'shrinking', it becomes more powerful in its coercive capacity to 'chip away' at long-standing employee benefits to enhance competitiveness, while also enforcing tighter regulation of certain occupational groups in the interest of promoting professionalism (Burke, Mooers, and Shields, 2000; Sears, 2003; Wrigley, 2008). In the case of education, this means the state has less need for overt control because it can be exercised more covertly by cutting teachers' preparation time, weakening selected collective bargaining rights and through even more subtle regulatory means such as a College of Teachers. As Weiner observes:

> *[g]iven the neoliberal reality of globalization…the theory of the state must be amended so that it reflects the new mediations of power that are occurring across the globe. This is not at all intended to imply that the state has become a useless category to analyze political, economic and ideological practices and effects. On the contrary, the state might, in fact,*

1 In addition to the term teacher union: association, federation and affiliate are also used to describe teacher organizations in this paper.

2 Other sectors of Ontario's economy, including health care, social services and employment were also affected by the Harris government's neoliberal restructuring initiatives. Refer to Silver, Shields, Wilson and Scholtz (2005). Refer to David Rapaport (1996) for a more general look at the impact of the Harris government on the Ontario Public Sector Employees' Union.

> *be the glue that holds the globalizing effects of neoliberal ideology together (2005: 26).*

In particular, attention will be directed at the impact of selected Harris government education legislation on Ontario teachers and their unions. More specifically, two teacher unions, the Ontario Secondary School Teachers' Federation (OSSTF) and the Ontario English Catholic Teachers' Association (OECTA) will be the lens through which the Harris government's neoliberal educational policies will be studied. Representing mostly secondary teachers in public schools,[3] OSSTF is the second largest teacher union.[4] In financial and political resources, OSSTF is often viewed as the 'economic juggernaut' and it maintains a well staked out place in Ontario's educational arena (Duane, Townsend, and Bridgeland, 1985). As the third largest, OECTA represents separate (Catholic) elementary and secondary public teachers. Over the past two decades, OECTA has become increasingly more political and outspoken in defending and promoting the rights of the Catholic educational system in the wake of emerging neoliberal policies (MacLellan, 2002).

Immediately after taking office, the Ontario Progressive Conservative Government led by then Premier Mike Harris introduced, in rapid succession, a number of major educational reforms that included: The *Fewer School Boards Act* (Bill 104), to reduce the number of school boards from 129 to 72; *An Act to Create the Ontario College of Teachers* (Bill 31), to establish a self-regulating body for teachers; the *Education Quality Improvement Act* (Bill 160), to rework key aspects of education in Ontario; and *The Equity in Education Tax Credit Act* (Bill 45), to enable parents to receive a tax credit if they sent their children to private schools (Reshef and Rastin, 2003; Wallace, 2004).[5] While all these educational reforms warrant attention, for the purpose of this paper, two have been selected, *An Act to Create the Ontario College of Teachers* (Bill 31) and the *Education Quality Improvement Act* (Bill 160), because they are direct examples of how the Harris government pushed to centralize control over education and regulate the work of teachers and marginalize their unions (Kuehn, 1996; 2006).

This paper is divided into three sections. The first presents an overview of the emergence of teacher unions and the rise of neoliberalism. The second analyzes events surrounding *An Act to Create the Ontario College of Teachers* (Bill 31) and the *Education Quality*

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3 OSSTF also represents educational support service personnel such as psychologists, social workers, clerical, custodial and maintenance employees.

4 In July 1998, the Ontario Public School Teachers' Federation (OPSTF) and the Federation of Women Teachers' Associations of Ontario (FWTAO) merged to form the Elementary Teachers' Federation of Ontario (ETFO). This resulted in ETFO becoming the largest teacher union in Ontario.

5 Additional Harris government-led educational reforms included: setting up province-wide standardized tests for Grades 3, 9 and 12; establishing province-wide computerized report cards for grades 1-8; and per-pupil funding for schools based on square footage of school buildings. Refer to Gidney (1999) for a detailed look at the Harris government education reforms.

Improvement Act (Bill 160). The final section offers a critical analysis of Bills 31 and 160 in relation to the larger frame of studying the impact of neoliberal educational policies in Ontario and selected provincial and international jurisdictions.

The Emergence of Teacher Unions and the Rising Tide of Neoliberalism

Before focusing on the emergence of neoliberalism, it will be helpful to sketch briefly the origin of the educational state in the 19th century[6] in relation to the evolution of teacher unions. The situation for many teachers in Canada's early days was difficult due to an absence of employment security, low wages and difficult working conditions. The average salary of a teacher in Upper Canada in 1855 was equal to the wages of an oxen driver. In 1911, teachers in Stanstead, Quebec earned an average of $162.00 per year, or $13.59 per month (Paton, 1961). To begin to address the poor working and living conditions under which many teachers labored, early teacher associations worked to help gain a fair salary for teachers, improve the quality of teachers' work, elevate teaching to a profession, and to protect teachers who were employed by scrupulous employers (Paton, 1961).

Generally, teachers' associations developed on a provincial basis, since constitutional responsibility for education resides at this level.[7] By the end of the 1920s, teacher unions had been established in most provinces, and many of these unions were increasingly concerned about the need to establish a greater degree of occupational self-control. In Ontario, creation of the Ontario Secondary School Teachers' Federation (OSSTF) in 1919 was, in part, a response to the growth of secondary schools in urban centres, and many teachers were concerned that the economy might weaken following World War One. These two factors could have led to demands from education officials for secondary teachers to work longer working hours teaching larger classes and with less pay. Therefore, the aim of OSSTF was to help organize teachers to withstand this possible pressure and to promote teachers' professional interests (MacLellan, 2002).

Even though many teachers were organized into unions, education officials were not eager to accept these teacher unions as legitimate representative for teachers in relation to wages and working conditions. In many cases these teacher unions were rebuffed by educational officials. As conditions for teachers worsened, and their options for dialogue with education officials became less frequent, teacher leaders decided drastic action was needed. For this reason, striking for better pay and working conditions was the only real option remaining

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6 Prior to passage of the *British North America Act, 1867,* Upper Canada passed *The Common School Act* (1846), which established the bureaucratic structure of education and formalized the certification of teachers in this British colony. Egerton Ryerson, Superintendent of Education was a major force in creating the public school system in Upper Canada (Lawton, Bedard, MacLellan and Li, 1999).

7 The *British North America Act, 1867* section 93, places education under provincial jurisdiction. There are areas where the federal government does have constitutional jurisdiction: public education in federal territories, federal schools for defence establishments and federal schools for Aboriginal children. Refer to Lawton, Bedard, MacLellan and Li (1999).

for teachers and their unions. In the early 1920s strikes were held in Moose Jaw, Victoria and Westminster that resulted in these unions being acknowledged, grudgingly, by local school boards and provincial department as representatives for teachers in these locations (Paton, 1961; Lawton, Bedard, MacLellan and Li, 1999).

While some gains were made from these strikes, teachers continued to struggle against the indignities they endured from provincial and local school officials (MacLellan, 2002). In Ontario, passage of the *Ontario Teaching Profession Act* (TPA)[8] (1944) by the minority-led Drew government was helpful in guaranteeing teacher unions a bit of financial security that came from mandatory teacher dues to OTF and its affiliate. However, passage of the TPA still did not lead automatically to these unions being accepted by the provincial Department of Education.[9]

The decades following World War Two, led to a Keynesian-influenced economic approach that promoted a form of capitalism that led to continuities and discontinuities in the economy. While some labour groups benefitted from this arrangement, other labour groups continued to struggle to advance their members' working conditions (Sears, 2003).[10] Teachers' unions continued to push to improve the economic position of their members, and to provide greater autonomy, including the right to strike, which was still denied to many teachers across Canada, including Ontario.

In 1973, the Ontario government introduced *An Act to Amend the Ministry of Education Act* (Bill 274); this legislation was designed to deny teachers the right to collective resignation. Bill 274 was the breaking point that led over 100,000 teachers across the province to take to the streets on 18th December 1973 to protest what many viewed as a draconian piece of legislation. After more protests and countless meetings with education officials, in 1975, the Ontario government passed *The Teachers and School Boards Collective Negotiations Act* (Bill 100), which provided teachers with the right to strike. While celebrating what had been gained in Bill 100, the economic climate of the mid-1970s was becoming quite uncertain due to a number of recent economic shocks. In particular, a sharp rise in the price of oil led many industrialized governments to realize their vulnerability to the emerging

8 In the case of teachers, passage of the *Teachers' Profession Act*, 1944 helped their umbrella organization, the Ontario Teachers Federation (OTF) to lobby on behalf of its affiliates which include: Ontario Secondary School Teachers' Federation (OSSTF), Ontario English Catholic Teachers' Association (OECTA), L'Association des enseignants franco-ontariens (AEFO), Ontario Public School Teachers' Federation (OPSTF) and the Federation of Women Teachers' Associations of Ontario (FWTAO). As described in note five, OPSTF and FWTAO became ETFO (Gidney, 1999).

9 In the decades after passage of the *Ontario Teaching Profession Act*, other provincial governments followed with Acts that recognized teachers' unions legislatively (Lawton, Bedard, MacLellan and Li, 1999).

10 Refer to Carchedi (2006) and Fontana (2005) for a detailed overview of post-Keynesian economics.

global economy. These economic shocks signaled the end of the post-World War Two boom, and it heralded the onset of an economic downturn for many countries, including Canada (Morton, 1985). Ontario, as Canada's most prosperous and industrialized province, was not immune to the economic problems of increasing debt and decreasing employment.

What followed during the 1980s and early 1990s were a series of reports[11] from public and private sector organization that analyzed and offered prescriptions for federal and provincial governments to consider in response to high unemployment and growing debt levels. Some of these reports noted that the traditional Keynesian approach used by governments, including Canada and its provincial counterparts, was no longer able to respond to these new global economic shocks and shifts. In part this was because under the traditional Keynesian model, governments continued to expand in size and spend but failed to reduce both the costs of state social spending and to restrict the state's obligations to its citizens. The remedy set out in these neoliberal reports was that as the 21st century approached, governments needed to adopt a tough stand in reducing debt loads while being more strategic about where they wanted to exert influence to promote competitiveness. The remedies offered in these reports followed from the influence of neoliberal policies in the Reagan administration in the United States and/or from the Thatcher administration in the United Kingdom (Burke, Mooers, and Shields, 1999; Taylor, Rizvi, Lingard, and Henry, 1997; Weiner, 2005).

With regard to what needed to happen to make education respond to these global pressures, the Radwanski (1987) and the Economic Council of Canada (1992) reports criticized harshly provincial educational systems for not preparing students for the global employment market. In particular Radwanski noted that both Ontario's rising graduates' illiteracy rates and high school drop-out rates were detrimental to the province's ability to compete globally. In addition, universities and corporate sector interests were questioning the basic knowledge of students seeking post-secondary education or career employment opportunities. These reports stressed the need for governments to recognize the rising force of global capitalism, and to promote educational policies that stressed market-style modes of governance in relation to financing education, curriculum planning and assessment methods.

Relations between state and occupational groups (especially teacher unions) are complex, especially under the influence of neoliberalism. The state often exercises indirect control over certain professional occupations through its level of funding, whether in the form of fees, salary levels, allocating positions for practitioners, or materials and support staff. In most countries, teachers are publicly salaried, trained and certified (Ginsburg and Cooper, 1991). Yet, while teachers and their unions operate within state structures, they may be active in resisting, challenging or even mobilizing themselves and the public

11 Some of these studies included: Premier's Council of Ontario, (1990); Business Council on National Issues (1991); and the Economic Council of Canada (1992).

against increased state control and regulation of education for a variety of reasons. These efforts might involve lobbying, collective bargaining and other forms of unionism related to private and/or public gain (O'Sullivan, 1999; Robertson, 2000).

Teachers' unions have substantial market power because they are often in a legal or near-monopoly position when it comes to the services they provide (Dale, 1989). Despite this perceived advantage, teachers' unions are often careful in weighing their options in this regard because most state agencies possess a range of responses for dealings with teachers' unions (Robertson, 2000; Taylor et.al., 1997). Many states, in the interest of promoting neoliberal education policies, have advanced free-market initiatives such as charter schools and school vouchers along, and/or tighter state auditing of teachers' work. These measures have resulted in an emphasis on rewarding individual and self-interested goals that have then weakened interest in the collective good of teaching. Neoliberalism privileges the individual over group and collective responsibility because teachers are encouraged to consider only their own individual goals and interests. This then makes it increasingly difficult for teachers' unions to represent their members' interests (Robertson, 2000).

In summary, this first section has offered an overview of the challenges that came before teachers and their unions as they organized to establish basic employee rights. This struggle became even more pressing as the tide of neoliberalism grew stronger in the 1990s. The next section will examine the impact of *The College of Teachers Act* (Bill 31) and the *Education Quality Improvement Act* (Bill 160) on teacher unions in Ontario.[12]

Ontario's New Democratic Party (NDP) Government and the Royal Commission on Learning

In 1991, the Ontario New Democratic Party, under the leadership of Bob Rae, was elected to office. Initially relations between the NDP and the provincial teachers' unions were stable; however, these relations took a turn shortly thereafter. At the beginning of 1993, Ontario's accumulated debt had reached $68.3 billion and it was slated to increase by another $17 billion by the end of the year. Due to the province's rising debt load and the growing cost of providing services to its citizens, Standard and Poor's[13] decreased Ontario's triple AAA credit rating to a double AA rating. This move sent shocks through corporate sector and put pressure on the Rae government to take action to remedy this problem (MacLellan, 2002).

12 For a detailed comparative overview of the impact of neoliberalism in relation to education, teachers' and their unions in selected industrialized countries, refer to Manzer (2003); O'Sullivan (1999); and Robertson (2000).

13 Standard and Poor's, an international bond rating service, provided financial information, credit ratings and risk analysis to the public and private sectors.

In response, the Rae government introduced the 'Social Contract'[14] to be implemented between the government and its public sector unions, including teacher unions. Under the Social Contract, public sector unions were asked to voluntarily make wage concessions of nearly $2 billion. In addition, teachers' unions were up against school boards who were putting together their own social contract packages. Tensions continued to mount between the NDP government and its public sector unions. In June 1993, voluntary negotiations collapsed and this led to a mass walkout of public sector unions across Ontario. In response to this action, the NDP government passed Bill 48 *The Social Contract Act*, which contained mechanisms to ensure the Ontario government attained its level of savings from its public sector groups. The outcome of Bill 48 was a breakdown of good will between the NDP and its traditional base of support, labour union, including teacher unions, and it also marked a shift by the NDP government toward a neoliberal approach to governing Ontario (Rose, 2002).

The climate within which the Ontario NDP government found itself in 1993 was one of declining popularity and criticism that the province's educational system was out of step with an increasingly globalized world. The reports alluded to earlier pointed to the shift from a primary emphasis on the production of goods and resource extraction to one based on the use of human knowledge and research in conjunction with less direct government involvement in the economy. With this in mind, provincial governments needed to prepare students by increasing accountability, providing standardized benchmarks, lessening the influence of teachers' unions and widening participation from business and other groups to help accelerate educational goals to stimulate a competitive advantage in the global economy (MacLellan, 2002; Sears, 2003).

Armed with these suggestions, in May 1993, the NDP government appointed by Order-in-Council, a Royal Commission on Learning. Among the terms of reference for the Commission was the need for:

> *…appropriate measures of accountability, relevant curriculum content to meet the needs of students and society, improved retention rates, effective links to work and higher education, an effective and efficient system of education and increased levels of public involvement (Royal Commission on Learning, 1994, p. vii).*

On 26 January 1995, the Royal Commission on Learning (RCOL) released, its four-volume report, *For the Love of Learning*. In particular, one of the 167 recommendations called for

14 The Social Contract was one part of a larger approach by the Ontario NDP government to respond to the debt situation. The other prongs included the elimination of between 9,000-11,000 positions in the public sector, estimated to save $4 billion, along with increases in both income and sales taxes that would generate approximately $2 billion (MacLellan, 2002).

the establishment of a College of Teachers.[15] The Commission urged:

> *That a professional self-regulatory body for teaching, the Ontario College of Teachers, be established with the powers, duties and membership of the College set out in legislation. The College could be responsible for determining professional standards, certification and accreditation of teacher education programs. Professional educators should form a majority of the membership of the College, with substantial representation of non-educators from the community at large (Royal Commission on Learning, 1994: 71).*

One teacher union official noted that RCOL's recommendation for a College of Teachers appeared with no prior warning:

> *It was a complete surprise to us because it had never been discussed in any form where we had been involved with the Commissioners. It was not part of a proposal that came from any of the teachers' federations that I am aware of…. I believe that its genesis probably came from the Ministry of Education…(McLellan, 2002: 146).*

The RCOL also recommended the Education Act be amended to allow the following: non-certified instructors, under specified conditions and circumstances, be permitted to supervise students and deliver non-academic programs; mandatory professional development be a requirement for all educators in the publicly funded school system; and implementation of a recertification program requiring teachers, every five years, to complete a College of Teachers-approved professional development program (Lawton and Bedard, 1998). While the Commissioners viewed teachers on the one hand as essential to excellence in education, they also considered teachers to be in need of top-down intervention (Smaller, 1995).

For the Love of Learning drew both praise and criticism; some observers commended the Commission Report for setting out a blueprint to prepare students for educational challenges in the 21st century. Others were not as complimentary, a former Director of education for the Ontario Federation of Labour (OFL) commented that the RCOL Report "would lead to more big business interference in the schools…" (Milburn, 1996: 10). A number of RCOL recommendations, including creation of a College of Teachers, recertification of teachers and centrally-mandated curriculum, fed into concerns expressed by big business regarding Ontario's lack of global competitiveness and the need to reduce national deficits. In part, 'retooling' the educational system for the 21st century was viewed as one of keys to renewing Ontario's competitive advantage, while reducing educational costs (Sears, 2003).

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15 The RCOL was established and reported its findings when Bob Rae, then leader of the New Democratic Party (NDP), was Premier of Ontario. The NDP government began transitioning selected RCOL recommendations into policy until replaced by the Progressive Conservative Party, following the June 1995 provincial election.

The NDP government wasted no time in transitioning selected RCOL recommendations into policy. A College of Teachers Implementation Committee was created to advise the Education Minister on terms of reference for the proposed College (Ontario Ministry of Education, 1995). Not until after a month of intense teacher union lobbying had passed, did the Education Ministry agree to add a classroom teacher to the Implementation Committee. Even then, this was 'balanced' with the addition of a school board trustee (Smaller, 1995). When asked about the speed of the government's response to certain RCOL recommendations such as the College of Teachers, a government official commented: "We were working on the College of Teachers before the RCOL came in, whether they recommended a College or not… and we reacted quickly because we were moving ahead with the idea" (MacLellan, 2002: 149).

Both the RCOL *Report* and the Implementation Committee reflect an early shift toward neoliberalism that the NDP government favoured in terms educational policies being developed and implemented centrally by provincial government officials. In particular, the proposed College would result in greater regulation of teachers' work and promote reindustrialization through restructuring education to meet these needs (Coulter, 1995). With respect to the idea of establishing a College of Teachers, OECTA's support was tentative, while OSSTF was opposed. This cool reception to the idea of a College did not stop the Ministry of Education and Training's Implementation Committee. The work of the NDP government was cut short on June 8, 1995, when Ontario voters went to the polls and elected the Progressive Conservative (PC) Party led by Mike Harris.

Education and the Common Sense Revolution

Electing the Harris PCs signaled an immediate implementation of the Ontario PC Party election platform booklet, *The Common Sense Revolution*. The Harris government promised less spending, lower taxes and a reduction of the province's deficit (Rose, 2002). To meet these goals, education was one of the first areas the Harris government identified that needed reform; therefore, it began implementing a number of cost-cutting measures. Chief among these were a reduction of $400 million in the education budget and the introduction of user fees for junior kindergarten (MacLellan, 2002; Paquette, 1998).

In mid-December 2005, based, in part, on the College of Teachers Implementation Committee report, *The Privilege of Professionalism*, the Ontario government, introduced *An Act to Establish the Ontario College of Teachers and to Make Related Amendments to Certain Statutes* (Bill 31). Immediately both OSSTF and OECTA expressed the following concerns with Bill 31:

- classroom teachers would not be the majority on the College's Governing Council;

- the College should be excluded from complaints falling under the legal authority of school boards in the employment of teachers;

- folding together incompetence, incapacity and professional misconduct into a single process before the College Discipline Committee ignored the acceptable practice of placing the emphasis related to incapacity on rehabilitation rather than punitive measures;

- powers enabling the College Registrar to obtain a search warrant from a justice of the peace to search a teacher's home for evidence of incompetence were inappropriate; and

- giving the Education Minister power to require that the College pass any regulations deemed advisable or necessary, and if the College does not comply, such changes may be enacted by the government unilaterally, was unacceptable (Ontario English Catholic Teachers' Association, 1995).

With the contents of Bill 31 now on the table, all the Ontario teachers' unions agreed[16] that the College of Teachers was a device by the government to divide and conquer their unions. Traditionally the Ontario Teachers' Federation (OTF) had worked with the school boards and Ministry of Education to discipline teachers. Now this authority would be vested in the proposed College. This meant OTF and its affiliates would play significantly diminished roles in relation to teacher discipline issues. According to teacher union officials, the remaining recommendations would destabilize and weaken their place in a variety of areas related to protecting and enhancing their members' needs (MacLellan, 2002; Reshef and Rastin, 2003). The Ontario government moved with great speed and passed the *Ontario College of Teachers Act*, 1996 (Bill 31) on 5 July 1996, just seven months after it was first introduced into the legislature.[17]

Robertson and Smaller contend the establishment of the Ontario College of Teachers (OCT) was "part and parcel of a plan to further centralize and regulate our schools - more provincial controls over curriculum, over funding, over standardized testing of our students, over methods of reporting to parents and so on" (1996: 128). "From the beginning, the enterprise of the OCT was coloured by a strong government hand in directing the agenda of the new professional body" (Davidson-Harden, 2004: 31). Just as OECTA and OSSTF

16 The contents of Bill 31 led the remaining teacher unions, FWTAO, OPSTF and AEFO to support OECTA and OSSTF's concerns and publicly oppose the proposed College of Teachers.

17 After Bill 31 became law, elections to the College's Governing Council were announced. Despite opposing the College, OTF and its affiliates decided they needed to organize a slate of candidates for the elected seats on the College's Governing Council. The teacher unions viewed it vital for their unions to have a direct role in writing the bylaws governing College operations and to combat the influence of government-appointed council members. All the teacher-union candidates won their seats on the Governing Council (MacLellan, 2002).

were catching their breath from the events surrounding the establishment of the Ontario College of Teachers, the educational landscape was about to change dramatically with the introduction of Bill 160.

Improving Education?

On 22 September 1997, the Ontario government unveiled the *Education Quality Improvement Act* (Bill 160). This 224-page document was one of the most centralizing pieces of legislation to affect Ontario schools, and it immediately pitted the provincial government against the teachers' unions. Minister Snobelen's timetable was to have Bill 160 take effect by 01 January 1998. The key components of Bill 160 were the following:

- repeal the *School Boards and Teachers Collective Negotiations Act* (Bill 100) and place teaching bargaining under the *Labour Relations Act*;
- use non-teaching professionals to deliver selected programs;
- remove principals and vice-principals from teacher union bargaining units;
- remove the taxing powers of local school boards;
- increase the number of instructional days by two weeks for elementary students and by three weeks for secondary students; and
- set standards for class sizes, using a formula yet to be determined (Lewington, 1997; Reshef and Rastin, 2003; Rose, 2002).

By stating it intended to repeal Bill 100, which granted teachers the right to strike, the Harris Government signaled its intent to take back, or diminish significantly, the hard-won right that teachers had fought for as part of the 1973 province-wide teacher protest. Teacher unions criticized the draconian measures contained in Bill 160. Clearly Bill 160 was viewed as a serious attack on the capacity of teacher unions because it aimed to reduce their direct involvement in relation to collective bargaining.

Teacher unions also expressed grave concern that Bill 160 would create two classes of teachers - those required to belong to the College and subject to standards and practices and professional conduct, and those who were ineligible for membership and therefore not accountable for their conduct or teaching practice. Ironically, the government-backed College of Teachers was supposed to increase professionalism and accountability, and yet now the Harris government was favouring allowing non-certified teachers into classrooms and removing approximately 7500 principals and vice-principals from teacher

union membership. This at a time was school enrolment was increasing[18] and the Harris government publicized its mission to bring back quality education in Ontario (Paquette, 1998; Reshef and Rastin, 2003).

Bill 160 gave Cabinet sweeping powers to establish education policy and regulate school boards, which ran counter to the "Harris government's promise to keep government small and close to the people" (Rose, 2002: 107). Rescinding the authority of school boards to levy taxes would reduce their independent financial capacity to negotiate because these school boards would now be mandated to seek authority from the Education Ministry in areas where the boards may have had some control over the 'purse strings'. This would cause teacher union and school board decision making to become even more laborious and dependent on the Ministry of Education (Reshef and Rastin, 2003). In summary, Ontario teachers' unions criticized Bill 160 as a ruse to cut nearly $1 billion from the educational system, destabilize and demoralize teacher unions and gut local decision-making to push the government's neoliberal agenda. The government was unwilling to listen to requests from the teacher unions to amend Bill 160's most contentious clauses (Mackie and Galt, 1997; Reshef and Rastin, 2003).

Teachers Take to the Street

Relations between the teachers' unions and the Ontario government broke down, and on 27 October 1997[19] close to 126,000 teachers launched a province-wide 'political protest' against Bill 160. The teachers' unions insisted that the government's determination to proceed with Bill 160 left them with no choice (Lennon, 1997). The Ontario government expressed concern over the decision by the teachers' unions to launch an 'illegal strike'. In response, the government filed an injunction with the Ontario Court's General Division, which was dismissed by Justice James MacPherson.[20] Teacher solidarity came to an end on 07 November when three of the teachers' unions - OPSTF, FWTAO and AEFO - called for their members to return to work on 10 November. Reluctantly, OSSTF and OECTA joined the other affiliates, and their members too returned to their classrooms (Lawton and Bedard, 1998).

The *Education Quality Improvement Act* became law on 01 January 1998, only four months after being introduced into the Ontario legislature. The use of non-certified teachers in classrooms was removed from the final version of Bill 160. This was due, in part, to public concern over employing non-certified teachers at a time when the Ontario government was

18 Student enrolment had grown by 40,000 from 1994-1995. Refer to Reshef and Rastin (2003).

19 Meetings between Ontario government officials and the teachers' unions collapsed the day before. During the ten-day protest most students remained at home (Gidney, 1999).

20 On day three of the protest, the government filed an injunction with the Ontario Court's General Division to force teachers to end the walkout. Under the Court's rules, the government needed to establish a serious issue to be tried and that irreparable harm would occur if an injunction was not granted. Refer to MacLellan (2002).

announcing its commitment to quality education. However many of the other contentious clauses, including: removing principal and vice-principals from teacher bargaining units, placing significant restrictions on the scope of negotiable items that related to class size; and extending instruction time for teachers in the elementary and secondary panels remained (Rose, 2002). The Harris government declared itself victorious in its neoliberal war against the teacher unions, even though the ten-day protest caused an educational crisis. Comparing Bill 160 and the role of the Ontario College of Teachers, brought one teacher union official to this observation:

> *I found it immensely frustrating that the government framed Bill 160 as the Education Quality Improvement Act. And we have created this College of Teachers that is meant to enhance professionalism, and the government clearly intended to de-professionalize a lot of the people teaching.... It just kind of revealed it [government] was invoking a lot of rhetoric that really wasn't about those things (McLellan, 2002: 226).*

The contradiction between establishing a College of Teachers to engender professionalism and then destabilizing teachers and their unions with Bill 160 is noted by Rose:

> *It is difficult to disassociate the legislation [Bill 160] from the broader and decidedly anti-union sentiment that had characterized the Harris government since 1995… [t]he hostility toward unions and industrial relations institutions represents a major departure from past Tory governments…. In addition, bashing school teachers was perceived as politically prudent, particularly given public concerns about the quality and cost of public education, and the misplaced perception that teachers were overpaid and under-worked (2002: 120).*

The Global Context of Educational Restructuring and Teacher Unions

In general terms, the restructuring of Ontario's educational sector described in this paper reflects the fact that educational decisions do not exist in a vacuum. This situation outlined in this work needs to be viewed as part of a broader move by governments in other provinces across Canada and beyond to restructure how public educational services are financed and delivered. Reflecting on the Ontario College of Teachers and the global educational landscape brought this insightful comment:

> *I think it [the College of Teachers] is one arm of a huge policy change but it is not alone and it needs to be contextualized within the range of policy changes that this government is using...and circumstances of other changes that are happening around the world. The Ontario government is not just pulling this out of the air, they are looking at what is happening in other parts of the world and using this as their starting point (McLellan, 2002: 181).*

As a result of globalization and economic restructuring, government activity has been diminished in many selected policy fields; this, in turn, has been translated into significant cuts in spending on public services resulting in a dramatic and systematic reshaping of how educational services are delivered in many countries (Barber, 1996). The effects of recent economic and education reforms on provincial teachers' organizations in Alberta and Nova Scotia, and national/state teachers' unions in Australia, Britain, and the United States, provides a larger frame within which to contextualize Ontario's situation.

Beginning in the late-1980s, Alberta was one of the first Canadian provinces to adopt drastic cuts to a number of its public programs, and to institute financial measures that reduced the government's operating deficit and weakened public sector collective agreements (Soucek and Pannu, 1996; Taylor, 2001). In the mid-1990s, the Alberta Teachers' Association (ATA) published a series of documents describing its blueprint for preserving public education in Alberta: and it thereby launched a proactive strategy, centrally coordinated, targeting specific areas of concern with a series of action plans that identified how the Conservative government's restructuring plan was weakening the quality of education in Alberta. (Soucek and Pannu, 1996; Taylor, 2001).

In the early 1990s, Nova Scotia's provincial government responded to pressing financial concerns that threatened the province's credit rating, by launching a 2-year wage freeze for all civil servants, including teachers. At the same time, the Nova Scotia Teachers' Union (NSTU) found itself responding to a raft of Department of Education (DOE) policies that proposed major changes to the *Nova Scotia Education Act* (Forbes, 1996). The changing educational landscape, forced NSTU to return to battles, it previously fought and assumed, it had won: equitable funding for education and recognition of teachers' rights to bargain the terms and conditions of work. NSTU's leadership realized that it needed to be more proactive in responding to the overwhelming stream of documents coming from DOE. In response, NSTU dispatched curriculum and/or development specialists to respond to government documents, and significant amounts of its financial resources were diverted to these new initiatives. NSTU also began a campaign that involved lobbying politician directly and staging public demonstrations along with forming coalitions with like-minded organizations (Poole, 1999).

Internationally, state governments in Victoria and Western Australia, in the early 1990s, instituted increased fiscal responsibility measures combined with the re-centralization of school governance. This corporatization of management, at the system and school level, resulted in increased control over teachers and their working conditions, giving them little say over the context and content of their work. The State School Teachers' Union of Western Australia (SSTUWA) challenged the Education Department on these changes, and over the next 12 months both sides staked-out their positions, a bitter 'war of attrition'

began which ended when an agreement was reached. While the SSTUWA achieved, in the short term, the right to be involved in the development and implementation of educational policy, it lost the right to determine the substantive nature of that policy field (Robertson and Chadbourne, 1996).

Britain, in the mid-1980s to mid-1990s, was marked by a blustering series of educational reforms including curriculum and assessment changes, a new education inspector system and decentralized school management. The British educational system was plagued by constant reorganization and innovation fatigue that affected teachers' work on a daily basis. Meeting this challenge has been a constant struggle for the National Union of Teachers (NUT) and the remaining teachers' unions. Their authority has been eroded due to waves of educational reforms that aim to decrease the influence of professionals and increase the corporate management of education (Ginsburg, Wallace and Miller, 1988).

In the United States, increasing the accountability in public education became a rallying cry for school reformers during the 1990s. State and local politicians pressured school leaders to improve student performance, hold staff more accountable, and control the costs of educations. For teachers, this often means less job security, closer evaluations, and reduced salaries and benefits. In some cases, alternative governing structures have been created within the public school system to respond to these changes. These include charter schools and pilot voucher programs in large urban school systems in Connecticut, Michigan, Ohio, and Pennsylvania (Boyd, Plank, and Sykes, 2000). Increased scrutiny of the American public education has meant that teachers' unions have found themselves on the defensive in relation to contributing to the 'failure of the American school system (Bascia, 2000; Poole, 1999).

As noted above, the pattern of economic restructuring, which evolved over the past few decades in most industrialized countries, witnessed a shift in how many states viewed their role. In some cases, states withdrew from their role as arbiter between labour and capital, allying themselves with capital and pushing labour into a defensive position (Burbles and Torres, 1991; Hahnel, 2005). The ability of teachers' unions to represent, promote and protect their members in this changing climate has become increasingly complex due to educational restructuring reforms that include: reconstituted school governance, standardized and centralized testing, massive curricular reform, strict systems of accountability and the intrusion of market goals into public schooling (Rodrigue, 2000).

Discussion and Conclusions

Leithwood, Fullan and Watson state that 1995-2000 was one of 'the most tumultuous' times in relation to education in Ontario's history (Taylor, 2005). During this period, the Ontario government introduced a litany of neoliberal educational reforms that increased the state's

coercive power and weakened teacher unions. These, neoliberal policies included Bill 31 and more specifically Bill 160, which culminated in a ten-day protest by teachers that signaled an educational crisis in Ontario.

Bill 31 was selected because, while the 'intent' was to give teachers 'control' over their profession, teacher unions noted the rationale for a College of Teachers was to scrutinize teachers more closely, regulate more strictly their professional judgement, and marginalize their unions. Ontario teacher unions judged the College of Teachers as a 'top-down' mechanism to limit teacher and union autonomy under the veil of professionalism.

The shifting landscape of teacher and state relations continued with passage of the *Education Quality Improvement Act* (Bill 160). While Ontario teachers' unions viewed Bill 160 as another assault on teachers and their unions, it was seen as a more blatant outright grab of power than in Bill 31 (MacLellan, 2002; Rose, 2002). Bill 160 included a host of legislative changes that led to a significant weakening of both teacher autonomy and union representation. These changes proposed a weakening of previous collective bargaining arrangements in the interest of responding to market demands for more 'flexibility' in the teaching profession. In response to Bill 160, the discussions held between teacher unions and government officials were not successful. The ten-day protest that followed the breakdown of negotiations signaled that Ontario teacher unions had no real choice but to take decisive and risky action to try and maintain what had taken decades to negotiate on behalf of their members (MacLellan, 2002).

While champions of neoliberalism posit that it aims to reduce the size of government, clearly it is not about reducing the impact of government. In reality, the role of the state is seen as creating laws and conditions that assist market forces to allocate goods, services, capital and labour in the name of deregulation (Harmes, 2004; Hursh and Martina, 2003; Keil, 2005; 2006; Kuehn, 2006). In the case of education, Bill 160 was aimed at removing from teachers' collective agreements, provision for limits to class sizes and staffing ratios. While the protest did not translate into significant gains for teachers, except for removing the non-certified teacher clause from Bill 160, it did galvanize public support for teachers. Immediately after Bill 160, the Harris government continued its pursuit of implementing education policies premised on a competitive market model that paralleled with neoliberal ideology.

In general terms, restructuring of Ontario's educational sector, as described in this paper, reflects a similar pattern in other provincial and international settings. Internationally what we have witnessed is that neoliberal policies "have increased inequalities globally and nationally, diminished democracy accountability and stifled critical thought…" (Hill 2003: 1). The idea of reshaping the teaching force became an important issue on the

neoliberal agenda of the Harris government, and its push to promote cheaper labour (often viewed as non-certified or non-unionized), combined with greater regulatory control of tasks under strict teaching conditions were perceived to be better value for money. These policies collectively reflect a desire to minimize state obligation while maintaining or extending state control, and they have been applied to the reorganization of teachers' workplaces in Ontario, and in other jurisdictions, under slogans of quality, accountability and flexibility.

The outcome of these recent neoliberal educational reforms has often resulted in the transformation of education by squeezing significant influence and autonomy from teachers and their unions (Robertson and Chadbourne, 1996). Under this construction, educational contributions from teachers and their unions are often subordinated, and teaching is set to a centrally designed curriculum with standards monitored by powerful government departments and self-regulating bodies (Davies & Guppy, 1997; Jefferson, 1998; Olakanmi, 2008).

In the period following the timeframe outlined in this work, Ontario teachers' unions have aimed to maintain and enhance the influence of their unions in the educational arena; to continue their right to collective bargaining; to restrain and resist the continuation of neoliberal policies that weaken the capacity of teachers and their unions to participate in educational governance; to rebuild in areas related to professional development that were dismantled by previous government policies; and to increase their access to the public, policy makers and politicians. Having survived one of the most tumultuous periods in Ontario's education history, teachers' unions are not likely to forget the lessons learned from Ontario's 'not-so' common sense revolution.

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