



BARGAINING FOR EQUITY

An ETFO guide for locals

ETFO Equity Statement

It is the goal of the ETFO to work with others to create schools, communities, and a society free from all forms of individual and systemic discrimination. To further this goal, ETFO defines equity as fairness achieved through proactive measures, which results in equality, promotes diversity, and fosters respect and dignity for all.

ETFO's Equity Initiatives

ETFO is a union committed to social justice, equity, and inclusion. The Federation's commitment to these principles is reflected in the initiatives it has established as organizational priorities, such as: ETFO's multi-year strategy on anti-Black racism; two-spirit, lesbian, gay, bisexual, transgender, queer, and questioning education; and addressing First Nations, Métis, and Inuit issues. ETFO establishes its understanding of these issues within an anti-oppressive framework.

The Federation ensures its work incorporates the voices and experiences of marginalized communities, addresses individual and systemic inequities, and supports ETFO members as they strive for equity and social justice in their professional and personal lives. Using the anti-oppressive framework is one of the ways ETFO is operationalizing its Equity Statement.

Definition of an Anti-Oppressive Framework

An anti-oppressive framework is the method and process in which we understand how systems of oppression such as colonialism, racism, sexism, homophobia, transphobia, classism, and ableism can result in individual discriminatory actions and structural/ systemic inequalities for certain groups in society.

Anti-oppressive practices and goals seek to recognize and dismantle such discriminatory actions and power imbalances. Anti-oppressive practices and this framework should seek to guide the Federation's work with an aim to identify strategies and solutions to deconstruct power and privilege in order to mitigate and address the systemic inequalities that often operate simultaneously and unconsciously at the individual, group, and institutional or union level.

ETFO Human Rights Statement

The Elementary Teachers' Federation of Ontario is committed to:

- providing an environment for members that is free from harassment and discrimination at all provincial and local Federation sponsored activities;
- fostering the goodwill and trust necessary to protect the rights of all individuals within the organization;
- neither tolerating nor condoning behaviour that undermines the dignity or self-esteem of individuals or the integrity of relationships; and
- promoting mutual respect, understanding, and co-operation as the basis of interaction among all members.

Harassment and discrimination on the basis of a prohibited ground are violations of the Ontario *Human Rights Code* and are illegal.

The Elementary Teachers' Federation of Ontario will not tolerate any form of harassment or discrimination, as defined by the Ontario *Human Rights Code*, at provincial or local Federation sponsored activities.

ETFO Land Acknowledgment



In the Spirit of Truth and Reconciliation, the Elementary Teachers' Federation of Ontario acknowledges that we are gathered today on the customary and traditional lands of the Indigenous Peoples of this territory.

CONTENTS

Introduction.....	4
Equity Audit and Gap Analysis	6
Local agreement equity analysis checklist	7
Member Voice	9
Local collective bargaining committee composition	9
All-member bargaining surveys	10
Focus groups	11
Equity Topics	14
2SLGBTQ+	14
Accommodation	17
Discrimination or Harassment	22
Racial Justice	26
Religious/Creed/Spiritual Observance	29
Provisions for Indigenous Members	31

INTRODUCTION

While we must continue pushing for stronger legislation that advances equity, in many ways collective bargaining is more effective than legislation in creating equity and fairness in the workplace and broader society. This is especially true in jurisdictions with weak employment standards, such as Canada and its provinces, where analysis by the Organisation for Economic Co-operation and Development has demonstrated that collective bargaining is crucial for improving worker rights over and above those provided in legislation.

Geoffrey L. Hudson – “Advancing Equity and Fairness through Collective Bargaining,” *Academic Matters*

As a union that represents teachers and education professionals, the Elementary Teachers’ Federation of Ontario is driven to lead by example. To lead is to act, which ETFO does by fostering conversations on important issues; promoting progressive, social justice values; and working as a catalyst for change and growth within the Federation as well as in local and global communities.

Through central and local collective bargaining, ETFO advocates, defends, and bargains for the conditions that build better schools for students and educators alike. When we bargain gains for equity-deserving groups, we strengthen the collective power of all ETFO members.

There is a long history of bargaining for equity within the public sector. From health and safety standards, pregnancy and parental leave, and equal-pay-for-equal-work clauses to guaranteed breaks, the eight-hour workday and weekends,

collective agreements have sought to ensure workers are protected from exploitation, unfair labour practices, and harm. In recent times, public sector bargaining has begun to advance language that reinforces human rights and specific protections for equity-deserving groups whose challenges haven’t historically been reflected in collective agreements.

Bargaining for equity is a continuum that begins with the parties developing a shared understanding of definitions for and use of inclusive language. This leads to the introduction of new concepts that shift the landscape in labour relations, and ultimately results in a collective agreement that ensures a member’s ability to access appropriate, equity-focused protections and entitlements. From addressing specific forms of discrimination directly to advancing human rights more broadly, there is power in language to reinforce shared priorities, break down barriers, and lift everyone up.



The process of bargaining for equity is not meant to be overwhelming, but it is important that locals carefully review and consider information provided by their membership.

A union's duty to represent members fairly is outlined in the [Labour Relations Act](#) and confirms that a union "shall not act in a manner that is arbitrary, discriminatory or in bad faith in the representation of any of the employees in the unit."

The duty of fair representation applies not only to the administration and enforcement of the collective agreement but also to its negotiation. This includes the processes to establish a bargaining committee, set goals, and draft proposals.

ETFO is committed to ensuring that members have access to resources that support the local's work on equity and social justice. This resource has been developed for ETFO bargaining teams as a guideline for how to incorporate an equity lens in your bargaining processes. It offers best practices and tips for reviewing your current collective agreements, identifying gaps, and advancing equity issues in future rounds of bargaining.

This resource includes:

- a collective agreement equity audit process
- considerations for local collective bargaining committees
- sample collective agreement language on equity issues
- definitions of common bargaining and equity terms

There is power in the collective bargaining process. Together, as a provincial organization and in our locals, we can effect real change to improve the working conditions of equity-deserving groups and **all** workers by ensuring collective agreements unequivocally address human rights and equity issues.



EQUITY AUDIT AND GAP ANALYSIS

Using the bargaining process to advance equity and social justice for members is critical to creating fair and inclusive workplaces. Local bargaining teams play a crucial role in ensuring that principles of equity and social justice are embedded into collective agreements and effectively addressed throughout the bargaining process.

One of the ways to begin thinking about where a local bargaining team might concentrate efforts in the next bargaining round is by conducting an equity audit of the existing collective agreement.

An equity audit serves as a foundational tool, prior to the creation of your **preliminary submission**, to assess where your collective agreement is strong and where there are opportunities for improvements. It's a reasonable starting point for the bargaining process for a variety of reasons:

- An equity audit helps identify gaps and uncovers areas where the current collective agreement may not be making the advances in fairness and equity that the bargaining team wants it to make. It allows you to pinpoint specific areas that need improvement.
- Understanding where these gaps exist can help identify opportunities to strengthen language through bargaining. A team can create a plan for negotiating enhancements and develop targeted strategies once any gaps are identified.
- Comparing current negotiated language with other collective agreements can give a table team a starting point from which to assess what may be possible to negotiate with the board.
- Conducting an audit focused on equity and social justice demonstrates a commitment to the representation of all members in the bargaining unit, which can enhance trust and engagement among members, particularly those from **equity-deserving groups**.



A **preliminary submission** is a document that includes initial local or school board proposals for negotiation. It is often submitted to the other party at the early stage of the bargaining process and serves as the starting point for negotiations.

Equity-deserving groups: A group of people who, because of systemic discrimination, face barriers that prevent them from having the same access to the resources and opportunities that are available to other members of society, and that are necessary for them to attain just outcomes. (Source: [Canada.ca](https://www.canada.ca))

Local agreement equity analysis checklist

This list is not exhaustive and is intended to be a starting point to analyze current collective agreement language through an equity and social justice lens. The key question to ask is, “Do the current collective agreement provisions adequately address the needs of every member in my local?”

Human rights

- ☐ Does your collective agreement contain a clause prohibiting discrimination based on human rights?
- ☐ Does the clause include protected grounds as defined under the *Human Rights Code*?
- ☐ What other grounds are listed?

Indigenous rights

- ☐ Is there a leave of absence for Indigenous cultural/ceremonial events, and other Indigenous observances?
- ☐ Is there an option for Indigenous members to utilize a culturally responsive dispute resolution process?
- ☐ Is there an option for Indigenous members to access a culturally responsive investigation process, should they be required to participate?
- ☐ Does the agreement include a broad definition of family that includes extended family members, members of the same nation or community, and Indigenous Elders?
- ☐ Is there a leave of absence for members who wish to run for positions in Indigenous governance and/or to vote in Indigenous elections?

Anti-racism and anti-Black racism

- ☐ Does your agreement have a statement committing to disrupting racism and anti-Black racism in the workplace?
- ☐ Does your agreement speak to the prohibition of **microaggressions** and implicit bias?

2SLGBTQ+ rights

- ☐ Does your collective agreement use gender-neutral language throughout?
- ☐ Does your collective agreement have express provisions that ensure the protection of trans and non-binary members?
- ☐ Does your collective agreement provide an opportunity for the local to assist members with the creation of transition plans?

Workplace harassment and sexual harassment

- ☐ Does your collective agreement include language on workplace harassment, including sexual harassment?
- ☐ If so, does the language comply with the requirements under the *Occupational Health and Safety Act* (OHSA)?
- ☐ In the harassment article, or elsewhere in the collective agreement, is there language regarding procedures for responding to harassment prohibited under the *Human Rights Code*?
- ☐ Are the elements of a workplace harassment policy and program clarified in the agreement? Does your collective agreement make clear that complainants and respondents in a harassment complaint have a right to union representation in the investigation process?

A **microaggression** is a statement, action, or incident regarded as an instance of indirect, subtle, or unintentional discrimination or prejudice against members of a marginalized group such as a racial minority. ([Oxford English Dictionary](#))

Workplace accommodations

- ☐ Are there provisions with respect to accommodation of members with disabilities in your collective agreement?
- ☐ Does your collective agreement make clear that a member seeking a workplace accommodation or returning from a medical leave may contact the local representative or equivalent?
- ☐ Is it made clear that the local should be notified in the case that an educator is returning from a medical leave and requires a workplace accommodation as part of their return to work?

Child care

- ☐ Does your collective agreement include an article on child care?
- ☐ If so, does it provide financial support to members with child-care or dependent-care costs?
- ☐ Is child-care reimbursement provided to members with children on the occasion of a parent/educator interview, curriculum night, welcome to Kindergarten event?



How to use the checklist

- Review ETFO's [Anti-Oppressive Framework](#), the [Guides to Collective Bargaining](#), and the examples in this resource to inform your analysis.
- Engage any other social justice committees in your local to complete the same task (status of women committee, equity committee, etc.).
- Gather input from local members to identify their equity and social justice entitlement goals and any areas of concern. Pay close attention to the input from members who self-identify from **designated groups**.
- Use surveys, focus groups, listening tours, or individual interviews to obtain comprehensive feedback.
- Review equity-based grievances that have been filed over the last several years. Consider how those issues might be solved proactively through the bargaining process.
- Consider how to encourage representation of members of designated groups on the bargaining committee and/or the table team.
- Prepare a report outlining the findings of the gap analysis for the local executive or the general membership to consider.

With one exception, since its inception in 1998, ETFO has based its **designated groups** (women; First Nations, Métis, or Inuit; 2SLGBTQ+; racialized; person with a disability) on those identified in Ontario's [Employment Equity Act](#) (repealed by the Harris government in 1995) and Canada's 1995 [Employment Equity Act](#).

Though not part of the above legislation, in 2000, ETFO added LGBT (updated most recently in 2020 to 2SLGBTQ+) as a designated group.

MEMBER VOICE

The best way to achieve a collective agreement that represents all members is by providing numerous opportunities for diverse individuals to be involved in every step of the bargaining process. Various considerations – such as the composition of the collective bargaining committee (CBC), all-member bargaining survey questions, and equity-deserving focus groups – increase opportunities for diversified participation and engagement of the membership.

Local collective bargaining committee composition

A bargaining team that includes members from equity-deserving groups with a range of teaching/working experience brings diverse ideas that will strengthen your collective agreement. Attracting and selecting diverse members must be intentional; be deliberate with your messaging when advertising the positions before the election.

You can increase your reach and interest across the membership by using an array of communication methods. Communications sent through local newsletters, SMS/text or email campaigns, employee resource groups (ERGs), local workshops and events, and work sites can reach members who are not typically involved in the union, such as those who may only attend general membership meetings. The goal is to meet members where they are, to help increase awareness, engagement, and representation.

The local constitution or CBC terms of reference could also include designated seats for equity-deserving groups to help encourage diverse members' involvement.



Sample language

The Collective Bargaining Committee (CBC):

Shall consist of the chair, the president, one vice-president, and ten (10) other members who shall be elected by the general membership:

- i. At least seven (7) out of the ten (10) members elected at large shall identify as women; and
- ii. at least four (4) out of the ten (10) elected members at large shall identify as a member of an equity-deserving group (First Nations, Métis, or Inuit; racialized; 2SLGBTQ+; member with a disability).



All-member bargaining surveys

It is vital to understand the concerns of the membership when approaching a round of collective bargaining. All-member bargaining surveys can be an effective means of gathering insights and ensuring all members are heard.

Surveys should include questions that address various impacts on members' working conditions and include focus areas such as human rights and members' intersectional identities.

Self-identification on the survey will enable the data to be disaggregated to better inform the local of the specific needs of all identifying groups.



Sample questions

1. Have you witnessed or experienced examples of racism, discrimination, and/or oppression within your school?

- ☐ Yes
- ☐ No
- ☐ Unsure

If yes, please describe what you have seen or experienced.

2. What changes to board policy or procedures would you find supportive in addressing incidents of racism, discrimination, and/or oppression? Check all that apply.

- ☐ mandatory released training for all staff
- ☐ further training on reporting processes
- ☐ supplementary resources (e.g., posters, books, webinars)
- ☐ additional dedicated personnel to support students and staff at all locations (e.g., school-based equity resource committee)
- ☐ other

3. Is there anything you'd like the collective bargaining committee (CBC) to know about how human rights, racism, discrimination, and/or oppression are being addressed at your school?

ETFO's protocol concerning members' **self-identification** is outlined in Appendix B of the 2025 Equity and Women's Services Report to the Annual Meeting:

Many people bear identities that have been imposed upon them by those around them. These identities are often based on stereotypes and can result in social marginalization. Voluntary self-identification provides individuals with autonomy in defining their identities at a particular time and according to their own criteria. These criteria can include race, gender identity, sexual orientation, religion, personal history, culture and tradition, and social and political knowledge. Since identities are multiple and shifting, the process of self-identification is never straightforward. The objective is not to categorize people but to increase our collective knowledge of the identities of ETFO members to better meet their needs. Privacy regarding collection of self-identification information is of utmost importance.

(source: [2025 Equity and Women's Services Report to the Annual Meeting](#))

Focus groups

Focus groups of members from various equity-deserving groups (e.g., women; First Nations, Métis, or Inuit; racialized; 2SLGBTQ+; member with a disability) are important resources both for the local and for members. They provide an avenue for specified groups to discuss their unique challenges and barriers and allow for gaps to be identified that may be overlooked by those who don't have these shared experiences. They could also create an opportunity for members in affinity groups to build community within the local and have safer spaces to be open about experiences and challenges they face due to their identities.

It is important to be aware that it takes time to establish and conduct focus groups, and to accurately summarize the findings. It is essential that preparation for focus groups starts early in the bargaining preparation process.



Considerations when organizing focus groups

Clarification of purpose and use of information

- At the beginning of the session, explain the bargaining process and where the focus group fits in this process.
- Manage expectations by explaining how negotiations work in terms of change being incremental.
- Provide information to the participants about the importance of hearing from historically marginalized groups and how their input, voice, and experiences are important to the bargaining process.
- Explain how their input will be used (e.g., a summary of the discussion will be shared with the collective bargaining committee for the purposes of drafting the preliminary submission).
- Provide a summary of the focus group discussion to participants.
- Recognize that the involvement of members from equity-deserving groups in focus groups is emotional labour. Acknowledging their efforts and helping them see the impact of their contributions can foster more trust between the local and the members, and may lead to increased engagement.



Facilitator

- Each group should have a facilitator and a scribe to take notes.
- Endeavour to have facilitator and scribe identify as a member of the specific equity-deserving focus group being conducted.
- Local leaders from neighbouring locals may assist as facilitators if representation in the local is needed.
- Facilitators do not have to be members of the executive.

Recruitment

- Broadly seek participation from equity-deserving groups using a variety of methods such as social media and local communication sources (e.g., newsletters, email).
- Groups of eight to 10 are encouraged.

Accessibility

- Ensure the venue used is accessible (e.g., location, travel, etc.).
- Provide questions in various formats so they are accessible to everyone (e.g., audible and written).
- Ensure the time and location are convenient for all members.
- Provide dependent care and mileage reimbursements if it is provided for other local meetings.
- Ensure dates are not scheduled on any holy days or observances.
- If possible, provide release time.

Confidentiality

- Ensure confidentiality is established in the focus group. Discuss and emphasize the importance of gathering useful information while also maintaining confidentiality.
- Names and stories/details that identify individuals or schools should not be included in the notes. However, stories/details may be summarized in more general language to ensure that important disclosures that may facilitate change are not lost.
- Comments should not be attributed to any individual.

Intersectionality

- Remember that members have intersectional identities, so they may have contributions for more than one focus group. Members may choose to participate in multiple groups that align with their self-identification.



Sample questions

While the questions below are provided for specific identities, most are adaptable for various groups.

First Nations, Métis, Inuit members

1. What unique challenges do you face as an educator with your identity in your school or school board?
2. Do you feel supported in incorporating Indigenous pedagogy/perspectives into your practice? Why or why not?
3. Have you witnessed or experienced systemic bias in hiring, promotion, or disciplinary practices? How can the collective agreement address these issues?
4. What support systems (mentorship, cultural spaces, community connections) would you find helpful to your practice?
5. How does your school handle incidents of racism or discrimination, and what improvements would you want to see?
6. What professional development opportunities would benefit your practice most?
7. What bargaining priorities would help Indigenous members feel better valued, protected, and supported with the resources they need?
8. Identify one key change you would like to see to support Indigenous members.



Racialized members

1. What are the biggest challenges you face as a racialized member at your work site?
2. How does your identity as a racialized educator impact your interactions with students, parents/guardians, and colleagues?
3. Have you witnessed or experienced systemic bias in hiring, promotion, or disciplinary practices? What ideas do you have for change?
4. What support systems (mentorship, mental health resources, affinity groups) do you feel are lacking for racialized members in the school board?
5. How does your school handle incidents of racism or discrimination, and what improvements would you want to see?
6. What would you like to see in the collective agreement to better protect and uplift racialized members?
7. What professional development opportunities would help you feel more supported in your role?
8. If you could push for one key item in bargaining that would make a meaningful difference for racialized members, what would it be?

2SLGBTQ+ members

1. What are the biggest challenges you face in your work site because of your identity?
2. Have you felt pressure to conceal or restrain your identity at work?
3. How do students, colleagues, administrators, and parents/guardians respond to 2SLGBTQ+ representation in the classroom?
4. What workplace policies or protections do you feel are lacking for 2SLGBTQ+ members?
5. What improvements might be made at your school to make it a safer space?

6. What should be included in a bargaining proposal to improve protection and visibility for 2SLGBTQ+ members?
7. If you could push for one key change to support 2SLGBTQ+ members, what would it be?

Members with a disability

1. What are the biggest barriers you face in your workplace as a member with a disability?
2. Have you faced challenges in getting accommodation? How could this process be improved?
3. Do you feel your school fosters an inclusive and accessible work environment? Why or why not?
4. How does your school handle ableism? What would help address this?
5. Have you encountered barriers to your career advancement due to your disability? What would help address this?
6. What professional development opportunities would help members with a disability feel more supported in the workplace?
7. What accessibility and inclusion policies would you like to see prioritized in bargaining?
8. If you could push for one key change to support members with disabilities, what would it be?



EQUITY TOPICS

Collective agreement language needs to reflect ETFO's diverse membership to ensure that every member's rights in the workplace are upheld. Defending these rights is part of a union's duty of fair representation under the [Labour Relations Act](#) in Ontario.

In this section, we will highlight several equity-related areas of focus that should be included in your collective agreement.

In addition to information about why it's important to address these topics in your collective agreement, we have also provided sample language drawn directly from existing ETFO collective agreements and from those of other labour organizations to assist you with drafting or strengthening your own language and bargaining positions.

2SLGBTQ+

Now more than ever, it is important to acknowledge that gender does not exist as a binary of men and women, but also encompasses a range of identities including transgender, non-binary, and genderqueer, among others.

Creating workplaces that are free from discrimination and harassment based on gender is an essential responsibility of the work of unions. Through language in the collective agreement, locals should ensure necessary supports and protections are in place for gender-diverse members.



Background information

Under the Ontario *Human Rights Code*, individuals are protected from harassment and discrimination based on gender identity and gender expression. This protection applies for transgender and gender-diverse people in areas including employment and membership in unions, trade or professional associations, among others.

In 2017, the *Canadian Human Rights Act* was also amended to prohibit discrimination on the basis of gender identity and gender expression. This amendment protects transgender and gender-diverse people from discrimination in many areas, including employment for federally regulated employees.

Some examples of failing to provide a safe environment include:

- ignoring gender-based harassment, transphobia, and homophobia
- violating confidentiality
- not using workers' correct names or pronouns
- maintaining gendered dress codes
- not providing safe washrooms and change rooms



Considerations

It is vital to acknowledge and understand the complexities of members' lived experiences and how intersectionality may impact their experiences at work. Gender-diverse and trans members who also identify as women, Indigenous, Black, racialized, and/or living with disabilities face additional layers of discrimination, harassment, and violence, which must be considered when negotiating language and provisions.

Ways to advance the rights of 2SLGBTQ+ members

- Bargaining language that grants access to parental leave policies that allow both partners to take extended parental leave.
- Gender-based harassment prevention, including clear guidelines on and reporting mechanisms for addressing workplace harassment based on gender.
- Mandatory training for all employees to raise awareness about gender equality and promote inclusive workplace behaviour.
- Periodic reviews and updates of collective agreements to reflect changing societal norms and legal requirements.
- Including gender identity, gender expression, family status, and sexual orientation as prohibited grounds of discrimination and harassment.
- Reviewing collective agreements and school board policies and updating them to include gender-inclusive language (e.g., inclusive terms and descriptions for bereavement leave).
- Ensuring safe workspaces for gender-diverse individuals, including safe access to bathrooms.



Example clausal language

ETFO local example

Peel Teacher Local and the Peel District School Board

Sept. 1, 2022 – Aug. 31, 2026

Article L21: Human Rights – No Discrimination, Anti-Racism, and Anti-Oppression L21.05

The Board and Union commit to upholding the inherent dignity and worth of all persons, and places high value on the protection of all Teachers. All individuals have the right to be who they are openly. This includes the expression of gender identity without fear of discrimination or reprisal, as well as the right to be treated with dignity and respect.

Gender identity and gender expression are *Code* protected grounds in the *Ontario Human Rights Code*. Upon notification by a teacher requiring accommodation, the Board will work with the teacher to establish and/or support a transition plan. The Board shall notify the employee of their right to union representation.

MEMORANDUM OF AGREEMENT Between HEALTH EMPLOYERS ASSOCIATION OF BC (HEABC) and FACILITIES BARGAINING ASSOCIATION (FBA)
April 1, 2022 – March 31, 2025

Re: Trans Inclusion General Transition Support

The parties agree to the following: The parties will work together to protect the job security, privacy, and safety of trans workers at all times and during an accommodated transition in accordance with the Collective Agreement and legislation. Upon an employee's request, the Employer will work with the employee (and the Union, if requested) to prepare a transition or a gender support plan that is respectful, employee- centered, and tailored to the employee's particular needs. Employees may request that the Employer correct their personal information, such as legal name and gender changes, on employee records, directories, and workplace documents. This may include seniority lists, nametags, employee IDs, email addresses, organizational charts, health care coverage and schedules and human resources documents. Employers will correct personal information pursuant to applicable privacy law. Employers will review current policies and procedures, such as dress codes, to ensure they are consistent with trans inclusion. Employers will make trans inclusive resources available to employees and managers. Transphobia is a type of Human Rights Code harassment. Transphobia can happen at the workplace or online and includes but is not limited to intentional: Deadnaming (using employee's former name); Misgendering (referring to someone using a word or pronoun that does not reflect their gender); and/or Doxxing (sharing personal information, including old photos or medical information for the purpose of harassment or online mobbing). This MOA is not intended to limit the work of the DEI Working Group in advancing trans inclusion in the workplace.

Extended Health Benefits Plan

Upon ratification, the Parties will make a joint request to the JFBT [Joint Facilities Benefit Trust] to: Expedite a review of the extended health benefits plan to determine gaps in gender affirming care, including coverage for transition related expenses such as: reconstructive surgery, wigs, binders, gaffs, electrolysis and hair removal, prosthesis, hormone therapy, silicon/saline implants, special bras for prosthesis, voice classes, mental health and other specialized counselling, and medical-related travel expenses; Amend the plan with coverage for the costs of gender-affirming care not currently provided at their discretion; and Report out to the parties, Employers and employees on any plan design changes.

Transition Leave

The Employer will grant an employee a cumulative total of up to eight (8) weeks of leave with pay for medical procedures required during the transition period, available for gender affirming surgical procedure and revision. Additional paid or unpaid leave may be provided through collective agreement leave provisions.

Bathrooms

A trans worker may use the bathroom of their lived gender regardless of whether or not they have sought or completed surgeries or completed a legal name or gender change. Employers will: Ensure single occupant bathrooms (where they exist) on their worksite premises are accessible by employees of any gender expression or identity and confirm this to the FBA within six (6) months of ratification, and Issue a statement to employees about inclusive bathroom use in both single occupant and shared bathroom spaces.

External example

Additional Resources

BC Federation of Labour – [Supporting Two-Spirit, Trans and Gender-Diverse Workers](#)

CUPE – [Bargaining Beyond the Binary: A Negotiating Guide for Trans Inclusion and Gender Diversity](#)

ETFO – [Building Better Schools](#)

Accommodation

All employers in Ontario have an obligation to accommodate the needs of employees to ensure equal access and opportunities. A school board's duty to accommodate demands that employers tailor **accommodations** to the individual requirements of the member. The local has an obligation to work with the employer and member to find reasonable accommodations.

Background information

The duty to accommodate applies to a number of grounds under the Ontario *Human Rights Code*, including disability, family status, creed, gender identity, and gender expression.

When a member makes a bona fide request for accommodation, the school board must act in a timely way and is responsible for bearing the cost of reasonable accommodations, up to the point of undue hardship. When considering **undue hardship**, boards will take cost into consideration, as well as health and safety obligations.

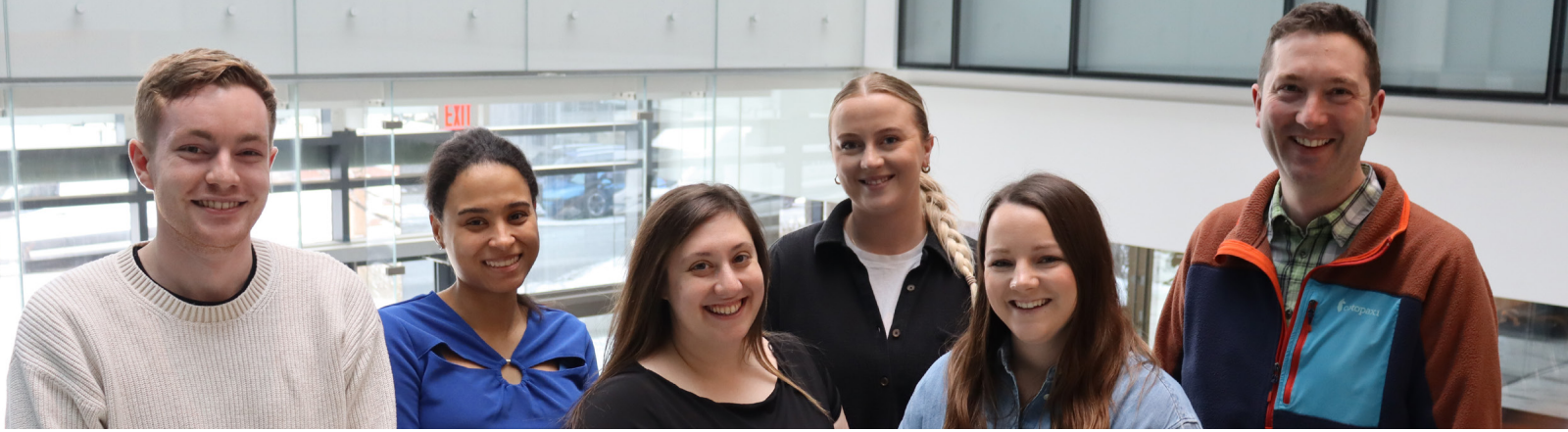
The board is also required to maintain confidentiality of the member's request and the accommodation process, even if the resulting accommodation is visible or obvious (e.g., a physical change to the worker's environment or a modified work schedule).

Considerations

Bargaining rights about accommodation should include a statement reiterating the employer's obligation to accommodate under the Ontario *Human Rights Code*. Since board staff often contact members directly regarding an accommodation request, ensuring that your collective agreement provides a clear process for making a request, and outlines the member's entitlement to union representation at every step, are critical.

In the context of human rights, **accommodation** refers to the obligation to adjust rules, policies, practices, or physical spaces to ensure equal opportunities and prevent discrimination for individuals or groups protected under human rights legislation. This means taking steps to remove barriers that prevent people from fully participating in society, such as in employment, housing, or access to services. (Source: [OHRC](#))





Example clausal language

Greater Essex County Teacher Local and the Greater Essex County District School Board

Sept. 1, 2022 – Aug. 31, 2026

Letter of Understanding #1: Accommodation Plan

The Parties agree to continue to cooperate in the accommodation process.

Where a member of the bargaining unit is to be accommodated in the workplace, generally or on a return to work, an individual written accommodation plan will continue to be prepared by the Board and shared with the bargaining unit member and the employees' ETFO local representative for input.

The Board will request that Disability Management prepare a draft written individual accommodation plan ("the Plan") which will include medical restrictions and limitations in respect of the work and workplace as well as the accommodations that the Board is providing under the Plan. The Parties shall cooperate in finalizing the Plan. The Board maintains the right to be flexible in the accommodations being put forward in the draft individual accommodation plan. The Parties agree to consider and accept reasonable accommodations as required by law.

The Teacher's Individual Accommodation Plan shall be updated as required based on sufficient medical documentation provided by the Teacher, from time to time in a manner consistent with the collective agreement and the reasonable accommodations required by human rights legislation.

The plan shall include a schedule for formal reviews. A review shall also be conducted where the nature of the teacher's disability(ies) change(s). Appropriate changes shall be made in accordance with each review as soon as possible.

All formal reviews shall be conducted by the Board, in consultation with the Union and the member of the bargaining unit.

The Board will provide the President or designate notification of Return to Work as soon as possible:

Name of Worker

Location

Date of Return to Work

Type of Accommodation (if applicable)

ETFO local examples - medical accommodations

Lakehead Teacher Local and Lakehead District School Board

Sept. 1, 2022 – Aug. 31, 2026

14:13 WSIB/LTD Retention of Position

A Teacher who is absent from work for the Teacher's full contractual position and is claiming WSIB or LTD benefits shall retain that position in that school for 30 months from the initial absence. Subsequent to that time and having not returned to work the position shall be filled for the next September through the normal placement process for a vacancy.

14:14 Modified Work Plan

The Board and the Union recognize the benefit of enabling injured and disabled Teachers to return to, or remain at suitable work as early as the Teacher is willing and able. Participation in a Modified Work Plan shall only be possible if participation does not prejudice a Teacher's right to access the sick leave and LTD provisions of the Collective Agreement.

Accordingly, the Board and the Union have developed this "Modified Work Plan" protocol to facilitate the return to work of its Teachers by making reasonable accommodations that fairly balance the needs of the disabled Teacher, the members within the Unions and the Board.

A committee composed of three representatives of the Board, the President of the Union, the Collective Bargaining Representative, and one other member appointed by the Union shall be responsible for developing and supervising modified work plans for disabled Teachers. Sub-committees may be established to address the needs of specific Teachers.

The Committee shall develop a Work Plan to reconcile the employment needs and abilities of the disabled Teacher with the workplace needs of the system and the interest of the Union. Each Work Plan shall establish a start date and a projected timetable with anticipated outcomes.

The underlying principle behind each Modified Work Plan is to create a suitable position by modifying the Teacher's regular position through the smallest possible changes to the Teacher's position. Other positions may be modified only with the consent of the Committee and the Teacher currently in the position to be modified. A position may be reserved to facilitate the Teacher's return to full teaching status.

After the Committee has attempted all reasonable accommodations any position modified, reserved and/or created under this provision shall be treated as non-permanent. No Teacher shall have the rate of pay reduced nor the fundamental quality of the normal position permanently eroded to the detriment of the Teacher. For the purposes of administering other provisions of the Collective Agreement, any positions that are modified under this provision shall be treated in the same manner as if they were regular positions with their regular duties.

It is understood that the Unions reserve the right to access the grievance procedure up to and including arbitration should the Union disagree with the Board's application of these Modified Work Plan provisions.

Penetanguishene Education Worker Local and the Protestant Separate School Board of the Town of Penetanguishene
Sept. 1, 2022 – Aug. 31, 2026

ARTICLE 11 –Sick Leave
11.10

- a. Where it is determined by the employee's practitioner that the employee requires accommodation, the Board, in consultation with the Union and the employee, shall co-operatively develop an accommodation plan;
- b. The plan shall address working conditions, as they relate to accessibility and other factors, which may include accommodations, adaptive technologies, attitudinal barriers and adequate modifications;
- c. The plan shall include a schedule for formal reviews. A review shall also be conducted where the nature of the employee's disability(ies) change(s). Appropriate changes shall be made in accordance with each review as soon as possible;
- d. All reviews shall be conducted by the Board, in consultation with the Union.

Peel Occasional Teacher Local and the Peel District School Board
Sept. 1, 2022 – Aug. 31, 2026

Article 12 – Leaves of Absence
12.07 Personal Emergency/Family Responsibility Days

In accordance with Board policy and procedures, the Principal or Supervisor may approve up to five (5) days (prorated for part-time Teachers) per year (September 1st – August 31st) for a Teacher to attend to urgent personal/family responsibilities.

Personal Emergency/Family responsibilities are events which:

- are unplanned or out of the Teacher's control; and,
- involve the possibility of serious negative consequences, including physical or emotional harm, if it is not attended to; and;
- cannot reasonably be attended to outside of normal working hours.

OR

Voting in elections as indicated by a self-governing Indigenous authority where the employee's working hours do not otherwise provide three consecutive hours free from work.

ETFO local examples -
family status accommodations

Simcoe County Teacher Local and the Simcoe County District School Board
Sept. 1, 2022 – Aug. 31, 2026

26.02 Adoption Leave

(a) In accordance with the *Employment Standards Act*, Adoption Leave is a Parental Leave.

(b) Adoption leave refers to the coming of a child into custody, care and control of the parent for the first time. In the event that the child comes into their custody, care and control sooner than expected, the Teacher may commence leave immediately. The Teacher shall provide written notice of the leave within ten (10) days after the Teacher has begun the leave.

A Teacher may request use of supplemental absence credits for travel needs for the adoption of a child. Dependent on circumstances, up to five (5) days in a school year may be approved by the Superintendent of Human Resource Services.

External
examples -
medical
accommodations

UFCW Local 102 – Scarborough Campus Students’ Union (Ontario)
May 1, 2021 – Apr. 30, 2026

5.3 TESTS

No Employee or applicant for employment will be required to submit to a blood test, lie detector test, or any other test for illness or drug dependency.

External
examples -
creed
accommodations

SEIU Local 2 and Hallmark Housekeeping Services Inc. (Ontario)
Jan. 1, 2018 – Dec. 31, 2020

Article 18
General 18.06

The parties agree to abide by the *Human Rights Code*. This will include making reasonable efforts to modify break times to accommodate prayer times or to accommodate religious fasting in accordance with the *Human Rights Code*.

Additional Resources

Ontario Human Rights Commission (OHRC) – [Prohibited Grounds of Discrimination](#)

CUPE – [What is the duty to accommodate](#)

ETFO – [PRS Matters: Accommodation in the Workplace](#)

UFCW – [Anti-Racism Bargaining Guide](#)

Discrimination or Harassment

Collective agreements commonly include a definition of harassment. This definition is important because it can help members identify harassment (of various types) when they see it.

Your anti-harassment collective agreement clause and employer policy should:

- state the employer's responsibility to provide a harassment-free workplace
- define harassment – for example, as offensive behaviour that a reasonable person should know would be unwelcome

Refer to human rights, health and safety, and other laws listing the prohibited grounds of discrimination for ideas of what to include in your collective agreement.

Background information

The [Ontario Health and Safety Act](#) (OHSA) defines workplace harassment as:

- a. engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome, or
- b. workplace sexual harassment

The OHSA defines sexual harassment to include:

- a. engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- b. making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

This definition of workplace sexual harassment is similar to the prohibitions on sexual harassment and sexual solicitation found in Ontario's *Human Rights Code*.

The following is a non-exhaustive list, but examples of workplace harassment may include:

- making remarks, jokes, or innuendos that demean, ridicule, intimidate, or offend
- displaying or circulating offensive pictures or materials in print or electronic form
- bullying
- physical threats or assault
- excluding or isolating someone
- blocking applications for leaves, training, or promotion
- verbal threats or abuse
- repeated offensive or intimidating phone calls or emails
- workplace sexual harassment



Workplace sexual harassment may include:

- asking questions, talking, or writing about sexual activities
- rough or vulgar humour or language related to sexuality, sexual orientation, or gender
- displaying or circulating pornography, sexual images, or offensive sexual jokes in print or electronic form
- leering or inappropriate staring
- invading personal space
- unnecessary physical contact, including inappropriate touching
- demanding hugs, dates, or sexual favours
- making gender-related comments about someone's physical characteristics, mannerisms, or conformity to sex-role stereotypes
- verbally abusing, threatening, or taunting someone based on gender or sexual orientation
- threatening to penalize or otherwise punish a worker if they refuse a sexual advance



Considerations

Harassment can be grieved even when the collective agreement doesn't mention it. Further, a collective agreement cannot diminish rights that an employee has under law.

For example, the employer and union cannot agree to a definition of harassment that is weaker than the definition in legislation. This applies to both human rights and personal harassment. An arbitrator can also apply the law even if the collective agreement is silent on the issue of harassment.

When drafting collective agreement language around discrimination or harassment, it's important to consider:

- behaviour can be direct or indirect, obvious or subtle, and in any form of expression
- type and level of response based on repeated incidents or one serious incident
- harassment can be psychological or physical, human rights, or personal
- that "workplace" is broadly defined
- it is the effect, not the intent that matters
- the harasser can be a supervisor, co-worker, parent/caregiver, or other person in the workplace





Example clausal language

Halton Teacher Local and the Halton District School Board

Sept. 1, 2022 – Aug. 31, 2026

L05.04.00 – No Discrimination

The parties agree that:

- a. no employee shall in any manner be discriminated against or coerced, restrained, or influenced on account of membership or non-membership in any labour organization;
- b. there shall be no discrimination or harassment practiced, by either party, by reason of an employee's membership or activity in the union;
- c. there shall be no discrimination practised by either party, by reason of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender expression, gender identity, age, record of offences, marital status, family status, disability or any prohibitive ground as outlined by the Ontario Human Rights Commission.

Hamilton–Wentworth Teacher Local and the Hamilton–Wentworth District School Board

Sept. 1, 2022 – Aug. 31, 2026

Article L21 – Harassment

L21.01 It is the obligation of the Board to ensure that every Teacher is free from harassment in the working environment.

L21.02 Prior to altering the Board's procedure 422 Safe Workplace – Workplace Harassment, the issue shall be discussed at a Union-Management Meeting. The Union may make recommendations to the Board for any amendments to the policy and may recommend procedures and training to ensure implementation.

L21.03 The Board and the Teachers agree that every Teacher has a right to freedom from harassment by, but not limited to, the following: the Board, an agent of the Board, employees of the Board or those contracted by the Board, volunteers, parents, students and any and all persons engaged in an activity with the Board.

L21.04 Human Resource Support Services will ensure that teachers new to the Board receive a copy of this procedure. The Board shall provide teachers with information and instruction that is appropriate for their work on the contents of the procedure and program with respect to workplace harassment and any other prescribed information.

L21.05 The Safe Workplace – Workplace Harassment procedure shall be in written form and shall be posted at a conspicuous place in each workplace.

L21.06 At the completion of a formal process, all correspondence and other documents generated under this process must be submitted to Human Resource Support Services to be stored in a secure file.

CUPE 3902, Unit 1 and the University of Toronto
Jan. 1, 2018 – Dec. 31, 2020

Article 4.01 No Discrimination

External example

(a) The Employer and the Union agree that there shall be no discrimination, interference, restriction, coercion, or harassment exercised or practised in any matter concerning the application of the provisions of this Agreement by reason of age, race, creed, colour, national origin, language of origin, ethnic origin, ancestry, citizenship, religious or political affiliation or belief, sex, gender, marital or parental status, number of dependants, sexual orientation, identity or expression, gender identity and expression, personal appearance, mode of dress, place of residence, academic school of thought, record of offences unless the employee's record of offences is a reasonable and bona fide qualification because of the nature of employment, disability (including AIDS/HIV status), physical attributes nor by reason of the employee's non-membership, membership or activity in the Union.

Additional Resources

Ontario Human Rights Commission (OHRC) – [Prohibited Grounds of Discrimination](#)

CUPE – [Discrimination: A Checklist and Sample Collective Agreement Language](#)

ETFO – [PRS Matters: Workplace Harassment and Sexual Harassment](#)



Racial Justice

One of the most important spaces to effect change in the fight against racism is at the bargaining table. Collective agreements have a long history of ensuring equity for workers, and, in recent times, have begun to include provisions that have become a tool to dismantle systemic racism and other forms of discrimination as we collectively move toward **racial justice**.

In March 2025, the Ontario Human Rights Commission released [*Dreams Delayed: Addressing Systemic Anti-Black Racism and Discrimination in Ontario's Public Education System*](#). This report highlights the urgency to address systemic discrimination, and the role that school boards and unions have in advancing change.

The [National Education Association](#) defines **racial justice** as the systematic fair treatment of people of all races, resulting in equitable opportunities and outcomes for all. Racial justice – or racial equity – goes beyond “anti-racism.” It is not just the absence of discrimination and inequities, but also the presence of deliberate systems and supports to achieve and sustain racial equity through proactive and preventative measures.

Background information

One recent example is Unifor, which successfully negotiated new collective agreement language with Detroit automakers Ford, Chrysler, and General Motors that created a racial justice advocate (RJA) position in each covered facility. Under the agreement, the president of each affected local is responsible for selecting the RJAs for the facilities in their local, with input from union members who self-identify as Black, racialized, or Indigenous.

The RJAs’ responsibilities include co-developing a workplace anti-racism action plan, supporting fellow members on issues related to racial discrimination or violence, and liaising with like-minded organizations and community partners.

New collective agreement language also recognizes the International Day for the Elimination of Racial Discrimination on March 21, stating that each facility will observe a minute of silence on the day as a commitment to ending racism¹.

In education, we can turn to the [collective agreement](#) between the British Columbia Public School Employers’ Association and British Columbia Teachers’ Federation, which includes special programs for recruitment and retention of “groups who face disadvantage as recognized by the Office of the Human Rights Commissioner (e.g., racialized people, people with disabilities/disabled people, LGBTQ2S+ people, etc.)” and a plan for employment equity for Indigenous Peoples.

ETFO locals are also beginning to make strides with regards to racial justice. The Peel Teacher Local negotiated a recommitment to meet to study anti-Black racism and its related impact, and the Greater Essex County Teacher Local successfully negotiated language affirming the joint commitment between the local and school board to identify and disrupt oppressive systems.

¹ Ng, W., Khan, S., & Stanford, J. (2024). [The Importance of Unions in Reducing Racial Inequality: New Data and Best Practices](#). PowerShare.



Example clausal language

Peel Teacher Local and the Peel District School Board

Sept. 1, 2022 – Aug. 31, 2026

Letter of Intent #3

PETL has identified the needs of its members to provide information regarding their experiences with anti-Black racism and other forms of discrimination. In support of providing information and input to the Board's Equity initiatives, a meeting will be arranged for PETL executive and the incoming Superintendent of Equity to provide input and offer their willingness to support the Board's equity initiatives through participation on any equity committees that may be established for this purpose. The Union may initiate a meeting with the Superintendent, Equity, Indigenous Education and Community Engagement within 60 days of ratification and engage in a process for continuous consultative dialogue.

Greater Essex County Teacher Local and the Greater Essex County District School Board

Sept. 1, 2022 – Aug. 31, 2026

L2.12

- The Board and the Union agree to identify and disrupt systems of anti-Black, anti-Indigenous, anti-Person of Colour racism and shall provide a welcoming and inclusive workplace for Black, Indigenous, and People of Colour teachers.
- The Board and the Union agree to identify and disrupt systems of homophobia and transphobia and shall provide a welcoming and inclusive workplace for teachers that identify as 2SLGBTQ++.
- The Board and the Union agree to identify and disrupt systems of oppression and discrimination based on any protected ground as identified in the *Human Rights Code* of Ontario.

ETFO local examples



Minneapolis Federation of Teachers and Minneapolis Board of Education, 2021–2023

3.5.7 Anti-Bias Anti-Racist Staff Development and Advisory Council

- a. Focus on Developing and Supporting MPS educators:** The Anti-Bias Anti-Racist Educator Development and Advisory Council (Council) is a District-wide collaborative effort of the Minneapolis Federation of Teachers and Education Support Professionals, Local 59 and the Minneapolis Public Schools. The focus of the Council is professional development and educator support for future and current educational staff, with a committed focus on reducing inequitable practices and behaviors in our learning places and spaces as well as supporting educators, specifically educators of color, in navigating and disrupting our District as a predominantly white institution.
- b. Purposes:** 1. Review and consult on culturally responsive support for Black, Indigenous, and People of Color (BIPOC) educators to increase retention and success 2. Review and consult on professional development and support to effectively disrupt and dismantle racist and oppressive policies, practices, and interpersonal behaviors 3. Make recommendations on trends or patterns that may be observable through the data collected from surveys; incident forms; and exit interviews provided, collected, and reviewed by the Union and the District.

External example

Additional Resources

National Education Association – [Bargaining for the Common Good: Racial Justice Guide](#)

National Education Association – [Racial Justice in Education: Key Terms and Definitions](#)

PowerShare – [The Importance of Unions in Reducing Racial Inequality: New Data and Best Practices](#)

Amnesty International – [Racial Justice](#)



Religious/Creed/Spiritual Observance

People of different backgrounds and beliefs can be found in communities across Ontario, and unions must negotiate language with employers to provide equitable opportunities for members to honour their beliefs and to observe religious and/or **creed** practices.

Background information

Creed is recognized as one of the 17 prohibited grounds under the Ontario *Human Rights Code*. Through the *Education Act*, school-year holidays follow the Judeo-Christian calendar. As such, unions have negotiated clausal language for members to observe and celebrate days of significance based on their religious and creed beliefs when those days are not included in the school-year calendar.

Unions also support members in their requests for creed-based accommodation. The employer has a duty to accommodate to the point of undue hardship.

The Ontario Human Rights Commission provides useful guidance on **creed**, including the following:

- Creed includes, but is not necessarily limited to, “religious creed” or “religion.”
- A creed is sincerely, freely and deeply held, and is often integrally linked to a person’s self-definition and spiritual fulfilment.
- A creed has some ‘nexus’ or connection to an organization or community that professes a shared system of belief.
- A belief in a god or gods, or a single supreme being or deity, is not a requisite.



Example clausal language

Waterloo Region Teacher Local and the Waterloo Region District School Board Sept. 1, 2019 – Aug. 31, 2022

5. Leave to Observe Religious Beliefs and Practices

- a. Leave(s) to observe religious beliefs and practices shall be granted in accordance with the Ontario *Human Rights Code*.
- b. Employees applying for such religious beliefs and practices days will give five (5) days written notice, and will do so via the appropriate District Board webform to the Manager, Human Resource Services. Exceptions to the notice period may be considered at the discretion of the District Board.
- c. Leave(s) to observe religious beliefs and practices will be limited to a maximum of three (3) days with pay. Days in excess of three (3) for such religious beliefs and practices will be without pay.

ETFO local examples

Ottawa–Carleton Occasional Teacher Local and the Ottawa–Carleton District School Board

Sept. 1, 2019 – Aug. 31, 2022

L17.06 Religious Holy Days

Leave without loss of pay for recognized religious holy days shall be granted by the Director of Education, or designate, to Long Term Occasional Teachers working a full year, to a maximum of three (3) days in any one school year. Such days will be pro-rated for Long Term Occasional Teachers working less than a full year.

Peel Occasional Teacher Local and the Peel District School Board

Sept. 1, 2022 – Aug. 31, 2026

L12.02

- a. Long Term Occasional Teachers may apply for Holy/Creed day(s) as an unpaid leave.

CUPE 3906, Unit 2 and McMaster University

Aug. 31, 2024

18.02 Planned Leave

- b. Planned leaves may be arranged for the purposes of academic conference attendance, observance of religious holidays, Union convention attendance, grievance attendance where the employee is a party to the grievance, arbitration hearings under this Collective Agreement for the purpose of the employee testifying and court attendance where the employee is a party to the court proceedings.

Additional Resources

Ontario Human Rights Commission (OHRC)
– [Policy on creed and the accommodation of religious observances](#)



Provisions for Indigenous Members

All individuals and institutions are responsible for reviewing structures and practices within their organizations, acting to dismantle colonial systems, and taking steps toward reconciliation with First Nations, Métis, and Inuit communities and individuals. Collective bargaining can be a powerful tool in this process.

Ensuring that your bargaining language includes provisions that directly respond to the needs of Indigenous members is one step ETFO can take toward demonstrating a commitment to reconciliation through concrete action.



Background information

In 2015, the Truth and Reconciliation Commission (TRC) issued 94 Calls to Action to help “redress the legacy of residential schools and advance the process of Canadian reconciliation.” One of the recommendations was that a day of significance be established to honour the Survivors of the residential school system, their families, and communities, and to ensure ongoing recognition of the system’s harmful legacy. In response, the federal government established September 30 as the National Day for Truth and Reconciliation in 2021.

Although it is a federal holiday, the National Day for Truth and Reconciliation is not a statutory holiday in Ontario, which means schools and businesses remain open. Since its inception, boards have made different decisions regarding creed days or other leaves for Indigenous members to recognize this important day in community.

Locals have supported members in navigating board processes to do this. Over time, however, it has become apparent that leaves for Indigenous members need to be bargained so they are not dependent on the benevolence of their employer to honour days of significance.



Considerations

Clausal language is included below from various unions, including ETFO locals that have negotiated language for days of significance such as National Indigenous Peoples Day on June 21 and the National Day for Truth and Reconciliation on September 30; leaves for bereavement that expand the understanding of family; leaves to attend cultural celebrations; and grievance processes that honour Indigenous practices.

It is important to recognize that language pertaining to First Nations, Métis, and Inuit communities, traditions, and even the people themselves varies across the province. Consultation with Indigenous members in your local and with Indigenous communities in your district are vital to ensuring the negotiated language best represents not only members’ interests, but also their culture and identity.

Acceptable or preferred terminology may also shift over time (as with the increasing use of “Indigenous” rather than “Aboriginal”), so reviewing and updating existing language is also important.

Some of the examples included in this document may not be appropriate for your membership, but they are offered as a starting point to inspire your own journey toward reconciliation through collective bargaining.



Example clausal language

ETFO local examples – leave for cultural events and observances

Lakehead Teacher Local and the Lakehead District School Board

Sept. 1, 2022 – Aug. 31, 2026

16:18

Leave of absence, without loss of salary or sick leave credits and at no cost to the Board may be granted to Teachers, on written application to the appropriate Superintendent for the following reasons:

E. Participation in officially recognized religious holy days, days of significance in accordance with creed or faith and days of significance for Indigenous Peoples.

York Region Teacher Local and the York Region District School Board

Sept. 1, 2022 – Aug. 31, 2026

L.C.6.1.8

Absences of up to two (2) days (this is in addition to the three (3) days of eligibility under Paid Leaves of Absence L.C.6.2.6) shall be available for Indigenous employees for the purposes of: voting in elections as indicated by self-governing Indigenous authority where the employee's working hours do not otherwise provide three (3) consecutive hours free from work; and/or attendance at Indigenous cultural/ceremonial events.

ETFO local example – staffing

Peel Teacher Local and the Peel District School Board

Sept. 1, 2022 – Aug. 31, 2026

L14.02 General

i) Central Positions

i) When it is necessary to declare a Teacher Excess to Central role, Teachers shall be declared Excess within the department save and except in Equity, Indigenous Education, School Engagement and Community Relations, in inverse order of seniority. Should the remaining Teachers lack the qualifications to provide the planned programs, a Teacher with less seniority may be retained and the next least senior Teacher shall be declared Excess to Central.

**External example –
bereavement**

**CUPE Local 3799 and the University of Northern British Columbia
July 1, 2014 – July 30, 2019**

24.02 Bereavement Leave

(c) An employee may request and shall be granted additional bereavement leave without pay for any additional period that they wish to be absent from work. This may include established cultural practices such as headstone moving, tribal feast, special family bereavement and Clan or Tribal requests related to bereavement.

**External example –
leave for cultural
events and
observances**

CUPE Local 2348 and Indigenous Women’s Health Centre

Article 21.13

Employees wishing to take part in traditional Indigenous ceremony(ies) such as Sundance or healing ceremony are allowed up to four (4) paid working days leave per calendar year, provided that such leave is authorized by the Employer in advance.

**External example –
grievance/resolution
process**

**British Columbia Teachers’ Federation and the Public School
Employers’ Association**

July 1, 2022 – June 30, 2025

1. Step 3 Formal Resolution Process

d. The complainant may request an investigator, mediator or facilitator who: i. is of the same gender as the complainant; ii. is Indigenous, and/or has cultural knowledge and sensitivity if a complainant self-identifies as Indigenous; iii. is a person of colour if the complainant is a person of colour.

Additional Resources

CUPE – [Truth and Reconciliation: CUPE Taking Action Through Collective Bargaining](#)

United Steelworkers – [Bargaining Guide for Advancing Indigenous Rights](#)

[Truth and Reconciliation Commission of Canada](#)



etfo.ca



[ETFOprovincialoffice](https://www.facebook.com/ETFOprovincialoffice)



[@ETFOeducators](https://twitter.com/ETFOeducators)



[@ETFOeducators](https://www.instagram.com/ETFOeducators)

ETFO



FEEO

Published by the Elementary Teachers' Federation of Ontario (ETFO)

Fédération des enseignantes et des enseignants de l'élémentaire de l'Ontario (FEEO)

136 Isabella Street • Toronto • ON • M4Y 0B5

Telephone: 416.962.3836 • Toll Free: 1.888.838.3836

Copyright © 2025 by the Elementary Teachers' Federation of Ontario (ETFO)

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of the copyright owner.