

Welcome to the first issue of the Labour Update. This topical publication will be used to provide information and direction to the education sector regarding the implementation of the Putting Students First Act, 2012

## **Fair Hiring Practices – Effective date**

There have been a number of questions regarding the effective date of implementation of fair hiring practices as per the Memoranda of Understanding (MOU) with the Ontario English Catholic Teachers' Association (OECTA) and Association des enseignantes et des enseignants franco-ontariens (AEFO) and the effective date of the Ontario Regulation 274/12.

For Boards that employ teachers represented by Federations that are signatory to MOUs – that is OECTA and AEFO – the fair hiring provisions of the MOU are effective on September 1, 2012.

Ontario Regulation 274/12 is effective as of September 12, 2012. It operationalizes the provisions of the MOUs by providing more detail as to how the fair hiring practices section of the MOUs is to be implemented.

For Boards that employ teachers represented by Federations without an MOU, the fair hiring practices set out in the regulation are effective as of September 12, 2012.

## **Fair Hiring Practices – Long-term occasional teachers list**

It has come to our attention that there are varying interpretations of the requirements to interview a teacher on the occasional teachers (OT) list who wishes to be considered for placement on the long-term occasional teacher list. It should be clear that subsection 4 (2) should be read within the full context of the Regulation. This means that boards do not have the discretion to refuse an interview if the OT has satisfied the conditions in this subsection, namely that they have been on the roster for 10 months and taught for 20 days during those 10 months. An interpretation that a board may refuse an interview would be inconsistent with the underlying principle of the Regulation, namely, to promote a consistent, transparent and fair hiring process for long-term and permanent occasional teachers.

## **Grid Movement – timing for Boards with OECTA teachers**

A few Boards with teachers represented by OECTA have grid movement advancement dates that are not at the start of the year and are normally on the date of hire of the teacher. Though the AEFO agreement does contain a clause that would allow grid movement on the 97<sup>th</sup> school day after the advancement date, the OECTA agreement is clear that the grid movement will occur on the 97<sup>th</sup> school day of the 194 day school year for all OECTA Boards, regardless of past practices.

## **Sick Leave/Short Term Leave - proportionality**

There have been questions about whether a new employee who starts after the start of the school year is entitled to the full 10 days at 100% and 120 days at either 66.67% or 90% or if that employee would be entitled to a proportional number of days dependent upon their start date. A review of the discussions held throughout the provincial discussion table process clearly indicates that there is no proportionality provision for full-time employees. All new full-time employees, regardless of their start date are entitled to the full 10 + 120 days.



## Sick Leave/Short Term Leave – Transition Year

Questions on the transition from the previous sick leave plan to the new one being implemented through the PSFA have been raised, particularly where for example an employee was accessing their banked days in 2011-12 as a result of an illness and is still unable to return to work at the beginning of the 2012-13 school year.

Under the previous plan this employee would be able to access the days left in the bank. Given that those days have been eliminated under the Putting Students First Act, 2012 the Ministry has introduced a transition regulation (Ontario Regulation 313/12) that would address such situations and would allow the employee access to the new sick leave plan without the need for the school boards to apply return to work provisions, should they exist. The new sick leave plan provides full-time employees with 10 days at 100% of salary and a further 120 days at either 66.67% of salary or 90% of salary if so determined through a 3<sup>rd</sup> party adjudicative process.

The provisions of this regulation are however not applicable to employees who were, as of August 31, 2012, on LTD or WSIB or were on an unpaid leave of absence that is not due to illness. This transition regulation also requires a board that does not have a 3<sup>rd</sup> party adjudication process in place to apply the 90% rate to sick days taken beyond the first 10 days at 100%. A B Memorandum, from Assistant Deputy Minister Gabriel F. Sékaly, will be shared shortly outlining the specifics of the regulation.

