

# Understanding Ontario Regulation 274/12



## What is Ontario Regulation 274/12?

Ontario Regulation 274/12 was filed by the provincial government on September 11, 2012 under the *Education Act*. The regulation establishes steps all publicly funded school boards are required to follow when hiring for long-term occasional (LTO) and new permanent teaching positions.

The government has indicated that the purpose of Ontario Regulation 274/12 is “to promote a consistent, transparent and fair hiring process for long-term and permanent occasional teachers.”<sup>1</sup>

## How does Ontario Regulation 274/12 work?

Under the regulation, school boards must establish and maintain two occasional teacher lists:

- a roster of occasional teachers (or “**roster**”);
- a long-term occasional teachers’ list (or “**LTO list**”).

An occasional teacher’s ranking on the **roster** is based on seniority. The roster must include the names of all occasional teachers hired by the school board, the day each occasional teacher was placed on the roster, and a summary of each occasional teacher’s teaching experience. School boards are required to update their rosters regularly.

## When can an occasional teacher apply to be placed on the LTO list?

An occasional teacher may apply to be placed on the **LTO list** once s/he:

- has been on the roster for at least ten months; **and**
- has taught as an occasional teacher with the school board for at least 20 days during a ten-month period. (Note: The ten-month period must have taken place sometime during the five years preceding the occasional teacher’s application to the LTO list.)

Like the roster, the LTO list is ranked based on seniority. School boards are required to update their LTO lists regularly.

## When can an occasional teacher apply for permanent positions?

The regulation stipulates that only occasional teachers on the LTO list who have completed a minimum of one LTO assignment at least four months long, and have both the required qualifications and highest seniority ranking, can be considered for permanent positions.

<sup>1</sup> Ministry of Education, Education Labour Update, October 10, 2012, No 1.

## How are LTO and permanent positions to be filled by school boards?

When hiring for LTO and permanent positions school boards must:

- honour any written agreement, including collective agreement language, that governs how teaching positions are offered to teachers whose positions with the board have been declared surplus or redundant.
- place notice of an available position on their websites for at least five weekdays.

Boards are required to interview five occasional teachers from the LTO list who have agreed to be interviewed, and who have both the required qualifications and the highest seniority ranking.

In the case of an LTO assignment, if the applicants who are interviewed decline the assignment the board is required to advertise the position to occasional teachers on the LTO list and interview a selection of qualified candidates. If interviewed candidates decline the position, the board is required to advertise the position to occasional teachers on the roster and interview a selection of qualified candidates.

## What obligations do school boards have under Ontario Regulation 274/12?

School boards must grant an interview for the LTO list to every occasional teacher on the roster who meets the conditions established in the regulation. Boards then determine, through an interview process, which occasional teachers will be placed on the LTO list.

## What rights does an unsuccessful applicant have under Ontario Regulation 274/12?

An unsuccessful candidate to the LTO list, an LTO assignment or a permanent position is entitled, on request, to meet with the individual or panel that conducted the interview to discuss her/his performance during the interview and how to improve her/his chance of being successful in future interviews.

## What is ETFO's response to Ontario Regulation 274/12?

ETFO has had ongoing concerns about Ontario Regulation 274/12. Some school boards are interpreting and applying the requirements of the regulation in an inconsistent and unfair manner.

To address these concerns, ETFO's Memorandum of Understanding (MOU) with the government establishes a committee that will review hiring practices under the regulation. Participants of the committee will include up to six ETFO representatives, up to six school board representatives and two representatives of the Ministry of Education. The committee's goal is to establish mutually agreeable hiring practices and implementation procedures. It will also create best practices for occasional teacher allocation and development. ETFO's expectation is that the work of this committee will begin as soon as possible.

In the interim, ETFO will take appropriate action if the terms of local collective agreements are violated.

## What is ETFO's response to those who attack the principle of seniority underlying Ontario Regulation 274/12?

The principle of seniority is at the core of ensuring fairness in unionized workplaces. It provides workers with some measure of control over their employer's hiring decisions, which might otherwise be based on favouritism or discrimination.

The role of seniority in the hiring process under the regulation is being unfairly targeted. There are currently thousands of qualified teachers looking for full-time employment and they are, understandably, frustrated with not being hired as quickly as recent graduates were over a decade ago. This over-supply of qualified teachers is not the result of hiring based on seniority; it is the result of the government funding too many places at faculties of education and not addressing the over-supply in a timely fashion.