

## Provincial Executive Liaison Report

To: District 10 Council  
From: Harvey Bischof, President

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### 1. **Here For Students Survey Results – Emergency Remote Learning**

In mid-June, we posted a survey on the *Here For Students* website that included questions about people's impressions of emergency remote learning. We shared the survey through social media and an email to all supporters in early July.

We had 1,714 total responses, 58% of which self-identified as parents. The survey consisted of eight questions. Highlights of the survey results are as follows:

- 46% felt ensuring “my child stays engaged in the school process” was the most challenging aspect of the remote learning process, while 32% saw managing family schedules and real-time learning expectations as the most challenging. Only 15% saw access to technology or internet as the most challenging;
- 59% saw ensuring flexibility in learning as more important than ensuring students receive the same level of education they receive in the classroom (41%). Parents were split 50/50 on this question, while 75% of educators wanted flexibility. However, 67% of students expected to get the same level of education;
- On a scale of one to ten, with ten representing “perfect”, the Ford government scored an average of 4.4 out of 10 on their roll out of emergency remote learning;
- On a scale of one to ten, with ten representing “absolutely necessary”, participants overwhelmingly supported the idea of educators being involved in developing emergency remote learning plans, with an average of over 9.5 in the scoring;
- 59% said keeping schools closed should be a priority until there is no risk of COVID-19 infection versus 41% who said that school reopening should be a priority, even if there is a risk. Parents were split (55 / 45), and 60% of students said schools should remain closed;
- There was a 50/50 split on the likelihood of parents keeping children at home if classroom learning resumed in the fall versus staying home and continuing emergency remote learning;
- 74% said that smaller class sizes, more custodial staff, and more support staff are all necessary if schools were to reopen in the fall. Respondents also noted that mandatory mask use, better ventilation and hand wash stations are also needed;
- In an open-ended question asking for feedback from survey participants, most said that funding is needed in order to deal with COVID-19 challenges, and keeping students engaged proved to be difficult.

### 2. **Study of Evidence-Supported Campaigning**

In conjunction with other in-house reviews, OSSTF/FEESO's Public Policy Analyst is undertaking a multi-method analysis of OSSTF/FEESO's 2019-2020 campaigns against increases to secondary class size averages, the introduction of mandatory e-learning credits, other initiatives that could pave the way for privatization in the education system, and in defense of public education. Particular focus will be placed on OSSTF/FEESO's preparations for a very difficult round of collective bargaining and its intentional integration of political and bargaining activities.

The analysis' central question is: how and to what extent did OSSTF/FEESO's investment in evidence-supported campaigns influence the following key outcomes?

- Member mobilization;
- Central collective bargaining;
- Prevention of full implementation of larger class size funding and mandatory e-learning;
- Public support for OSSTF/FEESO and Ontario's public education system.

The study will use interviews with OSSTF/FEESO members and allies, focus groups, and analysis of OSSTF/FEESO documents, media, social media, and polling. The project is anticipated to be completed in 2021, with interim findings presented through presentations to members and Forum articles.

### 3. EQAO and the Future of Testing

The Education Quality and Accountability Office (EQAO) finally called a meeting of its' EQAO Advisory Committee (EAC) on Wednesday, October 21, 2020, seventeen months after the last meeting held in May 2019. EQAO's original mandate was to meet at least twice a year and up to three times per year when required. This changed with the election of the Ford Government. Representatives from OTF and the four affiliates were in attendance along with EQAO staff, and representatives from most stakeholder organizations that are part of the EAC. EQAO Board Chair, Cameron Montgomery was in attendance for the entire meeting – Board chairs, which were part-time positions in the past, have rarely attended or had any significant role other than provide a brief greeting to the EAC. Montgomery, the first full-time Chair of the Board, spoke at length during the meeting on the future of EQAO.

EQAO leadership revealed in the meeting that the Ford Government had given EQAO a new mandate letter. Unfortunately, they did not share the actual contents of this letter. EQAO did say it is status quo for the short term but major changes will occur in the near future. According to Montgomery, the changes *"... will make EQAO a "research superpower" in the area of large-scale assessment with an expanded and enhanced research arm, akin to the likes of StatisticsCanada or OECD."*

The meeting was primarily informational with members allowed limited to no opportunity to provide input on any item presented. EQAO staff were challenged by stakeholders about EQAO neglecting to consult and collaborate with stakeholders, especially when there were plans to change the direction of EQAO and future assessments.

This meeting had three key pieces of information provided. First, there will be no primary/junior assessments for the 2020-2021 school year. Second, student success on the Ontario Secondary School Literacy Test (OSSLT) is still a graduation requirement for this school year. \*

\* On Friday, October 30, 2020, 6:13 PM, nine (9) days after the EAC meeting, the Ministry of Education issued a memorandum to the Directors of District School Boards. In the memo, the Ford Government made the declaration that:

***The literacy graduation requirement will be waived for all students graduating during the 2020-21 school year.***

***The ministry is continuing to explore a field test of the online OSSLT in Spring 2021, which could allow the opportunity for non-graduating students to write the test and have successful attempts counted on their transcript.***

The OSSLT will be an on-line test to be administered in Spring 2021. However, students may opt to take the Ontario Secondary School Literacy Course (OSSLC) without having ever attempted the OSSLT as was previously required.

The third item, and the one that drew the greatest number of comments and questions, involved the Grade 9 Mathematics Assessment pilot project for 2020. The current vendor providing the Math Proficiency Test (MPT), administered to Faculty of Education students, will be developing the testing platform for ***an on-line, adaptive, multi-stage assessment***. The Government tendered the contract for the development of future computer-based assessments this fall.

The key points about the Grade 9 Mathematics Assessment:

- it will not replicate the ‘pen-and-paper’ version of the test – in fact, the ***pen-and-paper version will not be available as an option*** and may only be used under extenuating circumstances and by request by school/board administrators;
- only students of in-person mathematics courses will complete the pilot test – ***students enrolled in remote-learning classes will not complete the pilot test***;
- the assessment window will be ***available every month*** (from November 2020 to June 2021) to support the many COVID-19 models of in-person instruction;
- the adaptive model (msCAT) to be used, ***will alter the difficulty level of subsequent questions posed*** to the student, based on the level of success achieved on each question attempted by the student;
- all tests will be unique and will begin with a question of medium difficulty - with ***subsequent questions at low/medium/high levels of difficulty*** - when pressed, EQAO indicated they did not feel that the student will only experience low level difficulty questions;
- the test will be administered in two segments, each consisting of ***twenty-five multiple choice questions*** with at least ***an hour allowed for each segment*** – students will be ***permitted as much time as they desire*** to complete the segments and will be able to go back and review/change their answers at any time before submitting for evaluation – this is allegedly to reduce the administration time, preparation time and amount of anxiety of students taking the test;
- results will be machine marked on-line and results reported almost immediately – but ***the report will only indicate the overall achievement with no indication of the difficulty level of any of the questions attempted by the student*** [it is conceivable that a student will encounter the majority of the questions at only one level of difficulty – students achieving an overall Level 4 could have completed a majority of low level difficulty questions or a majority of high level difficulty questions – but only the achievement level will be revealed to the teacher and the student].

In the past, teachers incorporated some portion of the EQAO assessments to varying degrees in the students’ summative mark. This year, EQAO is requesting that teachers and students negotiate and agree to how much of the Grade 9 Mathematics Assessment is used for summative purposes.

Student questionnaires will be a part of the Grade 9 assessment and will take approximately twenty minutes to complete on-line. The questionnaire will be “student-

friendly” with age appropriate language. Students will not have to answer all questions. EQAO will provide a rationale for the questionnaire and how answers will be used. The questionnaire is based on a Math Attitude and Perceptions Survey (MAPS) developed in B.C., designed to identify students' attitudes and perceptions about learning mathematics.

Analysis algorithms are being developed by EQAO to account for and estimate the impact of COVID-19 on student learning of mathematics. It is interesting that EQAO admitted that it cannot yet correlate questionnaire responses with actual math achievement results but that they are working on a model for correlation.

Stakeholders had many questions but few answers were given during the meeting. EQAO staff only gave acknowledgment of stakeholder concerns. The Chair of the Board, Montgomery, said he would bring the EAC's questions, comments and concerns to the entire Board and share them with the government.

#### **4. The Reissued Call for a National Action Plan on Violence Against Women and Gender-Based Violence**

The Canadian Labour Congress (CLC) is seeking OSSTF/FEESO's endorsement of the Reissued Call for a National Action Plan on Violence Against Women and Gender-Based Violence. This Reissued Call is the result of a collaboration of 18 partners from feminist civil society organizations, including the Canadian Labour Congress.

In the Liberals' 2019 electoral platform, the need for a National Action Plan on Violence Against Women and Gender-Based Violence was recognized, along with a promise of \$30 million for its development. The plan was included in the January 2020 Speech from the Throne. In the most recent Speech from the Throne, the government indicated that it will “continue to advance with a National Action Plan on Gender-Based Violence.”

As we adapt to COVID-19 and its numerous impacts, the need for a national plan is greater than ever. Women's Shelters Canada and the Canadian Labour Congress, along with other partners, have advocated for this plan since 2015 and initially developed a blueprint for a National Action Plan on Violence Against Women.

The Reissued Call outlines in great detail what the National Action Plan (NAP) on Violence Against Women must be:

- Grounded in an intersectional women's human rights framework, responsive to norms, obligations and standards throughout;
- An all-of-government approach, inclusive of federal ministries in addition to the Department for Women and Gender Equality (WAGE) and the provincial/territorial Status offices;
- Structured to provide continuous coordination and incentives for provincial and territorial adoption and leadership as solutions to the jurisdictional challenges of universal and national standards;
- Grounded in VAW/GBV community-based expertise and service sustainability - Inclusive of a robust prevention agenda;
- Guided by intersectional feminist expertise - attached to a realistic and substantial budget, with the pervasiveness of the social harm;
- Productive of interventions that are culturally and linguistically accessible and safe;
- Guided by a robust feminist Monitoring, Evaluation, and Learning (MEL) process; and
- Harmonized with the parallel national action plan(s) on Missing and Murdered Indigenous Women and Girls (MMIWG).

Full report

[https://endvaw.ca/wp-content/uploads/2020/09/Reissued-Call-NAP-on-VAW.GBV\\_.pdf](https://endvaw.ca/wp-content/uploads/2020/09/Reissued-Call-NAP-on-VAW.GBV_.pdf)

Sign on:

[https://survey.ca1.qualtrics.com/jfe/form/SV\\_bwuQdpi3GMeQWIB](https://survey.ca1.qualtrics.com/jfe/form/SV_bwuQdpi3GMeQWIB)

## **5. Certification Webpage Updates and Information**

As OSSTF/FEESO moved to QECO certification upon ratification of a central T/OT deal in May 2020, DBUs and articles have been distributed to alert members to the change and provide them with links to QECO's website and processes. Similarly, OSSTF/FEESO has updated the provincial website to provide current information, links, and FAQs for members.

Many Districts and Bargaining Units have also updated their websites to provide information and direct members to the QECO website. They would have to register and start the application process if looking for course approval and/or a category change. There do remain some websites with older information and links to the OSSTF/FEESO Certification Department, which no longer exists. It is recommended that these pages be updated as soon as possible. D/BU #35/2020-2021 and the OSSTF/FEESO Certification pages may be used as a guide for information and links that might be considered for possible inclusion.

Updating webpages and communications would also provide an ideal opportunity to remind members who are not in either OSSTF/FEESO Group 4 or QECO Category A4 to apply for a re-evaluation if they have not done so in recent years.

## **6. Leadership Coaching**

Educational Services is set to begin piloting a new program for local leaders. Research suggests that as individuals move into leadership roles their focus should expand from dealing primarily with tasks to include managing people and creating vision. However, most of our training for local leaders has continued to focus on supporting the tasks. The Leadership Coaching program will provide new Bargaining Unit presidents with an opportunity to explore these higher level leadership skills.

Educational Services field secretaries will be offering an opportunity for first-year presidents to engage in three individual leadership coaching session during their first year. The goal of these sessions will be to support local leaders in developing/honing their skills as they work with their executives and members, set Bargaining Unit directions and build effective and productive union locals.

Local leaders will continue to be able to access their field secretaries to address specific areas of concern, to ask questions re: processes and procedures and to seek consultation. This new program will provide an opportunity for first year-presidents to focus on their leadership skills rather than specific tasks (e.g. effective use of authority and power vs how to handle a grievance).

New presidents will be introduced to the program at the New Presidents training on November 12th and will work with their ES field secretary to set coaching dates. The department is planning to offer a small number of additional sessions to second year presidents as requested.

## **7. Coalitions and Donations 2020-2021**

Annually, the Provincial Executive receives numerous requests for donations from our Coalition Partners.

So far, the Provincial Executive has approved donations to the following:

- Kids Help Phone
- CCPA Ontario
- Workers Art and Heritage
- Climate Action Network
- Ontario Health Coalition
- Ontario Coalition for Better Childcare
- Coalition of Black Trade Unionists Scholarship fund
- Feed Ontario
- Green Economy Network
- Canadian Apprenticeship Forum
- Black Lives Matter
- Ontario Alliance of Black School Educators ONABSE
- Black Youth Helpline
- Campaign 2000
- Operation Christmas Cheer
- Shelter Safe
- Black Education Fund

Additional requests for donations will be reviewed as they are received, and recommendations will be provided to the Provincial Executive for consideration.

#### **8. Strategic Action Plan Report on Member Email Collection**

One of the main communication barriers at the Provincial Office is that OSSTF/FEESO does not have every member's email in the membership database. Many attempts have been made to collect those addresses. During the last central agreement vote, it was evident that not only were many members unfamiliar with our member-protected site, but also that many of our email addresses were outdated and incorrect. For members to be able to vote on the agreement, a large number of members had to log in to the provincial site and update their information. This was extremely time consuming and frustrating for both Provincial Office staff, District and Bargaining Unit staff, and our members.

There has been some discussion about hiring a third party contractor to collect email addresses. Upon further discussion with OSSTF/FEESO's Information Technology Department, it has been determined that this is likely not the answer to our collection problem. Some of the issues identified in hiring a third party collection source are:

- Members may not trust a third party to give their primary email to;
- Members who have distrust in the third party will, most likely, give an email to OSSTF/FEESO that is not their primary, personal email;
- It would be expensive to hire a third party to do this collection;
- Emails quickly go stale, particularly if they are not a primary email address.

Multinational corporations such as banks or online shopping companies use their customer service protocols to ensure they have each customer's contact information. Furthermore, customers willingly hand that information over to companies to receive service. Each time the company speaks with a customer, they update the customer contact information.

OSSTF/FEESO does not typically use that customer service model when speaking with our members. If this customer service model occurred at every point of contact with our

members, from Provincial Office to District, to the Bargaining Unit, we may be able to update current email addresses for most members. It can be as simple as asking a question similar to “I want to help, but before I do, in case I get cut off, what is your email and your contact number?”

Over the past few years, Districts and Bargaining Units have made a concerted effort to collect email addresses from their members. Some Districts and Bargaining Units have collected a high percentage of their member’s emails and they are stored in their private database. Unfortunately, many of those Districts and Bargaining Units have not sent that information to the Provincial Office or updated Unionware contacts. In some cases, Districts and Bargaining Units are reluctant to share their member’s email addresses or contact information with Provincial Office because the District implies their members did not give their consent to share their personal information with Provincial Office. As an organization whose primary function it is to communicate and share information with its members, we should insist that we do indeed have the right to communicate and share directly with our members, and we must communicate to have a functioning union and a responsive, engaged membership.

Currently, we have approximately 46,000 member email addresses, some of which will be stale by the end of the Federation year. To increase this number, putting an “Update your profile” button on our website would not only add to the addresses we do not have but would also eliminate a portion of the incorrect addresses we have. Offering an incentive or giveaway would draw members to this task. An incentive works very well at the Bargaining Unit and District level and there should be no reason why it would not work provincially.

As a union, we have many events that members must register to attend. We capture member emails at that time but we do not take the next step to update them in our records. This should occur at every single contact point with our members, regardless of whether it is registering for AMPA or a local event, contact information should be updated in the provincial database.

The long-term solution to the collection of emails and ensuring accuracy is to share our ‘customer service’ model with Districts and Bargaining Units and all staff to ensure that capturing emails becomes our priority during any contact with members. It would also be incumbent upon us to share other solutions for gathering emails and updating databases with District and Bargaining Unit leadership.

It is imperative that Districts and Bargaining Units share their databases with provincial OSSTF/FEESO. The District and/or Bargaining Unit should have a position assigned to membership database updating. The managing of this task would be a large undertaking.

Moving forward, the Communications / Political Action Department will continue to develop protocols and implementation procedures at the appropriate levels of the OSSTF/FEESO:

- OSSTF/FEESO should create and adopt a ‘customer service’ protocol at all level of member contact;
- Districts and Bargaining Units should send their contact information databases to the Provincial Office for input into Unionware;
- Districts and Bargaining Units should create positions, or utilize existing positions, within their offices to ensure that each Bargaining Unit’s Unionware account is up to date;
- It would be in the best interest of OSSTF/FEESO in managing our database transfer of information from Districts and Bargaining Units to hire temporary staff (i.e. summer student) to take the collected District and Bargaining Unit emails, check for

accuracy, and transfer the emails OSSTF/FEESO does not currently have into our database;

- Develop a system to ensure that member information that is captured when registering for any events is uploaded either electronically or manually into OSSTF/FEESO's database;
- Create an incentive initiative to encourage members to go to our provincial website to update their information.

## 9. Cost Assessments for Members at Professional Colleges

Over the past several years, professional colleges have begun assessing costs to members who are the subject of complaints. The trend started when a member of the College of Early Childhood Educators (CECE) was assessed costs of \$257,353.76 after a lengthy hearing. The cost amount was intended to represent the total time spent by the College in prosecuting the case. The decision was appealed to Divisional Court, where it was found that, although the member's conduct was not unreasonable, the costs decision was permitted under the College's bylaws.

Since that time, other professional colleges have begun assessing costs at the conclusion of their hearing processes. For the most part, costs have not been assessed in every case. At the Ontario College of Teachers, costs tend to be assessed against members in cases where the college is of the view that the member has unnecessarily prolonged the College's process. The OCT bylaws state that the cost for each day of hearing is \$10,000.

The *OSSTF/FEESO Policy for Approval of Legal Assistance* does not provide that OSSTF/FEESO would pay any costs assessed in a professional college case. This is in part because OSSTF/FEESO has no statutory duty to represent members at professional colleges, but also because the policy requires members to follow the reasonable advice of legal counsel. In the past, those who did so were not perceived by the colleges to be prolonging the complaint process. However, now that colleges can assess costs against members who are not acting unreasonably, following the advice of counsel may still subject members to the risk of having cost assessments made against them.

The risk of facing a cost assessment will cause concern in some members, and will likely influence their decisions about how they proceed with their defense. Commonly, members are much more confident in their chances of success than they should be given the case law, and settlements recommended by counsel are generally the more reasonable and cautious path to take. However, there may be some cases where the risk of a cost assessment could cause a member to accept a settlement against the recommendation of counsel, where they may have had a reasonable chance of success at a hearing.

Where the threat of the assessment of costs causes a member to reconsider whether or not they should mount a reasonable defense, it affects their access to justice. In cases where OSSTF/FEESO is providing representation, and the member is following the reasonable advice of legal counsel and cooperating with assigned OSSTF/FEESO staff, they should be able to be confident that the decisions they make regarding their defense strategy will be supported. The current *Policy for Approval of Legal Assistance* already requires members to take the reasonable advice of counsel, and there are processes in place to end assistance in situations where members are not acting reasonably.

Effective September 1, 2020, OSSTF/FEESO will cover any costs assessed against members in professional college complaints, provided they meet the criteria for such coverage. The criteria will include the requirement that members cooperate and follow the reasonable advice of counsel.

Representation of members in complaints at professional colleges is a “value added” service to members. Current policy and practice in the “value added” services of representation in criminal matters and LTD appeals involve a cost-sharing provision. This recognizes the cost to OSSTF/FEESO, and encourages some shared responsibility on the part of the members, as well as providing an incentive to include some consideration of cost by the member when making decisions. Accordingly, members will be required to pay the first \$1,000 in costs assessed at a professional college. As with criminal and LTD costs, there will be the ability for OSSTF/FEESO to waive the cost-sharing requirement in situations where members are able to show that it would cause financial hardship.

Details will be included in this year’s updated *OSSTF/FEESO Policy for Approval of Legal Assistance*.

#### **10. Ontario College of Teachers – November 2020**

The first meeting of the Governing Council for the 2020-2021 school year took place October 1 & 2 through a virtual platform.

The Chair explained that the morning of October 1 was not open to the public as the Council was involved in anti-Black racism training.

Council shared that several in camera meetings, discussing personnel issues, had taken place since the last time the public had been invited. It was then announced that Michael Salvatori has officially resigned as registrar and a recruitment plan is underway with hopes of completion prior to the New Year.

In order to support members, Professionally Speaking will begin to have a « Standards » section; and a new Professional Advisory regarding Boundaries is now available at <https://www.oct.ca/resources/advisories/professional-boundaries>). A new AQ on anti-Black racism will be moving forward as will an AQ on ASL (American Sign Language).

It was not mentioned during the meetings, but it is important to note that all changes regarding therapy and counselling have gone through now; confirming that OCT pays but also that they can come after the member for funds (<https://www.ontario.ca/laws/regulation/200493>).

While Bill 229 had not yet been introduced at the time of the meeting of Council, the items within it – including professional misconduct and the changes to the composition, representation and appointment process of the OCT – had all previously been discussed in both committee and full council.

Members who take an interest in the college accreditation process might want to look at this link to see the applications that are being made: <http://www.pegab.ca/CurrentApplications.html>. For Bachelor of Education, one application is expected soon from the newly-formed French university and one has already been received by a private, faith-based college.

The next council meeting is scheduled to take place December 3 & 4, 2020.

#### **11. Protective Services Regionals and Conference**

All of the regional meetings will be held remotely using a similar agenda as in the past. The first regional meetings were Bargaining focused and the February regionals will focus on Contract Maintenance (grievance/arbitration).

The PSC Conference will also be held remotely. Due to the difficulty of running a conference over 2 days with workshops delivered via ZOOM, the agenda will be altered. The conference will be opened for all participants with greetings, the presentation of the Negotiations Priorities, and a panel (if appropriate). The workshops will then be scattered throughout the week with some offered during the work day and some offered after work hours. The PSC will work out details over the next months to ensure a successful conference.

## **12. Review of Interim Policy for School Board Hiring Practices**

As of October 29, 2020, Regulation 274 – Hiring Practices was revoked by the Ford government and an interim policy outlining hiring practices for boards was put into place. This interim policy remains in effect until December 31, 2020. The government has released a draft Policy/Program Memorandum (PPM) for stakeholder feedback. Once it releases the final PPM, all publicly funded school boards will be expected to use it as a guideline in the creation of their own hiring policies.

The following are the key components of the interim policy.

### **Collective Agreements:**

Both the interim policy and the PPM are to work in conjunction with the provisions of Collective Agreements. In the event of a conflict between the two, the Collective Agreement will prevail.

### **Roster of OTs and LTO List:**

This has the same requirements as Regulation 274 but an interview is no longer required to get on the LTO list.

### **Job Advertisements:**

Postings are only necessary for LTO jobs greater than 30 school days or for permanent positions. The postings must include bona fide job requirements and qualifications, as well as be consistent with Regulation 298.

### **Candidate selection:**

All teachers interviewed are expected to have the required qualifications. There is no prescribed number of teachers to be interviewed. While one of them should include the most senior qualified applicant from the LTO list, the other teachers selected for interviews shall be based on consideration of:

- Diversity and equity (boards should consider whether special programs under the OHRC may be implemented to address the effects of systemic discrimination on identified groups based on code grounds).
- Merit and additional qualifications or experience.
- Early-career educators (completed teacher education program within the last five years).

### **Interviews:**

School boards should consider using multiple sources and methods to evaluate teachers during the interview process, not necessarily just an interview. The selection panel should be diverse and include those who have the knowledge/experience/lived experience to reflect the needs and interests of communities that have been under-represented in decision-making.

### **Rights of Unsuccessful Candidates:**

These are the same requirements as were formerly in Regulation 274.

**Qualifications and Merit:**

Before hiring any teacher for any role (casual to permanent), boards are to consider formal qualifications, as well as:

- Professional skills and aptitudes.
- Lived experiences.
- Skill sets.
- Background and varied work experience that may be considered valuable to the position (i.e. under-represented group, ability to speak languages beyond English and French, community work with diverse communities).
- Maintain due regard to the best possible program for the school, as determined by the principal during the hiring process, while demonstrating commitment to students/time spent/suitability to assignment and local needs in a particular school.

**Promoting Equity and Diversity:**

Equity and diversity within the workforce are critical factors that can be applied in the interview and hiring process.

**Enhanced Teacher Employment Mobility:**

Boards shall grant an interview to relocating permanent teachers who apply to be placed on the LTO list, if the teacher is either currently employed by a public school board in Ontario or has been within the last calendar year.

**Conflict of Interest:**

Board employees shall not participate in, or influence the outcome of, the hiring of a person with whom the employee has a relationship. These include family/intimate/financial relationships during the preceding five years or past/present and private interests, where it could conflict with duties.

**Key Effects of the Interim Policy:**

- Seniority as a factor in the selection process has been severely limited.
- Those interviewed do not have to be on the LTO list.
- Heavy emphasis on “other considerations” rather than qualifications.
- Permanent teachers from other boards can now be interviewed for placement on the LTO list.

Once the final PPM is released, there is no explicit statement requiring school boards to consult local stakeholders for feedback prior to the creation of the new board hiring policy.

**13. Performance Appraisals for Teachers and Education Workers**

On October 30, 2020, the Ministry of Education issued a memorandum to school boards that contained a number of provisions that it stated would assist boards by providing “the flexibility needed to continue to operate effectively during this time.” Among the actions in the memo were proposed amendments to the regulations regulating Teacher Performance Appraisals.

The memo states that regulatory amendments that will be introduced include:

“Providing boards time to focus on the New Teacher Induction Program and performance appraisals in support of new teachers, by providing a temporary pause on the current cycle of appraisals for vice-principals, principals and experienced teachers. Principals and supervisory officers would maintain the ability to initiate a performance appraisal, where

required. The requirement for Annual Learning Plans and Annual Growth Plans would remain in place for all teachers and principals respectively.”

The Teacher Performance Appraisal (TPA) requirements are currently laid out in Part X.2 of the *Education Act*, and in *O. Reg. 99/02* of the *Act*. These lay out the steps and timelines that must be followed when conducting a TPA, and amendments would be required in order to allow for the “pause” referred to in the memo. Under S. 277.22(3) of the *Act*, if any timeline is missed in the TPA process, the person responsible for completing that step must complete it as soon as possible. That provision remains in effect until any regulation or amendment to the regulation can be put in place to allow boards to delay the process.

Unfortunately, no detail regarding the regulatory changes have been provided, nor has any anticipated date for the changes been announced, so it is impossible to speculate what effect the changes may have for teachers. We are currently seeking clarification from the Ministry on how the changes might affect teachers who are midway through the TPA process, particularly those who have received an “Unsatisfactory” rating on their first TPA and have not had a subsequent “Satisfactory” evaluation. However, until the regulatory changes are released, we will have no answers.

The memo and forthcoming changes to regulations do nothing to address the issue of performance appraisals for education workers, since they are not governed by any regulation. In addition, there is no provincial requirement for school boards to do performance appraisals for education workers, although boards do so as a matter of practice. The Ministry has indicated that it will not be providing direction to school boards regarding education worker performance appraisals during the pandemic. Accordingly, the question of the appropriate level of performance appraisal for education workers remains a matter for discussion between school boards and bargaining units at the local level.

#### **14. Professional Misconduct Regulation Changes**

On November 5, 2020, the Ontario government filed changes to the *Ontario College of Teachers Act (OCTA)* to amend *O. Reg 437/97, Professional Misconduct* and the *Early Childhood Educators Act (ECEA)* to amend *O. Reg 223/08, Professional Misconduct*.

The following paragraph was added to each Act:

Making remarks or engaging in behaviours that expose any person or class of persons to hatred on the basis of a prohibited ground of discrimination under Part I of the *Human Rights Code*.

There are now 28 grounds in the OCTA, and 29 grounds in the ECEA, that describe the activities that constitute professional misconduct. The additions to each Act are further supported by the Colleges’ public commitments to address anti-racism, including the Ontario College of Teachers’ development of an AQ course about anti-black racism and the College of Early Childhood Educators’ Practice Guideline on Diversity and Culture.

These regulation changes came in to force on the day they were filed.

#### **15. Changes to OCT and ECE Professional Colleges found in Bill 229 – Protect, Support and Recover from COVID-19 (Budget Measures) - an Act to Amend Various Acts**

On November 5, 2020, the Ford Government introduced, through the budget, an act that will make changes to the *Early Childhood Educators Act (ECEA)* and the *Ontario College of Teachers Act (OCTA)* should the Bill receive Royal Assent. Staff and legal counsel have

identified five areas of significant change from the passing of the first reading of the Bill. Further analysis is ongoing by the Member Protection Department in consultation with legal counsel.

**i. Retroactive Revocation**

Schedule 9 and Schedule 33 of Bill 229 provide parallel changes to the ECEA and the OCTA respectively. These changes ultimately grant the Colleges greater authority and power over members in cases involving acts of child abuse and child pornography. The Bill's amendments aim to retroactively revoke a member's certificate, if the member was previously found guilty of an act of professional misconduct relating to sexual abuse or child pornography.

Under the current Acts, members could reapply for reinstatement of revoked licenses after five years. Given the retroactive provision in Bill 229, this has the potential to affect members who (i) did not at the time of discipline have their certificates revoked (for example if they negotiated a lesser penalty than revocation) or (ii) did have their certificate reinstated following a sexual abuse or child pornography finding. The Bill's changes will also eliminate this reinstatement option.

Additional subsections in the Schedules do include a provision to allow a person to apply for reinstatement, should a conviction be overturned or they be granted a pardon. Potentially an oversight, but the Bill does not extend this same right to members who were found guilty of sexual abuse but were never criminally charged or convicted, or who were charged but were acquitted.

It is anticipated that these proposed changes will have little impact on our current membership, given that most of our teachers and early childhood educators are employed in the public education sector and that employers require vulnerable sector screens for most employees. By the time convictions are found and criminal matters are complete, members are usually a long way down the road in termination cases or on lengthy home assignments, where they are not actively working or requiring a license. As such, individuals would likely not, or soon not, be employed where they would be represented by OSSTF/FEESO.

Also of note is that under the current *OSSTF/FEESO Policy for Approval of Legal Assistance*, OSSTF/FEESO does not provide legal support when the member has been convicted of an offence under the *Criminal Code*, the *Narcotics Control Act*, or the *Controlled Drugs and Substances Act*, for which a pardon has not been granted.

**ii. New Reporting Obligations Pertaining to "Offences"**

Beyond the changes related to convicted persons, Bill 229 further seeks to provide more oversight to the Colleges by proposing changes that would require a member to report certain findings made against them to the registrar of their college.

Should the Bill be enacted, members would now be required to notify their college in matters where they have been found guilty of any "offence" by filing a report with the registrar containing detailed information regarding that offence. This includes an additional obligation to update the College on an ongoing basis regarding their legal case. These reports must be made "as soon as reasonably practical".

What is not clear at this time is the type of reporting that falls under "offence". The new expected reporting to the College would seemingly include matters unrelated to their profession, such as impaired driving charges, domestic legal matters, and bail conditions

for private matters. This would drastically increase investigations at the College, including expenses, which could impact our members' college fees. There is also a lack of clarity on the subjective timelines for the reporting and what would be deemed as "as soon as reasonably practical" by the Colleges.

**iii. Application for Re-Instatement for Members Guilty of Sexual Abuse**

Where Bill 229 adds an exemption, which prevents members from making application for re-instated certificates, there remains the section of the OCTA to provide this provision. This appears to be an oversight during the drafting of the language and further clarification is being requested.

**iv. Less Discretion to Remove Information from the Registrar**

Bill 229 amends the Acts to provide that the registrar is no longer required to remove terms and conditions imposed by the Discipline Committee from the public registrar that are no longer applicable. Further clarification is required for this amendment, as this appears to align with the current practice of the OCT already.

**v. Changes to the College's Governance Structure and Administration**

Specific to the OCTA, the Bill also proposes modifications to bring these changes in line with governance restructuring at the Ontario College of Teachers.

The changes from Bill 229 come following the tabling of Bill 48 in the fall of 2018, which initiated the strengthening of the definition of sexual abuse in both the ECEA and OCTA. As an expansion of those changes, Bill 229 aims to implement a sexual abuse prevention program by the Colleges.

## **16. CTF Lobbying for Tax deductions**

The Canadian Teachers' Federation is advocating with the Government of Canada to allow teachers and education workers working from home to be able to deduct the cost of information technology and connectivity from their annual taxes. OSSTF/FEESO has been supporting this lobbying effort and has provided the CTF with some data on the expenses that were and are being incurred by members for working remotely during this pandemic.

## **17. Bill 213, Better for People, Smarter for Business Act Background**

Amongst its provisions, this bill will confer Canada Christian College the ability to be a degree-granting university for Bachelor of Arts and Bachelor of Sciences degrees. The change in the institution's status is troubling for a number of reasons, including:

- Its application to be a degree-granting institution has not yet been approved by the independent Postsecondary Education Quality Assessment Board (PEQAB). The government's legislation undermines and prejudices the review by the PEQAB; and
- The school has a history of homophobia and Islamophobia. In particular, it openly rejects the rights of LGBTQ2SI individuals and mandates certain moral standards for their faculty, students, and staff that contradict protections outlined in the Ontario Human Rights Code. As well, this school has faced accusations of condoning hate speech including homophobia and Islamophobia, as well as teaching the denial of evolution.

At this point, the bill has met a hostile reception from the opposition political parties and the media.

### **Legislative Process**

[Bill 213, Better for People, Smarter for Business Act](#) has been ordered referred to Standing

Committee on General Government, and includes many other provisions besides this proposal. The bill is a priority for the government and pressure to remove Canada Christian College may force the government's hand if it wants the bill to pass, despite the fact the government has a majority government and can easily pass the bill.

While this bill may not directly affect OSSTF/FEESO today, the rewarding of degree-granting status to Canada Christian College has the potential to diminish the value of a university degree. As well, creating more universities without proper vetting and consultation will dilute the value of a university degree, particularly when small, privately run institutions seek to expand their base. OSSTF/FEESO has already issued a statement on this issue. In addition, OSSTF/FEESO will prepare a written submission to the Standing Committee on General Government.

***Protecting and Enhancing Public Education***  
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**Ontario Secondary School Teachers' Federation**  
**Fédération des enseignantes-enseignants**  
**des écoles secondaires de l'Ontario**  
60 Mobile Drive, Toronto, Ontario M4A 2P3

TEL 416.751.8300  
TEL 1.800.267.7867  
FAX 416.751.3394  
[www.osstf.on.ca](http://www.osstf.on.ca)

