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Education Act

ONTARIO REGULATION 274/12

HIRING PRACTICES

Consolidation Period: From May 8, 2013 to the [e-Laws currency date](#).

Last amendment: O. Reg. 148/13.

This is the English version of a bilingual regulation.

Interpretation

1. (1) In this Regulation,

“long-term occasional teachers list” means a list established and maintained by a board in accordance with section 4; (“liste des enseignants suppléants à long terme”)

“roster of occasional teachers” means any roster of occasional teachers established by a board for the purposes of the Act; (“tableau des enseignants suppléants”)

“weekday” means any Monday, Tuesday, Wednesday, Thursday or Friday that is not a holiday as defined in the *Legislation Act, 2006*. (“jour de semaine”) O. Reg. 274/12, s. 1 (1).

(2) Any assignment or appointment of a person to a teaching position shall be made with due regard for the provision of the best possible program and the safety and well-being of the pupils, as required under Regulation 298 of the Revised Regulations of Ontario, 1990 (Operation of Schools — General) made under the Act, and in accordance with all other requirements set out in that Regulation, including the requirement that any assignment or appointment shall be made in accordance with the qualifications recorded on the teacher’s certificate of qualification and registration. O. Reg. 274/12, s. 1 (2).

(3) Nothing in this Regulation shall be interpreted in a way that interferes with or controls,

(a) the denominational aspects of a Roman Catholic board;

(b) the denominational aspects of a Protestant separate school board; or

(c) the linguistic or cultural aspects of a French-language district school board. O. Reg. 274/12, s. 1 (3).

(4) For the purposes of counting days under this Regulation, two half days shall be equal to

one full day. O. Reg. 274/12, s. 1 (4).

Ranking of occasional teachers

2. For the purposes of this Regulation, occasional teachers of a board shall be ranked in accordance with the following rules:

1. Ranking is based on a teacher's seniority as an occasional teacher.
2. If two or more teachers have the same seniority, ranking among them shall be based on the number of full days of teaching in schools of the board.
3. If two or more teachers have the same ranking under paragraph 2, ranking among them shall be based on the number of years of experience teaching.
4. If two or more teachers have the same ranking under paragraph 3, ranking among them shall be determined by drawing lots, witnessed by the president of the teachers' bargaining unit or a person designated in writing by the president. O. Reg. 274/12, s. 2.

Roster of occasional teachers

3. (1) A board shall organize its roster of occasional teachers in decreasing order based on the teachers' ranking under section 2. O. Reg. 274/12, s. 3 (1).

(2) The board shall include in the roster the following information about each teacher:

1. The teacher's name.
2. The day the teacher was most recently placed on the roster.
3. A summary of the teacher's teaching experience. O. Reg. 274/12, s. 3 (2).

(3) The board shall post the roster on its website and shall ensure that the roster is updated regularly. O. Reg. 274/12, s. 3 (3).

Long-term occasional teachers list

4. (1) Every board shall establish and maintain a long-term occasional teachers list. O. Reg. 274/12, s. 4 (1).

(2) An occasional teacher may apply to the board to be placed on the list and the board shall grant the teacher an interview if,

- (a) the teacher has been on the board's roster of occasional teachers for at least 10 months; and
- (b) the teacher has taught as an occasional teacher in one or more schools of the board for at least 20 full days during a 10-month period that is within the five years immediately preceding the day the application is submitted. O. Reg. 274/12, s. 4 (2); O. Reg. 148/13, s. 1.

(3) If the person or panel that conducts the interview recommends that the board place the teacher on the list, the board shall do so. O. Reg. 274/12, s. 4 (3).

(4) The board shall post the list on its website and shall ensure that the list is updated regularly. O. Reg. 274/12, s. 4 (4).

Notice of teaching position

5. A board shall not interview or make an offer to any person to fill a long-term assignment

or permanent teaching position unless a notice of the position has been posted on the board's website for at least five weekdays. O. Reg. 274/12, s. 5.

Assignments or appointments to long-term assignments

6. (1) If a board is a party to a written agreement with a bargaining unit, including a collective agreement, that governs the process of offering teaching positions to supernumerary teachers with the board or teachers whose positions with the board have been declared redundant, the board shall not interview or make an offer to any other person to fill a long-term assignment position before completing that process. O. Reg. 274/12, s. 6 (1).

(2) If a long-term assignment position is not filled under the process referred to in subsection (1), the board shall not interview or make an offer to any other person to fill the position unless an offer has been made to each teacher interviewed in accordance with subsections (3) and (4) and none of them have accepted it. O. Reg. 274/12, s. 6 (2).

(3) For the purposes of subsection (2), the board shall interview the five teachers from the long-term occasional teachers list who,

- (a) have the required qualifications for the position;
- (b) have the highest ranking under section 2; and
- (c) have agreed to be interviewed. O. Reg. 274/12, s. 6 (3).

(4) If fewer than five teachers on the list satisfy the criteria set out in clauses (3) (a) and (c), the board is required under subsection (3) to interview only those teachers. O. Reg. 274/12, s. 6 (4).

(5) If the position is not filled by a teacher interviewed in accordance with subsections (3) and (4), the board shall not interview or make an offer to any other person to fill it before,

- (a) advertising the position to teachers on the board's long-term occasional teachers list; and
- (b) interviewing a selection of the teachers from the list who apply for the position and have the required qualifications for the position, and making an offer. O. Reg. 274/12, s. 6 (5).

(6) If the position is not filled by a teacher interviewed in accordance with subsection (5), the board shall not interview or make an offer to any other person to fill it before,

- (a) advertising the position to teachers on the board's roster of occasional teachers; and
- (b) interviewing a selection of the teachers from the roster who apply for the position and have the required qualifications for the position, and making an offer. O. Reg. 274/12, s. 6 (6).

Assignments or appointments to permanent positions

7. (1) If a board is a party to a written agreement with a bargaining unit, including a collective agreement, that governs the process of offering teaching positions to supernumerary teachers with the board or teachers whose positions with the board have been declared redundant, the board shall not interview or make an offer to any other person to fill a permanent position before completing that process. O. Reg. 274/12, s. 7 (1).

(2) If a permanent position is not filled under the process referred to in subsection (1), the

board shall not interview or make an offer to any other person to fill the position unless an offer has been made to each teacher interviewed in accordance with subsections (3) and (4) and none of them have accepted it. O. Reg. 274/12, s. 7 (2).

(3) For the purposes of subsection (2), the board shall interview the five teachers from the long-term occasional teachers list who,

- (a) have completed a long-term assignment in a school of the board that was at least four months long and in respect of which the teacher has not received an unsatisfactory evaluation;
- (b) have the required qualifications for the position;
- (c) have the highest ranking under section 2; and
- (d) have agreed to be interviewed. O. Reg. 274/12, s. 7 (3).

(4) If fewer than five teachers on the list satisfy the criteria set out in clauses (3) (a) (b) and (d), the board is required under subsection (3) to interview only those teachers. O. Reg. 274/12, s. 7 (4).

Rights of unsuccessful candidates

8. If following an interview a teacher is not placed on the long-term occasional teachers list or appointed or assigned to a long-term assignment or permanent position, the teacher is entitled, on request, to meet with the person or panel that conducted the interview to discuss,

- (a) his or her performance during the interview;
- (b) measures he or she could take to enhance his or her professional qualifications; and
- (c) other ways to improve his or her chance of being successful in a similar interview in the future. O. Reg. 274/12, s. 8.

Exemptions and rules for specified boards

9. (1) The following exemptions and rules apply to the Conseil scolaire de district du Nord-Est de l'Ontario, the Conseil scolaire de district du Grand Nord de l'Ontario and the Conseil scolaire de district catholique du Nouvel-Ontario:

1. Sections 4 and 6 do not apply to those boards.
2. Paragraphs 2, 3 and 4 of section 2 do not apply for the purpose of ranking occasional teachers of those boards, and, if two or more teachers have the same seniority, ranking among them shall be determined in accordance with a written agreement, including a collective agreement, between the board and the relevant bargaining unit.
3. For the purposes of those boards, a reference in section 7 to a long-term occasional teachers list is deemed to be a reference to the board's roster of occasional teachers. O. Reg. 274/12, s. 9 (1).

(2) The following rules apply to boards in respect of occasional teachers represented by the Association des enseignantes et des enseignants franco-ontariens:

1. Paragraphs 2 and 3 of section 2 do not apply for the purpose of ranking occasional teachers of those boards who are represented by the Association, and the reference in paragraph 4 of section 2 to "the same ranking under paragraph 3" is deemed to be a

reference to “the same seniority”.

2. If the teachers interviewed in accordance with subsection 6 (3) are represented by the Association, subsection 6 (5) does not apply and instead the following rules apply to the board:
 - i. If none of the teachers interviewed in accordance with subsections 6 (3) and (4) have accepted an offer to fill the position, the board shall not interview or make an offer to any other person to fill the position unless an offer has been made to each teacher interviewed in accordance with subparagraph ii and none of them have accepted it.
 - ii. For the purposes of subparagraph i, the board shall repeat the process set out in subsections 6 (3) and (4) until all of the teachers on the long-term occasional teachers list who satisfy the criteria set out in clauses 6 (3) (a) and (c) have received offers for the position and none of them have accepted it.
3. If the teachers interviewed in accordance with subsection 7 (3) are represented by the Association, subsection 7 (4) does not apply and instead the following rules apply to the board:
 - i. If fewer than five teachers on the long-term occasional teachers list satisfy the criteria set out in clauses 7 (3) (a), (b) and (d), the board is required under subsection 7 (3) to interview,
 - A. all of those teachers, and
 - B. such other persons as are necessary to ensure that the board interviews five people for the purposes of subsection 7 (3).
 - ii. A person described in sub-subparagraph i B is not required to be on the long-term occasional teachers list or satisfy the criterion set out in clause 7 (3) (a) but must satisfy the criterion set out in clause 7 (3) (b). O. Reg. 274/12, s. 9 (2).

10. Omitted (provides for coming into force of provisions of this Regulation). O. Reg. 274/12, s. 10.

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