



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.”¹

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**”); and
- 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 place the roster on their websites and must 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 place the LTO list on their websites and update the list regularly.

¹ Ministry of Education, Education Labour Update, October 10, 2012, No 1.

When can an occasional teacher apply for permanent positions?

The regulation stipulates that only occasional teachers 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.

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; and
- 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.

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 a hiring process, which occasional teachers will be placed on the LTO list.

What rights does an occasional teacher have under Ontario Regulation 274/12?

An unsuccessful candidate to the LTO list, a 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?

When Regulation 274 was first implemented, ETFO has had some ongoing concerns. To address these concerns, ETFO brought items to the bargaining table during the 2014-2017 Central Bargaining process. The following provisions were agreed to through the bargaining process:

- a) Following the interview to the LTO list, unsuccessful candidates who make the request shall be debriefed within thirty (30) days of the interview and recommendations shall be made to help enhance the professional growth that may lead to successful placement on the LTO list in the future.
- b) The local parties may, if they choose, negotiate a capped roster.
- c) A relocating permanent teacher who has been employed by a public school board in Ontario may apply to another board to be placed on the LTO list and shall be granted an interview.
- d) Where an occasional teaching assignment extends beyond the number of LTO threshold days identified in the local collective agreement, the board may continue the occasional teacher in the assignment if the teacher is qualified and is on the LTO list, unless the local parties have mutually agreed otherwise.
- e) Information Disclosure to the Occasional Teacher Local Unit:

The board shall provide the following information to the union, upon request, as it relates to the Long Term Occasional Teacher List, Long Term Occasional Teacher assignments, and permanent teaching positions:

- i. The job posting at the time the posting is circulated to the system;
- ii. The job/position title and the list of any applicants for the posting within three weekdays following the closing of the posting; and
- iii. Names of the successful applicants.

ETFO also signed a Letter of Agreement (LOA) with the government as part of the 2014-2017 Central Agreement that established a committee to review hiring practices under the regulation. Participants of the committee included ETFO representatives, school board representatives and representatives of the Ministry of Education. The committee's goal was to establish mutually agreeable hiring practices and implementation procedures.

The Final Report of the Hiring Practices – Regulation 274 Committee identified that the following considerations could be shared in order to address; the size of the LTO list, the number of interview cycles and the interview process:

- a) District school boards continue to monitor the size of the LTO list to ensure that there is a sufficient number of teachers on the list to fill positions;
- b) In circumstances where there are no qualified teachers on the LTO list and the board has met its obligations under Regulation 274, the board may post positions externally;
- c) Interview cycles and timeframes for the LTO list should be regular and transparent;
- d) Refreshing the LTO list, may require interviews to be scheduled more or less frequently to meet local staffing needs;
- e) An evaluation tool for assessing candidate's LTO list interviews will assist with a consistent process, particularly where there are multiple interview teams;

- f) Where references from a principal/vice-principal are required as part of the interview for the LTO list, a process is needed so that obtaining references does not become a barrier for otherwise qualified applicants;
- g) When there is mutual agreement between the district school board and the occasional teacher local, grand-parenting teachers on the roster with LTO experience to the LTO list without an interview, respects experience and saves time and effort for district school board staff; and
- h) Open lines of communication between the district school board and the occasional teacher local are encouraged.

As it has in the past, ETFO will take appropriate action if the terms of local collective agreements are violated.

Download the [report](#)

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

As part of terms of ETFO's Memorandum of Understanding (MOU) from the 2012 round of collective bargaining, the Ministry of Education retained independent researchers to investigate the implementation and impact of Ontario Regulation 274/12.

The report was published in November 2014 and indicated that Regulation 274, when implemented effectively by school boards, has resulted in a more consistent, transparent and fair hiring process for Ontario's occasional teachers. The report also dispelled a number of inaccurate claims about the regulation.

For example, there are claims that using seniority negatively impacts the hiring process. We know, however, that under the Regulation occasional teachers may apply to be placed on the LTO list only if they have the required experience. Once on the LTO list, only teachers that have the required qualifications for the available position are interviewed.² In the review conducted by *Directions*, not one instance was found where an occasional teacher was hired for a position they were not qualified for.

The principle of seniority is at the core of ensuring fairness in unionized workplaces. It provides workers some measure of control over their employer's hiring decisions, which might otherwise be based on favouritism or discrimination. ETFO believes the role of seniority in the hiring process under the regulation is being unfairly targeted and believes that seniority is an important part of establishing and maintaining a fair and transparent method of hiring teachers.

Download the report:  [PDF version](#)

² Hiring Practices, O. Reg. 274/12, Education Act, R.S.O. 1990, c. E.2.