

Human Resources Legislative Update

PSFA Regulations Filed (Hiring Practices and Sick Leave Provisions 2012-2013)

Date: October 11, 2012

On September 12, 2012, sections 1 through 19 (inclusive) and 21 of the [Putting Students First Act, 2012](#) ("PSFA") were proclaimed in force. The restraint period applies retroactively, as outlined in the Act.

On that date, the Ontario government filed a new regulation under the [Education Act](#) with respect to hiring practices. It is important to note this regulation was filed under the broad regulation-making powers set out in the *Education Act*, rather than the narrower powers established under the PSFA. Among other things, [O. Reg. 274/12](#):

- provides rules for the ranking of occasional teachers by seniority;
- prescribes information to be included in the roster of occasional teachers;
- requires boards to create a "long-term occasional teachers list;"
- prescribes conditions under which an occasional teacher may apply to the board to be placed on the long-term occasional teachers list;
- establishes a minimum notice requirement for the posting of long-term assignment or permanent teaching positions;
- establishes a seniority-based framework for assignments or appointments of qualified occasional teachers to long-term assignments;
- establishes a seniority-based framework for assignments or appointments to permanent positions; and
- outlines the rights of unsuccessful candidates.

This regulation came into force on September 12, 2012. As a regulation under the *Education Act*, it applies to all school boards and, by section 277.13 of the *Education Act*, it prevails over any collective agreement.