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.