

Human Resources Legislative Update

Regulatory Amendment Filed under *Putting Students First Act*

Date: January 23, 2013

On January 21, 2013, the Ontario government filed [O. Reg. 12/13](#), amending [O. Reg. 2/13](#), General, made under the [Putting Students First Act, 2012](#) ("Act").

Among other things, O. Reg. 12/13:

- revokes paragraph 6 of subsection 2(2) of O. Reg. 2/13 (gratuity wind-up for sick leave credit gratuity in certain circumstances) and provides for determining the amount of a retirement gratuity in certain circumstances and on the basis of a prescribed formula;
- for employees who do not bargain collectively and where an employment contract between a board and a board employee provides for an annual salary of less than \$100,000 and for movement on the salary grid (subsection 2(4) of O. Reg. 2/13), revokes the requirement for certain terms, prescribes rules for movement on the salary grid in certain circumstances and prescribes a formula for payment of any amount owing to an employee, if any, on the last day of the restraint period;
- modifies certain obligations in respect of a collective agreement between a board and the Canadian Union of Public Employees;
- provides, among other things, that where a collective agreement is in effect, neither the board nor an employee bargaining agent can ask an arbitrator or an arbitration board to inquire into the constitutionality of the Act or an order made under the Act, but such restrictions do not apply to proceedings before a court;
- for employees who bargain collectively (subsection 3(2) of O. Reg. 2/13), revokes the requirement for certain terms, prescribes rules for applicable employees regarding movement through the salary grid and prescribes a formula for payment of any amount owing to an employee, if any, on the last day of the restraint period; and
- adds sections regarding special rules and exemptions for bargaining units of early childhood educators and for an exemption for certain employees of the Durham District School Board.

The Regulation is deemed to have come into force on September 1, 2012.