Human Resources Legislative Update

New *Education Act* Regulatory Amendments Filed (Sick Leave Credits, Gratuities)

Date: October 11, 2013

On October 10, 2013, the Ontario government filed O. Reg. 275/13 (Sick Leave Credits and Sick Leave Credit Gratuities), amending O. Reg. 1/13 (Sick Leave Credits and Sick Leave Credit Gratuities).

Notably, the new amendments revoke the “sunset clause” previously contained in section 5 of O. Reg. 1/13, which had provided for an automatic revocation of the regulation on August 31, 2014. The new amendments mandate that the regulation will continue to operate with respect to an employee in a bargaining unit that is subject to a statutory freeze period established under the *Labour Relations Act, 1995*, and will remain in force until a new collective agreement comes into operation, or until the parties are in a legal strike or lock-out position, whichever comes first.

In addition, the O. Reg. 275/13 amendments:

- amend the definition of “Group A” public school board employees under the Ontario Secondary School Teachers’ Federation (“OSSTF”) model to include employees in bargaining units represented by the Association of Professional Student Services Personnel (“APSSP”) and certain other bargaining agents. This model provides for 120 short-term sick days paid at 90% salary, based on a board’s internal assessment process in effect as of August 31, 2012; and
- amend the definition of “Group C.1” Catholic school board employees under the Ontario English Catholic Teachers’ Association (“OECTA”) model to include employees in bargaining units represented by APSSP and certain other bargaining agents. This model requires bargaining units to elect either to adopt the OSSTF model, or to adopt the model outlined in the Memorandum of Understanding between OECTA and the Ministry of Education dated July 5, 2012. This election must be made by October 31, 2013.

The amendments further add a definition of “teachers’ bargaining unit” to section 0.1 of the regulation, expressly providing that the term has the same meaning as in subsection 277.1 (1) of the *Education Act*;

O. Reg.1/13, as amended, gives regulatory effect to the sick leave provisions in the various recent Memoranda of Understanding between the Ministry of Education and teachers’ federations. Background information on O. Reg. 1/13 is available here.