



OSSTF District 21
Occasional Teacher Resource
June 2019

INTRODUCTION

This resource is provided by OSSTF District 21 for occasional teachers to help them to navigate their role, rights, and entitlements as outlined by the Collective Agreement, which may also include aspects of the HWDSB policies, procedures, and practices.

CONTACT INFORMATION – DISTRICT OFFICE

Address: 1423 Upper Ottawa Street, Units 2 & 3

Phone: 905-574-8285

Fax: 905-574-8166

Website: www.osstf21.ca

Email: district21@osstf21.ca

Roll over the “**Who We Are**” tab and select the “**Teachers’/Occasional Teachers’ (T/OT)**” option to locate the names of the current Executive Officers and to access email addresses for the four current release officers.

WEBSITE RESOURCES

Roll over the “**Resources**” tab and select the “**Teachers’/Occasional Teachers’**” option to access documents and other resources for the Teachers’/Occasional Teachers’ Bargaining Unit. Some of the helpful documents you will find here include, but are not limited to:

- the current Collective Agreement and the Extension to the Agreement, which both expire August 31, 2019 (Article L35 is specific to Occasional Teachers)
- the Teachers’ Bargaining Unit Constitution and Bylaws
- Parental Leave Information
- Teacher Performance Appraisal Information
- PD Workshop/Conference/AQ Reimbursement Form
- Accessing and Completing the Online Reporting Forms Information (SSIR, SIIR, VIR)
- How to Avoid Discipline Information

Also, on our website under this tab, you will find a “Member Information Sheet”. If you are not currently receiving emails from us (i.e. from “Brandie Drehmer from the email address district21@osstf21.ca), please complete this form and submit it to the District Office via email, fax, or in person (see contact information above). Ensure that the email address that you provide to us is a personal email address (not one that ends in @hwdsb.on.ca)

WHO TO CONTACT AT THE HWDSB (EDUCATION CENTRE)

Brenda Maxwell is the person to contact for OTs for questions on pay and time sheets. She is also the person to send rating statements and educational/work/trade experience to for assessment. She can be contacted at bmaxwell@hwdsb.on.ca or 905-527-5092 extension 2224.

Liette Gauthier is the person to contact for SFX questions (i.e. open jobs for the day, questions on operation of SFX, etc.). She can be contacted at lgauthie@hwdsb.on.ca or 905-527-5092 extension 2276.

COMPLIANCE TO REMAIN ON THE OT ROSTER

Each year, in June, you will receive an email from the Staffing Officer, Darlene Steele, providing instructions on how to complete all the necessary pieces to ensure you are in compliance to remain on the roster. THIS PROCESS IS ESSENTIAL FOR YOU TO MAINTAIN YOUR POSITION ON THE ROSTER AND KEEP YOUR JOB AS AN OCCASIONAL TEACHER WITH THE HWDSB AND MUST BE COMPLETED BEFORE THE LAST DAY OF THE SCHOOL YEAR IN JUNE. Two mandatory items include an annual reactivation form and an annual offence declaration form (both found in the Employee WebPortal). Other items may be required from time-to-time (i.e. WHMIS training, AODA training, etc.), so it is important to read the email thoroughly to ensure all parts have been completed. You must also work a minimum of 3 FULL days of occasional teaching to remain on the roster. Each year, there is a fairly large number of OTs that don't meet these compliance pieces and are removed from the roster and, essentially, lose their job with the HWDSB.

It is also important that you ensure that your personal information is kept up-to-date with Human Resources. This information includes, but is not limited to, your name (i.e. the name on your OCT certificate should match the one with the HWDSB HR department and on school-based documentation), address, phone number, etc.

Also note that the Collective Agreement (CA) states, in Article 35.44, that:

“A person's name may be removed from the Occasional Teacher roster for one or more of the following reasons only:

- (i) The person has obtained full-time employment as a teacher on probation or permanent status...
- (iv) Failure of a person to register with the Smart Find Express.”

WORKING CONDITIONS

If you procure a one-day occasional teaching job on the same day that it is to begin, you have 2 hours from the time that you accept the job until you arrive at the school. You should endeavor to be at the work site/school at least 15 minutes before the start of the school day or assignment, but if a job is picked up late, you should let the administrator or the administrative assistant know when you expect to arrive.

As a daily occasional teacher, you are able to teach 3 full periods per day plus on Additional Professional Assignment (APA) which consists of EITHER a half-period of a 4th class OR a lunch supervision. The number of minutes that you are assigned per day should not exceed 225 minutes, exclusive of the APA. If you are assigned a 1 or 2 period job, you may also be assigned an APA. You may be re-assigned to classes/areas other than those that were part of the posted job.

When you arrive at the school/work site, you shall be provided with all the necessities to fulfill your job for the day including a map of the building, a bell schedule, a list of emergency procedures, keys to the rooms/areas in which you will be working, Safety Intervention Plans (SIPs) and Behaviour Support Plans (BSPs) for all students in the building for which they have been developed, a list of phone numbers and/or extensions for important contacts and any other materials which may be required for your work.

As an LTO, your APAs are pro-rated to the number of days in length that your LTO job is known to be. For example, if the LTO job was 75 days in length for a semester, the following calculation would be used to calculate the maximum number of APAs you could be assigned:

$$75/97 \times 24 = 18.55$$

Therefore, up to 19 APAs could be assigned, with no more than 10 being on-calls/coverages for other classes (just over half).

PAY

Daily occasional teachers are paid at a rate of Category 1, Year 0 on the salary grid. Presently (i.e. June 2019), this salary is \$46,557. Since there are 194 school days in a school year, the daily rate of pay for occasional teachers is currently \$239.99. As of August 31, 2019, the salary will increase to \$46,790, so the daily rate will increase to \$241.19 for the start of the 2019/20 school year.

Occasional teachers are paid on a bi-weekly schedule. Your pay stub will look similar to the one shown below. Note: the WebPortal underwent an upgrade recently, so the format of the pay stub may look different than the one provided.

Earning				Deduction		
Type	Units	Amount	YTD	Type	Amount	YTD
Reg TS	4.00	\$959.96	\$959.96	EIC	\$15.78	\$15.78
LIEU BEN	0.00	\$0.00	\$0.00	CPP	\$24.94	\$24.94
Total	4.00	\$959.96	\$959.96	TAX	\$101.24	\$101.24
				TPP CL3	\$96.92	\$96.92
				OSSTF OC	\$15.95	\$15.95
				OSSTF OL	\$1.92	\$1.92
				Total	\$256.75	\$256.75

Taxable Benefit		Total Board Share		Net Pay		Annual Pay	
Current	YTD	Current	YTD	Current	YTD	Hourly Rate	Annual Salary Rate
\$0.00	\$0.00	\$0.00	\$0.00	\$703.21	\$703.21	\$30.00	

Reg TS – Each 1.00 unit is 1 full day occasional work

LIEU BEN - *When working in an LTO (long-term occasional) position, you will receive \$7 per day in lieu of not having benefits coverage

EIC – Employment Insurance Contribution

CPP – Canada Pension Plan contribution

TAX – Income Tax payment

TPP CL3 – Teachers’ Pension Plan contribution (class 3 dictates the amount deducted for occasional teachers at the daily rate of pay)

OSSTF OC – Provincial/central levy paid (i.e. union dues as a percent of gross earnings)

OSSTF OL – Local levy paid (i.e. union dues as a percent of gross earnings)

Hourly Rate – Rate of pay per hour (daily rate divided by 8 hours)

Annual Salary Rate – Will contain an amount of yearly salary when working in an LTO position; equal to the rate on the grid according to your rating statement and year

As a daily occasional teacher (OT), you may be eligible for employment insurance benefits over the December/January and summer holiday breaks.

Ensure that you apply for a rating statement from the Certification department at OSSTF and, once you receive it, **submit it to Brenda Maxwell at the Education Centre**. This process will ensure that you are paid the correct rate for any LTO (long term occasional) jobs that you work. To apply for an initial rating statement, you need to complete a Certification Form #1 – Initial Rating Statement which can be found on the Provincial website (i.e. www.osstf.on.ca) and submitted to them. If you take any AQ courses that move you up to a higher category of pay, you must complete a Certification Form #2 – Re-evaluation Application & Other Requests and submit it via the same process as the initial rating statement. Again, any time you receive a rating statement, you **MUST** submit it to Brenda Maxwell for the rate of pay to be activated.

You must work at least 100 full days per school year of OT/LTO jobs to be eligible to move up the salary grid for a year of experience.

If you are scheduled to work a daily OT or LTO job on a day when an inclement weather or snow day is announced the morning of the job, you will still be paid for the day. If the schools are closed for this reason the evening prior to the scheduled job, you may not be paid for the day.

LTO POSTINGS/JOBS

LTO job postings are posted every Thursday on myHWDSB. The postings are open for 5 days and interviews occur after they close. If you are successful to an LTO positions, unless it is a full semester one that is known prior to its start, you will be required to complete and submit timesheets that are used to calculate your pay.

LTO timesheets are located in the Employee WebPortal and must be completed when working in an LTO that is NOT known to be a full-semester job. There are firm deadlines for submission for time sheets in order to ensure that you are paid on time. The time sheets for an LTO are often not available for the first two weeks of a job UNLESS it is one that begins on the first day of a semester, so you may have to fill them in retroactively and will be paid for the difference between the daily rate and your grid rate on a subsequent pay if this situation occurs.

If you are absent as a result of illness during and LTO and you have sick days, enter the absence in SFX, and then enter the day on the timesheets as a worked day to ensure you are paid for the day from your sick bank. Similarly, if you are in an LTO and need a bereavement day, enter the day in SFX as a bereavement day, and then enter the day on timesheets as a worked day to ensure you are paid for the day.

If you are in an LTO job and the job is coming to an end before the initial end date, you must be given 5 days notice before the end of the assignment. If the permanent teacher returns prior to the 5 days ending, the principal can re-assign you in the school, but you will earn your LTO rate of pay until the 5-day period is finished.

RELATED EXPERIENCE & TRADE

Recently, the HWDSB has begun to recognize previous experience in a related field, including a trade, to move OTs up years on the grid when the experience is directly related to the qualifications and/or assignment in which they are teaching.

If you think this applies to you, you can send all documentation demonstrating related experience/trade (i.e. letter from employer, etc.) to Brenda Maxwell for consideration in this regard.

If you do submit documentation to be considered for related trade or experience and you are not provided confirmation of its receipt, or a decision within a month or so, contact the District Office and a release officer can inquire on your behalf, if you wish.

SICK LEAVE

Sick leave is provided for occasional teachers working **in LTO positions**. The sick leave available for a full-semester LTO is 5.5 days paid at 100% plus and additional 60 days paid at 90%. LTO jobs that are less than a full semester (which constitutes 97 days) will have a prorated number of sick days that can be calculated using the following formula:

of 100% paid sick days = # of teaching days in LTO assignment/97 x 5.5

of 90% paid sick days = # of teaching days in LTO assignment/97 x 60

For example, if the LTO job was 44 teaching days in length the number of 100% paid sick days would be roughly 2.5 days and the number of 90% paid sick days would be roughly 27.

PERSONAL LEAVE DAYS

Personal leave days (PLDs) are provided for occasional teachers working **in LTO positions**. After working a full semester LTO (i.e. 97 days) in first semester, an occasional teacher is provided 1 PLD to be used during second semester. If that same teacher is then scheduled to work a full semester LTO for second semester, s/he would be provided a second PLD that can also be used during the second semester.

BEREAVEMENT LEAVE

Occasional teachers working **in LTO positions** are entitled to the following leaves for bereavement (and shall begin with 7 calendar days following the date of death):

- Death of spouse, son, daughter, mother, father, sister, or brother of the occasional teacher or the occasional teacher's spouse – maximum of 4 days
- Death of other relatives of the occasional teacher or the occasional teacher's spouse – maximum of 3 days
- Death of a close friend – 1 day

*One additional day may be granted in addition to the above leaves, if needed, but must be applied for to the Manager of Employee Relations.

LONG-TERM OCCASIONAL LIST

The LTO List is a sub-set of the OT Roster. Every occasional teacher that has been on the OT roster for at least one school year (i.e. 10 consecutive months, excluding July and August) and has worked at least 20 full days during the 10-month period, is eligible to apply to the LTO list job posting and shall be granted an interview. Once you are on the list, you will have the opportunity to apply for LTO jobs for which you are qualified, prior to the jobs being offered to the entire OT roster. If you are unsuccessful in your application to the LTO List, Regulation 274 dictates how feedback can be requested. These “rules” are governed by Regulation 274. An abbreviated version of this regulation can be found in Appendix A.

BENEFITS

Unfortunately, at this point in time, daily occasional teachers are not eligible for benefits and do not have access to benefits through the OTIP plan.

If an LTO job is known to be 4 months or longer in a semester or begins the first day after the March break the teacher is eligible to buy into the OTIP Benefits Plan. An email is sent to your work email inviting you to enroll. Please look at the information carefully as benefits for LTO teachers are purchased at the FULL COST to the member, meaning that coverage can cost anywhere from \$100 per month (single, basic coverage) up to \$500+ per month (family, extra coverage). Also, the benefits coverage terminates when the LTO job terminates but, at the latest, the end of the semester.

An LTO position is posted when a permanent teacher is on leave for one of a variety of reasons; the LTO job should have an end date on the contract

An occasional position becomes an LTO after the 10th consecutive day of work

Teachers on the LTO list are able to apply to the LTO jobs posted and the top 5 in seniority with the correct qualifications shall be granted an interview; if there are no qualified teachers on the LTO list who are available for the job, it will be posted to the OT roster

When an occasional teacher secures permanent lines, their place on the permanent teacher seniority list considers Occasional teaching service in the Board.

By default, your seniority on the permanent teacher seniority list is based on the day you are hired to your permanent lines. If, for example, you have had consistent LTO experience for the last two years, you will see these two years represented on the seniority list. The benefit of this recognized experience is that you have a greater chance of not being declared redundant to the needs of the system.

It is important to keep in mind that the LTO service must be continuous. If you have even a one-day break, your continuous service is reset.

The Board owns your work time, meaning that unless you are on unassigned time, you should not be using your cell phone or any other technology for personal reasons.

DUTY TO REPORT

Children's Aid Society

“All members of OSSTF/FEESO have an obligation to report suspicions of child abuse and any serious student incidents.”

(retrieved from <https://www.osstf.on.ca/duty-to-report>)

“Members of the public, including professionals who work with children, must promptly report any suspicions that a child is or may be in need of protection.” (retrieved from Section 72 of the Child and Family Services Act)

There is not only an obligation to report but there is an ongoing duty to report.

If you fail to report and are convicted of this offence, you may be subject to a significant fine.

Failure to report may also become a matter with the OCT.

Bill 157 – Safe Schools

“All employees are required to report “serious student incidents to the principal.”

Employees who work directly with students are required to “respond.”” (retrieved from ‘Duty to Report’ from OSSTF Provincial)

A report is made through the **Safe Schools Incident Reporting Form (SSIR)**.

This is a legal requirement.

ALL FORMS REQUIRED TO REPORT INCIDENTS (i.e. Supervisor’s Incident Reports, Violent Incident Reports and Safe Schools Incident Reports) ARE ONLINE. To access them for use, ask a branch union representative or administrator.

ONTARIO COLLEGE OF TEACHERS (OCT) & INVESTIGATION

If there is an allegation against you by one or more students, your administration will most likely investigate.

If they make the determination that there is any merit to the allegation, they will call you into a meeting.

“Teachers are always on duty. You should be aware that teachers are expected to be professionals 24/7 and that the College has a duty to investigate if a complaint of alleged professional misconduct, incompetence or incapacity is made against you.”

(retrieved from <https://www.oct.ca/members/complaints-and-discipline>)

PROMOTING BEST PRACTICES

Contact With Students & Course Materials

Do NOT touch students at any time or in any way!!

Avoid putting yourself in a position where you are alone with a student. If you find yourself in situation where you are in a classroom alone with a student, keep the door open.

Use your professional judgement when choosing course material that could be controversial. This includes, but is not limited to, videos, web sites, songs, news articles and current events. If in doubt, speak to your administration about the appropriateness of the material. When in doubt, get the approval in writing (email).

Use of Social Media and Cell Phones

“There has been a marked increase in workers being disciplined for their activities on social media.”

“More often than not, arbitrators have been upholding employer decisions to discipline workers for certain activities on their **personal** online profiles including harassment/bullying, adverse comments about the employer, breach of privacy, and inappropriate postings.”

“If you have a profile on a social networking site..., never invite students to be your “friend” or accept students as “friends”.”

“It would also be a very good idea to go over your profile and ensure that your privacy controls are limited and that you remove any content or photographs which you would not want your colleagues, students, their parents, or prospective employers to see.”

The use of social media as a teaching tool is becoming more and more prevalent so it would be naïve of us to think that people are going to stop using it.

(retrieved from <https://www.osstf.on.ca/en-CA/publications/update/2015-2016/43-02/social-media-awareness-for-members.aspx> and <https://www.osstf.on.ca/professional-conduct-guidelines>)

If you are going to use social media as a tool, please keep the following in mind:

- Create a separate, professional account.
- Stick to matters related to your curriculum. Use your professional judgement when posting.
- Use them as 'broadcast' accounts; a one-way communication platform.
- Do NOT engage in direct messaging with your students.

Under no circumstances should you...

- Give your cell phone number to students.
- Text your students.

Like direct messaging a student, texting is the equivalent of being alone with a student and having your conversation transcribed.

Engaging in personal contact with students outside of the classroom can be perceived as "grooming" (*to get into readiness for a specific objective*).

(retrieved from <http://www.merriam-webster.com/dictionary/grooming>)

The Hub is the Board's digital presence.

Information contained within is protected by a non-disclosure agreement between D2L and the Board. This platform keeps communication from being subject to alteration and interpretation

In addition, it allows teachers one-way communication to students through the use of the Calendar and News Feed

Board Ownership

While you are at work, the Board owns your time.

Be careful about how you use Board technology; this includes Board email.

If you are going to email parents, keep them professional and to the point. Your words can be taken out of context.

Driving Students

We do not advise members to transport students (Advisory is contained in your package).

"Should an accident occur, the students would be covered under their parents' policy...Should their parents not have an auto policy, the teacher's policy would cover the students."

“It should be noted that employer liability coverage pays after the employee’s liability coverage is exhausted where the employee was transporting students out of the course of the job.”

(retrieved from OSSTF Benefits Bulletin #9.2)

Students in Your Home

You may have taught many responsible students.

Do not put yourself in a situation where you have students in your home.

They now can describe your home very well and all it takes is one allegation to impact your career.

Note: If you are ever asked to attend a meeting with management that could lead to discipline, please contact the Branch President of the school or the District Office to request representation.

THINGS TO REMEMBER

- Do not administer medicine.
- Do not drive students in your car.
- Do not touch students.
- Do not put yourself in a situation where you are alone in a space that is closed off/isolated.
- Do not take pictures of students.
- Do not “friend” students on social media.
- Use a separate account for social media if you choose to use it for work purposes.
- Do not invite students into your home (i.e. babysitting, team parties, etc.).
- Do not give students you contact information (i.e. cell phone number, address, etc.)

PROFESSIONAL JUDGEMENT

Teachers’ professional judgements are at the heart of effective assessment, evaluation, and reporting of student achievement. Appendix C provides more information on which practices constitute professional judgement and which ones do not.

PREGNANCY AND PARENTAL LEAVES FOR LTOs

For information specific to Pregnancy and/or Parental Leave, please refer to the Collective Agreement and Parental Leave Information on our website. We also have Parental Leave Workshops each semester at the OSSTF District Office for further information on entitlements and processes.

OTHER LEAVES OF ABSENCE

As an OT, if you require time away from your duties as a daily occasional teacher, you have the option and ability to provide notification within SFX that you are unavailable for assignments for a specified period of time. If you require an entire school year away from working as a daily OT, you will need to request a leave of absence from the roster. Failure to complete this process could result in your name being removed from the roster for failure to comply with the minimum number of worked days in a school year. Even while on a leave of absence, you will still need to complete the other required compliance components to remain on the roster.

As an LTO, you may require time off work for a variety of reasons that do not involve your own personal illness or injury or personal leave days. If this situation arises, consult Articles 35.55 to 35.62 for information on some leaves of absences. If you still have questions or if the reason for the leave of absence is not addressed in the CA, please call the District Office to speak to a release officer for information on other leaves of absence that are available.

EVALUATION

See Articles 35.31 to 35.36 for information on occasional teacher evaluation processes.

APPENDIX A
Education Act
ONTARIO REGULATION 274/12
HIRING PRACTICES

PART 1
GENERAL RULES

Interpretation

1. (1) In this Regulation,

“ETFO” means the Elementary Teachers’ Federation of Ontario; (“FEEO”)

“long-term occasional teachers list” means a list established and maintained by a board in accordance with sections 4, 10 and 16;

“OECTA” means the Ontario English Catholic Teachers’ Association;

“roster of occasional teachers” means any roster of occasional teachers established by a board for the purposes of the Act; (“tableau des enseignants suppléants”)

“weekday” means any Monday, Tuesday, Wednesday, Thursday or Friday that is not a holiday as defined in the *Legislation Act, 2006*. (“jour de semaine”) O. Reg. 274/12, s. 1 (1); O. Reg. 376/15, s. 2; O. Reg. 164/17, s. 1; O. Reg. 411/17, s. 1.

(2) Any assignment or appointment of a person to a teaching position shall be made with due regard for the provision of the best possible program and the safety and well-being of the pupils, as required under Regulation 298 of the Revised Regulations of Ontario, 1990 (Operation of Schools — General) made under the Act, and in accordance with all other requirements set out in that Regulation, including the requirement that any assignment or appointment shall be made in accordance with the qualifications recorded on the teacher’s certificate of qualification and registration. O. Reg. 274/12, s. 1 (2).

(3) Nothing in this Regulation shall be interpreted in a way that interferes with or controls,

(a) the denominational aspects of a Roman Catholic board;

(b) the denominational aspects of a Protestant separate school board; or

(c) the linguistic or cultural aspects of a French-language district school board. O. Reg. 274/12, s. 1 (3).

(4) For the purposes of counting days under this Regulation, two half days shall be equal to one full day. O. Reg. 274/12, s. 1 (4).

Application

1.1 (1) The application of the sections of this Regulation to the hiring of an occasional teacher is determined by the bargaining unit to which the teacher belongs, and in particular,

(a) sections 1 to 3 apply to the hiring of all occasional teachers, subject to section 9;

(b) sections 4 to 8 apply to the hiring of occasional teachers other than occasional teachers in bargaining units represented by OECTA and ETFO, subject to section 9;

(c) sections 10 to 15 apply to the hiring of occasional teachers in bargaining units represented by OECTA; and

(d) sections 16 to 20 apply to the hiring of occasional teachers in bargaining units represented by ETFO. O. Reg. 376/15, s. 3; O. Reg. 164/17, s. 2 (1, 2).

(2) References in sections 4 to 20 to long-term assignments and permanent teaching positions are references to such positions that are to be filled by occasional teachers in bargaining units represented by the relevant bargaining agency. O. Reg. 376/15, s. 3; O. Reg. 164/17, s. 2 (3).

Ranking of occasional teachers

2. For the purposes of this Regulation, occasional teachers of a board shall be ranked in accordance with the following rules:

1. Ranking is based on a teacher’s seniority as an occasional teacher.

2. If two or more teachers have the same seniority, ranking among them shall be based on the number of full days of teaching in schools of the board.

3. If two or more teachers have the same ranking under paragraph 2, ranking among them shall be based on the number of years of experience teaching.

4. If two or more teachers have the same ranking under paragraph 3, ranking among them shall be determined by drawing lots, witnessed by the president of the teachers’ bargaining unit or a person designated in writing by the president. O. Reg. 274/12, s. 2.

Roster of occasional teachers

2. (1) A board shall organize its roster of occasional teachers in decreasing order based on the teachers' ranking under section 2. O. Reg. 274/12, s. 3 (1).
- (2) The board shall include in the roster the following information about each teacher:
 1. The teacher's name.
 2. The day the teacher was most recently placed on the roster.
 3. A summary of the teacher's teaching experience. O. Reg. 274/12, s. 3 (2).
- (3) The board shall post the roster on its website and shall ensure that the roster is updated regularly. O. Reg. 274/12, s. 3 (3).

Long-term occasional teachers list

4. (1) Every board to which this Part applies shall establish and maintain a long-term occasional teachers list. O. Reg. 274/12, s. 4 (1); O. Reg. 376/15, s. 4.
- (2) An occasional teacher may apply to the board to be placed on the list and the board shall grant the teacher an interview if,
 - (a) the teacher has been on the board's roster of occasional teachers for at least 10 months; and
 - (b) the teacher has taught as an occasional teacher in one or more schools of the board for at least 20 full days during a 10-month period that is within the five years immediately preceding the day the application is submitted. O. Reg. 274/12, s. 4 (2); O. Reg. 148/13, s. 1.
- (3) If the person or panel that conducts the interview recommends that the board place the teacher on the list, the board shall do so. O. Reg. 274/12, s. 4 (3).
- (4) The board shall post the list on its website and shall ensure that the list is updated regularly. O. Reg. 274/12, s. 4 (4).

Notice of teaching position

5. A board shall not interview or make an offer to any person to fill a long-term assignment or permanent teaching position unless a notice of the position has been posted on the board's website for at least five weekdays. O. Reg. 274/12, s. 5.

Assignments or appointments to long-term assignments

6. (1) If a board is a party to a written agreement with a bargaining unit, including a collective agreement, that governs the process of offering teaching positions to supernumerary teachers with the board or teachers whose positions with the board have been declared redundant, the board shall not interview or make an offer to any other person to fill a long-term assignment position before completing that process. O. Reg. 274/12, s. 6 (1).
- (2) If a long-term assignment position is not filled under the process referred to in subsection (1), the board shall not interview or make an offer to any other person to fill the position unless an offer has been made to each teacher interviewed in accordance with subsections (3) and (4) and none of them have accepted it. O. Reg. 274/12, s. 6 (2).
- (3) For the purposes of subsection (2), the board shall interview the five teachers from the long-term occasional teachers list who,
 - (a) have the required qualifications for the position;
 - (b) have the highest ranking under section 2; and
 - (c) have agreed to be interviewed. O. Reg. 274/12, s. 6 (3).
- (4) If fewer than five teachers on the list satisfy the criteria set out in clauses (3) (a) and (c), the board is required under subsection (3) to interview only those teachers. O. Reg. 274/12, s. 6 (4).
- (5) If the position is not filled by a teacher interviewed in accordance with subsections (3) and (4), the board shall not interview or make an offer to any other person to fill it before,
 - (a) advertising the position to teachers on the board's long-term occasional teachers list; and
 - (b) interviewing a selection of the teachers from the list who apply for the position and have the required qualifications for the position, and making an offer. O. Reg. 274/12, s. 6 (5).
- (6) If the position is not filled by a teacher interviewed in accordance with subsection (5), the board shall not interview or make an offer to any other person to fill it before,
 - (a) advertising the position to teachers on the board's roster of occasional teachers; and
 - (b) interviewing a selection of the teachers from the roster who apply for the position and have the required qualifications for the position, and making an offer. O. Reg. 274/12, s. 6 (6).

Assignments or appointments to permanent positions

7. (1) If a board is a party to a written agreement with a bargaining unit, including a collective agreement, that governs the process of offering teaching positions to supernumerary teachers with the board or teachers whose positions with the board

have been declared redundant, the board shall not interview or make an offer to any other person to fill a permanent position before completing that process. O. Reg. 274/12, s. 7 (1).

(2) If a permanent position is not filled under the process referred to in subsection (1), the board shall not interview or make an offer to any other person to fill the position unless an offer has been made to each teacher interviewed in accordance with subsections (3) and (4) and none of them have accepted it. O. Reg. 274/12, s. 7 (2).

(3) For the purposes of subsection (2), the board shall interview the five teachers from the long-term occasional teachers list who,

- (a) have completed a long-term assignment in a school of the board that was at least four months long and in respect of which the teacher has not received an unsatisfactory evaluation;
- (b) have the required qualifications for the position;
- (c) have the highest ranking under section 2; and
- (d) have agreed to be interviewed. O. Reg. 274/12, s. 7 (3).

(4) If fewer than five teachers on the list satisfy the criteria set out in clauses (3) (a), (b) and (d), the board is required under subsection (3) to interview only those teachers. O. Reg. 274/12, s. 7 (4).

Rights of unsuccessful candidates

8. If following an interview, a teacher is not placed on the long-term occasional teachers list or appointed or assigned to a long-term assignment or permanent position, the teacher is entitled, on request, to meet with the person or panel that conducted the interview to discuss,

- (a) his or her performance during the interview;
- (b) measures he or she could take to enhance his or her professional qualifications; and
- (c) other ways to improve his or her chance of being successful in a similar interview in the future. O. Reg. 274/12, s. 8.

Exemptions for AEFO teachers

9. This Regulation does not apply with respect to teachers who are in bargaining units represented by l'Association des enseignantes et des enseignants franco-ontariens. O. Reg. 282/16, s. 1.

APPENDIX B

RIGHT TO REFUSE UNSAFE WORK – For Teacher Members Only

Background

The *Occupational Health and Safety Act, 1990* affirmed three important rights for workers:

1. The right to **know** about all hazards in the workplace;
2. The right to **participate** in training and consideration of issues; and
3. The right to **refuse unsafe work**.

How serious is this issue?

Section 43 of the Act provides that:

You may refuse to work where you have "reason to believe" that any equipment, machine, device, thing, or physical condition of the workplace is likely to endanger yourself or another worker.

You do not have to prove it is unsafe – only have "reason to believe".

However, if you are a teacher, Regulation 857 requires that you **must** ensure the safety of students in your care **first**.

Any unsafe conditions of work should be corrected immediately.

No work should endanger anyone's health or safety.

If your concern cannot be corrected immediately using existing resources, you should exercise your legal right to refuse unsafe work.

Often threatening to refuse unsafe work is sufficient to get the problem corrected.

Steps to follow in a work refusal situation

First Stage

1. **Ensure** the safety of your students first.
2. **Report** the circumstances to your "supervisor" (Principal, not a Department Head) and state the following:
"I have already ensured the safety of my students. I have reason to believe that by performing the work which I am required to do, I am likely to endanger a fellow worker or myself. Therefore, I am refusing to do the particular work in question, as permitted by the Occupational Health and Safety Act, for the following reasons ...Please investigate my concerns in the presence of my OSSTF/FEESO member on the Joint Health and Safety Committee".
3. **Remain** in a safe place. The supervisor (Principal), in the presence of your OSSTF/FEESO Health and Safety Officer, will investigate "forthwith" (i.e. without delay).
4. **Return** to work, upon completion of the investigation, if you agree that it is now safe.

Second Stage

After following the steps in the First Stage, if you do **not** agree that it is safe to resume work, proceed with the following steps:

At this stage, you must have **reasonable grounds** to believe the work is **dangerous**. (Reasonable grounds means that you have some objective information that causes you to believe the work is still unsafe).

1. **Remain** in a safe place or accept reasonable alternative work.

2. **Telephone** the Inspector from the local Ministry of Labour office. (Either you, the Principal or your OSSTF/FEESO Health and Safety Officer can do this). Any other worker must be informed of your work refusal, and the reasons for it, in the presence of your OSSTF/FEESO Health and Safety Officer (or their worker representative on the Joint Health and Safety Committee) before they can be given and accept the work under dispute. The Ministry of Labour Inspector will inspect the situation in the presence of your OSSTF/FEESO Health and Safety officer and your presence, if you wish. The Inspector will make a report in writing.
3. You must **return** to work, if the Inspector deems it safe.
4. **Appeal** of the Inspector's decision can be made by any of the parties involved.

Understanding Professional Judgement

Teachers' professional judgements are at the heart of effective assessment, evaluation, and reporting of student achievement. (Growing Success, page 8)

Professional Judgement is defined within this document as:

Judgement that is informed by professional knowledge of curriculum expectations, context, evidence of learning, methods of instruction and assessment, and the criteria and standards that indicate success in student learning. In professional practice, judgement involves a purposeful and systematic thinking process that evolves in terms of accuracy and insight with ongoing reflection and self-correction. (Growing Success, page 152)

This resource has been developed to clarify teachers' understanding about what is and is not "Professional Judgement."

If you are questioned regarding your ability to exercise your Professional Judgement as a classroom teacher, you are advised to consult your Union representative.

The following ARE NOT a matter of Professional Judgement but ARE examples of Professional Duty and/or Responsibility (this is not an exhaustive list):

- abiding by legislation (Health & Safety, Education Act, Copyright, Human Rights, etc.) and regulations
- completing duties assigned (if permitted under the Collective Agreement)
- covering the curriculum expectations
- following the assessment/evaluation guidelines and Growing Success policy
- following board policies and procedures
- following school/department budgets and board spending policies/ guidelines
- following the Standards of Practice as identified by the Ontario College of Teachers (OCT)
- following IEPs and safety plans
- teaching the courses assigned (if qualifications are listed on your Ontario Teaching Certificate)
- completing lesson plans, long-range course planning
- reporting student attendance
- completing report cards (this does not preclude an administrator's decision to change a mark or grant a credit; however, administrators cannot mandate that you change a mark but teachers will be consulted, where possible, if a student's grade/mark/comment is changed)
- participating in parent/teacher interviews
- communicating with students and parents/guardians • proctoring OSSLT or other EQAO tests
- allowing administrators to visit your classroom, announced or unannounced for purposes other than Teacher Performance Appraisal
- attending meetings with administration when requested
- attending staff meetings • participating in IPRCs when requested
- attending meetings for the creation of IEPs and/or safety plans when requested*
- attending/supervising assemblies mandated during the school day
- completing your Annual Learning Plan
- participating in employer directed PD.

The following examples ARE matters of Professional Judgement (this is not an exhaustive list):

- choosing the order and emphasis of specific expectations when delivering the curriculum
- identifying the instructional strategies to deliver the curriculum
- determining the format and content of your lesson plans
- selecting methods for differentiating instruction and assessments for students
- deciding what resources are used to support the curriculum and outcomes and whether or not to use ministry approved textbooks
- choosing the frequency, timing, methods and types of assessment and evaluation used to measure student learning
- determining the method and frequency for providing feedback to students
- determining the method and frequency of communication with parents and students beyond the requirements under the Education Act and its regulations
- determining the format and content of lesson plans/information for occasional teachers
- deciding what format to use and the content of lessons for absent/ suspended students
- choosing what input you provide into the development of IEPs and safety plans*
- determining the information included in a teacher's Annual Learning Plan
- choosing to participate in PD outside of the school day/year.

*Under the Education Act (specifically, the Regulations and Ministry of Education Policies and Program Memoranda) teachers have the right to be included in the development of IEPs and safety plans for students that they work with on an on-going and daily basis.

