

Index

ABSENCE

See BENEFITS; LEAVES

ADMINISTRATORS

Director of education, § 12:6

Discipline, § 12:9, § 12:10

Duty of fairness, § 12:20, § 12:21

General, § 12:1

Performance appraisals of
administrators, § 12:16

professional discipline, § 14:16

Principals and vice-principals

bargaining unit

exclusion from, § 1:1, § 2:18,
§ 3:4, § 6:13, § 7:11,
§ 12:1 to 12:3

right to engage in bargaining
unit work, § 3:17

seniority upon return to
bargaining unit, § 3:17,
§ 6:18, § 12:17

collective bargaining, § 3:4,
§ 12:15

demotions

see PROMOTION, DEMO-
TION AND TRANSFER

duties

appointment, promotion,
demotion and discipline
of teachers, § 12:8

co-instructional activities,
assignment of

see CO-INSTRUCTIONAL
ACTIVITIES

discipline of students, § 12:9,
§ 12:10

evaluation of teachers, § 12:8
performance appraisals,
§ 7:33 to 7:38, § 12:8

ADMINISTRATORS—Cont'd

Principals and vice-principals

—Cont'd

duties—Cont'd

statutory duties and responsi-
bilities, § 12:7

Education Act definitions, § 2:18,
§ 12:5

Education Quality Improvement
Act changes, § 2:18

evaluation of, § 12:16

Ontario College of Teachers

membership, § 2:19,
§ 12:12, § 14:3

Ontario Teachers' Federation

membership, § 12:1

procedural rights upon suspen-
sion or dismissal, § 12:18,
§ 12:22

redundancy, § 12:17

seniority, § 12:17

statutory rights, § 3:17

right to elect to remain a
teacher, § 12:2, § 12:17

terms and conditions of employ-
ment

contracts of employment,
§ 12:15

statutory terms and conditions
of employment, § 12:14

work during strike (under School
Boards and Teachers Collec-
tive Negotiations Act),
§ 3:29

Private schools

see PRIVATE SCHOOLS

duties, § 17:3

Public office holders, § 12:21

Safe Schools Act, 2000, § 12:9,
§ 12:10

ADMINISTRATORS—Cont'd

- Statutory procedural rules, application of, § 12:22
- Supervisory officers
 - bargaining unit membership, § 12:1
 - business supervisory officers, § 12:4, § 12:11
- Education Act definition, § 12:4
- Ontario College of Teachers
 - membership, § 2:19, § 12:11, § 14:3
- Ontario Teachers' Federation
 - membership, § 12:1
- performance appraisal of teachers, § 7:33 to 7:38, § 12:8
- procedural rights upon suspension or dismissal, § 12:18, § 12:22
- redundancy, § 12:17
- regular supervisory officers, § 12:4, § 12:11
- seniority, § 12:17
- statutory duties and responsibilities, § 12:6
- terms and conditions of employment
 - contracts of employment, § 12:15
 - performance contracts, § 12:16
 - statutory terms and conditions of employment, § 12:13
- Termination
 - statutory procedural rules, application of, § 12:22
- Wrongful dismissal
 - limitation period, § 12:19
- Public Authorities Protection Act, application of, § 12:19

AFFILIATES

- See also ONTARIO TEACHERS' FEDERATION (OTF); UNIONS
- Association des enseignants et enseignantes franco-ontariens

AFFILIATES—Cont'd

- (AEFO), APP C, § 3:9
- Elementary Teachers' Federation of Ontario (ETFO), APP C, § 3:9
- Federation of Women Teachers of Ontario (FWTAO), APP C
- replacement with ETFO, § 3:9
- Ontario English Catholic Teachers' Association (OECA), APP C, § 3:9
- Ontario Public School Teachers' Federation (OPSTF)
 - replacement with ETFO, § 3:9
- Ontario Secondary School Teachers' Federation (OSSTF), APP C, § 3:9
- certification system, § 5:2
- Provincial Schools Authority, APP B

ALTERATION OF TERMS AND CONDITIONS OF EMPLOYMENT

- See STATUTORY FREEZE

ARBITRABILITY

- See also ARBITRATION; COLLECTIVE AGREEMENT; COLLECTIVE BARGAINING; GRIEVANCES
- Class size, § 7:7
- Consultation clauses, § 7:10
- Demotions, § 7:18, § 9:20
- Designated teachers, § 13:13, § 13:15
- Discipline
 - non-disciplinary action, § 9:7
 - penalty substitution, § 9:9
- Discretionary management decisions, § 7:24
- Employment-related statutes, § 7:1, § 7:7, § 7:10, § 9:2
- Group benefit plans, § 5:15
- Insured benefits, § 5:15
- Just cause clauses, § 9:1
 - implied just cause, § 9:2

ARBITRABILITY—Cont'd

- Just cause clauses, § 9:1—Cont'd
 - penalty substitution, § 9:9
- Long-term disability benefits, § 5:15
- Management self-help actions, § 5:10
- Performance appraisals, § 7:34
- Portability of benefits, § 5:24
- Probationary teacher discharge, § 9:3
- Procedural fairness, § 9:4
- Reappointments, § 7:18
- Redundancy procedures, § 6:3
- Remedial jurisdiction
 - see REMEDIES
- Salary overpayment, § 5:10
- School board policies, § 7:16
- Statutory obligations, § 7:1, § 9:4
- Tenure, § 18:20 to 18:27
- Term appointments, § 7:17, § 7:18
- Term contracts, § 7:17
- Termination
 - just cause, § 9:4, § 9:8
 - procedural defects, § 9:4, § 9:8
- Transfers, § 9:21

ARBITRATION

- See also ARBITRABILITY; GRIEVANCES
- Community college teachers
 - see COMMUNITY COLLEGES (COLLEGES OF APPLIED ARTS AND TECHNOLOGY)
- Compulsory, § 3:30
- Interest arbitration
 - Back to School Act, 1998
 - see BACK-TO-WORK LEGISLATION
- Jurisdiction
 - exclusive
 - collective agreements, § 9:7, § 12:19
 - school board policies, § 7:16

ARBITRATION—Cont'd

- Jurisdiction—Cont'd
 - statutory class sizes, § 7:7
- Remedial authority
 - see REMEDIES
- University faculty members
 - see UNIVERSITIES
- Workload resolution
 - see COMMUNITY COLLEGES (COLLEGES OF APPLIED ARTS AND TECHNOLOGY)

ASSIGNMENT OF WORK

- See TEACHING ASSIGNMENTS

ASSOCIATION DES

**ENSEIGNANTS ET
ENSEIGNANTES
FRANCO-ONTARIENS
(AEFO)**

- Generally, APP C, § 3:9

BACK-TO-WORK LEGISLATION

- See also STRIKES
- Back to School Act, 1998, § 3:30
- Back to School and Education and Provincial Schools Negotiations Act, 2003, § 3:21, § 3:30, § 4:11, § 4:12
- Instructional time, loss of, § 3:30
- Jeopardy, advisements of, § 3:30

BARGAINING AGENTS

- See UNIONS

BARGAINING UNIT

- Administrative positions
 - Assistant to Superintendent, § 2:14
 - co-ordinator, § 2:12, § 2:14
 - position of responsibility, § 2:14
 - principals, § 2:18, § 3:4, § 12:1, § 12:2
 - supervisory officer, § 3:4, § 12:1
 - vice-principals, § 2:18, § 3:4, § 12:1, § 12:2

BARGAINING UNIT—Cont'd

Bargaining unit work
 see also TEACHING ASSIGNMENTS
 continuing education, § 2:17
 defining teacher status, § 2:11 to 2:18
 jurisdictional disputes, § 10:8
 regular school year, § 2:17, § 4:3
 temporary teachers, § 2:9
 Basis of membership
 by function, § 2:11 to 2:18
 by qualification, § 2:11 to 2:18
 combined bargaining units, § 3:10
 Community colleges
 see COMMUNITY COLLEGES (COLLEGES OF APPLIED ARTS AND TECHNOLOGY)
 District school boards, § 3:7
 Employees excluded
 adjustment counsellors, § 2:14
 chaplains, § 2:15
 occasional teachers, § 2:14, § 3:4, § 10:1, 10:2
 principals
 See ADMINISTRATORS
 psychologists, § 2:12
 psychometrists, § 2:12
 social workers, § 2:12; § 2:14
 supervisory officers
 see ADMINISTRATORS
 support staff, § 2:12
 vice-principals
 see ADMINISTRATORS
 Employees included
 adjustment counsellors, § 2:14; § 2:16
 assistant to superintendent of education, § 2:14
 attendance counsellors, § 2:13
 continuing education teachers, § 2:17
 coordinators, § 2:14

BARGAINING UNIT—Cont'd

Employees included—Cont'd
 Humewood House teachers, § 2:17
 psychologists, § 2:13
 social workers, § 2:13
 Joint bargaining units, § 3:10
 Occasional teachers
 see OCCASIONAL TEACHERS
 Overlapping functions, § 2:14
 Positions, § 16:15 to 16:23
 School authorities, § 3:7
 Scope of unit, § 3:6, § 3:8
 Scope of unit work
 classroom teaching, § 2:11
 community of interest, § 2:16
 functional determination, § 2:11 to 2:18
 general board program, § 2:17
 incumbent qualifications, § 2:16
 integral to teaching program, § 2:11 to 2:18
 non-school instruction, § 2:17
 normal and mandatory board program, § 2:17
 regular school program, § 2:17
 statutory definition of teacher, § 3:4; § 2:11
 Trade union status, § 3:6 to 3:8; § 10:6
 University faculty members
 see UNIVERSITIES
 Work requiring teaching qualifications, § 2:11

BENEFITS

See also LEAVES; SALARY
 “Best salary” for gratuity calculations, § 5:28
 Collective agreement provisions
 entitlement to sick leave credits, § 5:16, § 5:17
 incorporating statutory provisions, § 5:16, § 5:17
 use of sick leave, § 5:19, § 5:20

BENEFITS—Cont'd

Early retirement incentive plans
see RETIREMENT

Employment Insurance Act
pregnancy benefits, § 7:19
summer months, § 7:19

Gratuities
breaks in service, § 5:31
calculations, § 5:27
annual salary, § 5:28
inclusion of COLA payments,
§ 5:28
caps, § 5:29
commuted value, § 5:26
designated teachers, § 13:14,
§ 13:15
eligibility, § 5:25, 5:26
portability, § 5:24; § 5:30
“retirement,” § 5:23 to 5:31
sick credits, § 5:24
years of service, § 5:24, § 5:30

Group benefits plans, § 5:15

Insured benefits, § 5:15

Leaves
see LEAVES

Long-term disability benefits
arbitrability, § 5:15
claiming sick pay, § 5:19
crediting sick leave (historical),
§ 5:17

Portability, § 5:24

Professional development days,
§ 16:20

Retirement gratuity, § 5:23 to 5:31
designated teachers, § 13:14,
§ 13:15

Sick leave and short-term disability
days, § 5:16 to 5:22
accommodated return to work
and (historical), § 5:17
bank, § 5:16, § 5:17, § 5:24
designated teachers, § 13:14
entitlement to, § 5:16 to § 5:19

BENEFITS—Cont'd

Sick leave and short-term disability
days, § 5:16 to 5:22—Cont'd
full-time status as factor in
determining (historical),
§ 5:17
jurisprudence (historical) on use
of sick credits, 5:19.30
jurisprudence (post-2012) on use
of sick leave, 5:19.70
long-term disability (historical),
§ 5:17
maternity/parenting leave, § 5:19,
§ 5:20, § 7:19 to 7:23;
§ 5:17
postpartum period, § 5:20
prorating, § 5:17
retirement gratuity, § 5:17, § 5:23
to 5:31
sick pay, § 5:16 to 5:22
proper use
pregnancy and childbirth,
§ 5:20
proximate cause of absence,
§ 5:20
statutory provisions, § 5:16,
§ 5:24
use of, § 5:19, § 5:20, § 5:22
jurisprudence (post-2012),
5:19.70
jurisprudence (historical) on
use of sick credits,
5:19.30

University faculty members
see UNIVERSITIES

Workplace Safety and Insurance Act
benefits, § 5:22

BOARD OF ARBITRATION

See ARBITRATION

BOARDS OF REFERENCE

Generally, § 1:5, § 9:1

BUMPING

See DISCIPLINE AND DIS-
CHARGE; RECALL

BUMPING—Cont'd

RIGHTS; REDUNDANCY;
SENIORITY

**CANADIAN CHARTER OF
RIGHTS AND FREEDOMS**

See also HUMAN RIGHTS
LEGISLATION

Applicability to school boards,
§ 9:14

Community colleges, § 16:1

Corporal punishment, § 9:11

Denominational rights, § 13:1

Private schools funding, § 17:1

Right to remain silent, § 9:16

School board policies, § 12:20

Section 2

freedom of expression, § 9:14

freedom of religion, § 13:11

Section 7 (right to life, liberty, and
security of the person)

duty of fair representation, § 3:19

religious education, § 13:11

vaccination policies, 7:54

Section 15 (equality rights)

denominational terms and condi-
tions of employment,
§ 13:11

university mandatory retirement,
§ 18:39

Section 23 (minority language
education rights), § 13:1

Teacher training programs,
accreditation of, § 14:5, § 17:9

Universities, § 18:2, § 18:39

Vaccination policies, 7:54

CERTIFICATION

See ONTARIO COLLEGE OF
TEACHERS

**CO-INSTRUCTIONAL
ACTIVITIES**

See also EDUCATION ACCOUNT-
ABILITY ACT, 2000 ("BILL
74"); INSTRUCTIONAL
TIME; VOLUNTARY

CO-INSTRUCTIONAL

ACTIVITIES—Cont'd

TEACHER ACTIVITIES

Board plans, § 4:12

Principals' duties, § 3:24, § 4:12

Report of the Ministry's Advisory
Group on the Provision of Co-
instructional Activities, § 4:12

Revocation of provisions, § 3:24,
§ 4:12

Strike definition, § 3:24, § 4:12

Teachers' duties, § 3:24, § 4:12

COLLECTIVE AGREEMENT

See also COLLECTIVE
BARGAINING; DUTY TO
BARGAIN

Education Act provisions,
paramountcy of, § 3:17

Expiry of
mandatory three-year term,
§ 3:11

statutory freeze, and, § 3:20,
§ 3:27

Precluding access to courts, § 9:7,
§ 12:19

Ratification, § 3:15
tentative agreements, § 3:15
vote requirement, § 3:15

Renewal, § 3:11

School Boards and Teachers Collec-
tive Negotiations Act
see SCHOOL BOARDS AND
TEACHERS COLLECTIVE
NEGOTIATIONS ACT

Statutory context, § 1:5

Statutory provisions, incorporation
of

class size provisions, § 7:7

sick leave provisions, § 5:16

strike provisions, § 3:21

Term of operation, § 3:11

COLLECTIVE BARGAINING

See also COLLECTIVE AGREE-
MENT; DUTY TO
BARGAIN; LABOUR RELA-

COLLECTIVE BARGAINING

—**Cont'd**

TIONS ACT; SCHOOL
BOARDS COLLECTIVE
BARGAINING ACT, 2014
and STATUTORY FREEZE

Bargaining period, § 3:11, § 3:12

Community college teachers
see COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOLOGY)

Consultation clauses, § 7:10

Denominational matters, § 13:9,
§ 13:10

Historical note, § 3:2
provincial discussion tables,
§ 3:3

Joint bargaining, § 3:10

Lockouts
see LOCK-OUTS

Media, role of, § 3:13, § 3:14

Notice to bargain, § 3:11, § 3:12

Part X.1 of the Education Act, § 3:2

Principals and vice-principals
see ADMINISTRATORS

Private school teachers
see PRIVATE SCHOOLS

Ratification of tentative agreements,
§ 3:15

Scope of, § 3:17

Sick leave benefits, § 5:16

Statutory freeze, § 3:20, § 3:27

Strikes
see STRIKES

Two-tier bargaining, impact of,
§ 3:28

Unfair labour practices
see UNFAIR LABOUR PRACTICES

University faculty members
see UNIVERSITIES

COLLEGE OF TEACHERS

See ONTARIO COLLEGE OF
TEACHERS

COMBINED BARGAINING UNIT

See BARGAINING UNIT

**COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOLOGY)**

Academic year, § 16:21

Apprenticeship and Certification
Act, 1998, § 16:20

Arbitration, § 16:13
bargaining process during
see Colleges Collective
Bargaining Act, 2008,
infra

grievance arbitration
see grievance arbitration, infra
workload issues, § 16:20

Canadian Charter of Rights and
Freedoms, application of,
§ 16:1

Collective bargaining
history, § 16:3
workload provisions, § 16:20

Colleges Collective Bargaining Act,
2008

administration and enforcement,
§ 16:4

application of, § 16:2
College Relations Committee
see College Relations Com-
mittee, infra

Ontario Labour Relations
Board, § 16:4

bargaining process, § 16:6 to
16:8

bargaining structure, § 16:5

bargaining unit composition,
§ 16:5

collective bargaining, scope of
pension plan, exclusion of,
§ 16:5

college closure, § 16:7

College Collective Bargaining
Commission, § 16:3

College Relations Committee,
§ 16:4

**COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOLOGY)
—Cont'd**

Colleges Collective Bargaining Act,
2008—Cont'd
 comparison with Labour Rela-
 tions Act, § 16:2, § 16:5,
 § 16:6 to 16:8, § 16:9 to
 § 16:12, § 16:14
 duty of fair representation,
 § 16:4, § 16:10
 post-secondary vs. non-post-sec-
 ondary teaching, § 16:20
 reconsideration power, § 16:12
 religious exemption, § 16:11
 statutory freeze, § 16:8
 strikes and lock-outs, § 16:7
 unfair labour practices, § 16:4,
 § 16:9
 union activity, § 16:9
 unlawful strike or lock-out,
 § 16:4
Colleges of Applied Arts and
 Technology (CAAT) Pension
 Plan, § 16:5
Governance statute, § 16:1
Grievance arbitration
 academic year, § 16:21
 arbitrators' powers, § 16:14
 substitution of penalty, § 16:14
 time limits, § 16:14
bargaining unit issues, § 16:15 to
 16:23
 partial load appointments,
 § 16:17
 scope of bargaining unit,
 § 16:16
 sessional appointments,
 § 16:17, § 16:18
enforceability of awards, § 16:13
expedited arbitration, absence of,
 § 16:14
lay-offs, § 16:23
leave policy, § 16:21
probationary employees, § 16:19

**COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOLOGY)
—Cont'd**

Grievance arbitration—Cont'd
 procedural powers, § 16:14
 salary issues, § 16:22
 vacations, § 16:21
 workload, § 16:20
Lay-offs, § 16:23
Mandate, § 16:1
Pension plan, § 16:5
Probationary employees, § 16:19
Religious leave, § 16:21
Salary, § 16:22
Teachers
 duties, § 16:1
 participation in Ontario Teachers'
 Pension Plan, § 15:9
 qualifications, § 16:1
Vacations, § 16:21
Workload, § 16:20

CONSTITUTION ACT 1867

See DENOMINATIONAL RIGHTS

CONSTITUTION ACT 1982

See CANADIAN CHARTER OF
RIGHTS AND FREEDOMS

CONTINUING EDUCATION

Bargaining unit membership, § 2:1,
 § 2:17, § 2:18
Creditable teaching experience,
 § 5:5
Pink letter cases, § 3:25
Programs, § 2:1, § 5:12
Teacher contracts, § 2:17, § 4:16
Teachers
 bargaining unit membership,
 § 2:17, § 2:18
 duties, § 5:12
 qualifications, § 2:1
 salary, § 4:16, § 5:12
 statutory form of contract, § 2:17

CONTINUING EDUCATION

—Cont'd

Teachers—Cont'd
 teacher status
 see TEACHERS
 working conditions, § 2:17,
 § 4:16
 Terms and conditions of employ-
 ment, § 2:17, § 2:18, § 4:16
 Working year, § 4:16

CONTINUING GRIEVANCES

See GRIEVANCES

CONTRACTS OF EMPLOYMENT

See also TERMS AND CONDI-
 TIONS OF EMPLOYMENT

Administrators, § 12:15
 Collective bargaining and, prior to
 Education Quality Improve-
 ment Act, § 1:5, § 4:1
 Court enforcement of
 administrators, § 12:19
 private school teachers, § 17:7
 Performance contracts, § 12:16
 Principals and vice-principals,
 § 12:15
 Private school teachers and
 administrators
 see PRIVATE SCHOOLS
 Statutory form of, § 2:11 to 2:18
 chaplains, § 2:15
 continuing education, § 2:17
 hybrid test, § 2:14 to § 2:16
 limited to teaching program,
 § 2:11, § 2:12
 nature of position, § 2:14
 non-classroom positions, § 2:12
 to § 2:14
 repeal of, § 1:5, § 2:11, § 4:1
 termination of, § 6:1, § 9:8
 Supervisory officers, § 12:15
 Term contracts, § 7:17
 Wrongful dismissal
 administrators, § 12:19
 private school teachers, § 17:7

CONTRACTS OF EMPLOYMENT

—Cont'd

Wrongful dismissal—Cont'd
 teachers in public system,
 § 12:19

COURTS

See also JUDICIAL REVIEW
 Appeals, § 14:30
 Collective agreement, enforcement
 of, § 9:7, § 12:19
 Contracts of employment
 administrators, § 12:19
 private school teachers, § 17:7
 Designated teachers, § 13:15
 Determining teacher status, § 2:12
 Duty of fairness
 see DUTY OF FAIRNESS
 Duty of fair representation, § 3:19
 Judicial review
 see also JUDICIAL REVIEW
 private school decision-making,
 § 17:10
 terminations and discipline,
 § 12:20
 Limitation periods
 see wrongful dismissal, *infra*
 Prerogative remedies, § 12:20
 Recovery of salary overpayment,
 § 5:10
 Wrongful dismissal
 administrators, § 12:19
 limitation period
 administrators, § 12:19
 private school teachers, § 17:7
 teachers in public system,
 § 12:19

COVID-19

Vaccination policies, 7:54

CULMINATING INCIDENT

See DISCIPLINE AND DIS-
 CHARGE

DECLARATIONS

See REMEDIES

DEMOTIONS

See DISCIPLINE AND DIS-
CHARGE; PROMOTION,
DEMOTION AND
TRANSFER

DENOMINATIONAL CAUSE

See DENOMINATIONAL RIGHTS

DENOMINATIONAL RIGHTS

Boards of Reference, jurisdiction,
§ 13:9

Canadian Charter of Rights and
Freedoms, application of,
§ 13:11

Collective bargaining, § 13:10
scope of, § 13:9

Denominational cause, dismissal
for, § 13:9

Designated teachers

Bill 30, impact of, § 13:14
conscientious objection, § 13:13

designation process, § 13:13
Education Quality Improvement
Act, impact on, § 13:12,
§ 13:15

history, § 13:12
rights of designated teachers,
§ 13:14

Human rights legislation and,
§ 13:8, § 13:10, § 13:16

Non-denominational aspects,
§ 13:7, § 13:10, § 13:16

Other provinces, § 13:2

Preferential hiring and promotion,
§ 13:10, § 13:16

Private school funding, § 17:1

Public funding for Roman Catholic
schools, § 13:12

Religious qualifications, § 13:10

Same-sex relationships, § 13:7

Section 93 of Constitution Act,
1867, § 13:10

Canadian Charter of Rights and
Freedoms, exemption from
review, § 13:1

DENOMINATIONAL RIGHTS

—Cont'd

Section 93 of Constitution Act,
1867, § 13:10—Cont'd
class of persons protected
trustees, distinction with,
§ 13:4

conditions attaching to rights
“by law,” § 13:5

“class of persons” holding
rights, § 13:4

“prejudicially affected,”
§ 13:6

with respect to denominational
schools, § 13:7

functions, § 13:1

history, § 13:1

impact on teachers in
denominational schools,
§ 13:8

implementation in different prov-
inces, § 13:2

Labour Relations Act, § 13:9

language rights, relationship to,
§ 13:4

preference in hiring, § 13:5

public schools, application to,
§ 13:16

scope of guarantee, § 13:3 to
13:7

Terms and conditions of employ-
ment, § 13:8 to 13:11

taxes directed to Catholic
schools, § 13:11

Trustees' powers, § 13:5, § 13:9,
§ 13:16

DEPARTMENT HEADS

See POSITIONS OF ADDED
RESPONSIBILITY

DESIGNATED EARLY CHILDHOOD EDUCATORS

Collective bargaining, § 11:3

Early childhood educators, § 11:2

Full-day kindergarten, § 11:1

**DESIGNATED EARLY
CHILDHOOD EDUCATORS**

—Cont’d

Teachers and designated early child-
hood educators: coordination
and cooperation, § 11:4

DESIGNATED TEACHERS

See DENOMINATIONAL RIGHTS

DISABILITY

See also BENEFITS;
DISCRIMINATION; HUMAN
RIGHTS LEGISLATION

DISCHARGE

See DISCIPLINE AND DIS-
CHARGE

DISCIPLINE AND DISCHARGE

Access to student records, § 9:4

Alteration of grounds

Aerocide principles, § 9:15

conduct discovered post-disci-
pline, § 9:15

conduct prior to performance
review, § 9:15

notice, § 9:15

prior non-disciplined conduct,
§ 9:15

Arbitral review

penalty substitution powers, § 9:9
scope, § 9:9

standard of
grounds, § 9:9 to 9:16, § 9:17,
§ 9:18

penalty, § 9:9, § 9:11

Canadian Charter of Rights and
Freedoms, application of,
§ 12:20

Common law right of summary
dismissal, § 9:8

Community college teachers
see COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOL-
OGY)

DISCIPLINE AND DISCHARGE

—Cont’d

Courts, access to, § 9:7, § 12:18 to
§ 12:21, § 17:7

Denominational cause, § 13:9,
§ 13:10

Disciplinary response

definition, § 9:7

disciplinary letter, § 9:22

indicia

objective

assignment restrictions,
§ 9:14

classification change, § 9:7

culpable conduct, § 9:7

monetary loss, § 9:7

notation in teacher file, § 9:7

punitive impact, § 9:7

school board procedures,
§ 9:7

school board representa-
tions, § 9:7

unsatisfactory work perfor-
mance, § 9:7

subjective

corrective purposes, § 9:7

school board intent, § 9:7

transfers, § 9:21

Duty of fairness, § 9:4, § 12:21

Grounds

alteration of, § 9:15

breach of statutory duties, § 9:9

criminal charges, § 9:17

disobeying principal directives,
§ 9:9, § 9:13

failure to attend for duties,
§ 9:9

fraudulent actions, § 9:9

misrepresentation of qualifica-
tions, § 9:9

profanity, § 9:9

sexual explicitness, § 9:9

breach of work rules, § 9:14

civil disobedience, § 9:9

DISCIPLINE AND DISCHARGE

—Cont'd

Grounds—Cont'd
 content of classroom teachings, § 9:14
 corporal punishment, § 9:11
 criminal charges, § 9:17
 aggravating factors
 sexual offence, § 9:17
 small community, § 9:17
 victim, § 9:17
 violence, § 9:17
 mitigating factors, § 9:17
 community support, § 9:17
 length of service, § 9:17
 medical evidence, § 9:17
 mental state, § 9:17
 past record, § 9:9
 public perception, § 9:17
 rehabilitative potential, § 9:17
 student conduct, § 9:11
 pending criminal proceedings, § 9:17, § 9:18
 prima facie just cause, § 9:17
 statutory duties, § 9:17
 victimless, § 9:17
 disability-related performance problems, § 9:23
 excessive student discipline, § 9:9
 board policies, § 9:11
 Criminal Code standard, § 9:11
 physical force, § 9:11
 strip search of students, § 9:9, § 9:13
 failure to meet board expectations, § 9:15
 imprisonment, § 9:9
 incompetence, § 9:15
 insubordination
 absent without leave, § 9:13
 aggravating factors
 in the presence of parents, § 9:13

DISCIPLINE AND DISCHARGE

—Cont'd

Grounds—Cont'd
 insubordination—Cont'd
 aggravating factors—Cont'd
 in the presence of students, § 9:13
 prior warnings, § 9:13
 public criticism, § 9:13
 violating student's rights, § 9:9, § 9:13
 challenging supervisor's authority, § 9:13
 criticism of superiors or administration, § 9:13
 duty to question superior, § 9:13
 non-cooperation with investigations, § 9:16
 part-time teachers
 professional activity days, § 5:9
 professional disagreement, § 9:13
 refusal to submit to medical examination, § 9:13
 negligent supervision, § 9:9
 non-cooperation with investigations, § 9:16
 off-duty conduct
 criminal offences, § 9:10
 freedom of speech, § 9:14
 professional boundaries, violations of, § 9:16.50
 sexual misconduct involving students
 criminal conviction as prima facie evidence, § 9:12
 evidentiary issues, § 9:12
 standard of proof, § 9:12
 unsatisfactory performance
 appraisal, § 7:35, § 12:8
 work rules, breach of, § 9:14
 Judicial review, § 12:20

DISCIPLINE AND DISCHARGE

—Cont'd

Just cause standard
 absence of just cause provision, § 9:2
 collective agreement clause, § 9:1
 denominational cause, § 13:9, § 13:10
 development of, § 9:1
 implied, § 9:2
 management rights, § 9:2, § 9:7
 prima facie cause, § 9:17
 probationary teachers, § 9:3
 procedural claims
 collective agreement procedures, § 9:4
 violation of board policy, § 9:4
 violation of legislation, § 9:4
 scope of just cause clauses, § 9:7
 standard of teacher conduct, § 9:9
 substantive claims, § 9:4
 Layoff pending criminal proceedings, § 9:18
 Management rights, § 9:2, § 9:7
 Penalties
 demotions
 see PROMOTION, DEMOTION AND TRANSFER
 non-renewal of secondments, § 9:21
 reprimand, § 9:19
 salary freeze, § 9:19
 transfers
 see PROMOTION, DEMOTION AND TRANSFER
 withholding increment, § 9:19
 Pending criminal proceedings
 alternative assignment, § 9:18
 statutory duty, § 9:17, § 9:18
 board civil liability, § 9:18
 employer onus, § 9:18
 lay-off, § 9:18
 paid leave, § 9:18

DISCIPLINE AND DISCHARGE

—Cont'd

Pending criminal proceedings
 —Cont'd
 public relations, § 9:18
 safety, § 9:18
 salary during, § 9:18
 Student Protection Act, 2002, § 9:17, § 9:18
 suspension, § 9:18
 Principals and vice-principals
 see also ADMINISTRATORS
 performance appraisal, § 12:16
 procedural rights, § 12:18, § 12:22
 Private school teachers and administrators
 see PRIVATE SCHOOLS
 Probationary teachers, § 9:3
 Procedural rights
 confidentiality of information in course of College proceedings, § 14:31.50
 duty of fairness, § 9:4, § 12:20
 notice of termination, § 6:1, § 9:8
 principals and vice-principals, § 12:18, § 12:22
 supervisory officers, § 12:18, § 12:22
 technical requirements for termination, § 12:22
 written warning and chance to improve, § 12:8
 Professional discipline
 see ONTARIO COLLEGE OF TEACHERS
 Professional discretion
 disagreement, § 9:13
 freedom of speech, § 9:14
 performance of duties, § 9:13
 Progressive discipline
 culminating incident, § 9:13
 past record, § 9:20
 prior non-discipline conduct, § 9:15

DISCIPLINE AND DISCHARGE

—Cont'd

- Reinstatement, § 9:5
- Standards of conduct
 - high standard of honesty and probity, § 9:9
 - professional boundaries, violations of, § 9:16.50
- Summary dismissal, § 9:8
- Supervisory officers
 - see also ADMINISTRATORS
 - procedural rights, § 12:18, § 12:22
- Suspensions
 - duty of fairness, § 12:21
 - pending criminal proceedings, § 9:18
- Terminations
 - administrators, § 12:18 to 12:22
 - notice of termination, § 6:1, § 9:8
 - private school teachers and administrators, § 17:7
 - teacher-initiated, § 6:1
- Union discipline, internal, § 3:25
- University faculty members
 - see UNIVERSITIES
- Wrongful dismissal actions
 - administrators, § 12:19
 - limitation periods, § 12:19
 - private school teachers, § 17:7
 - teachers in public system, § 12:19

DISCRETION

- See MANAGEMENT RIGHTS

DISCRIMINATION

- See also HUMAN RIGHTS LEGISLATION
- Generally, § 8:7
- Age, § 8:14
 - early retirement plans, § 5:32
- Disability, § 8:8 to 8:10
 - bona fide occupation qualification, § 6:9

DISCRIMINATION—Cont'd

- Disability, § 8:8 to 8:10—Cont'd
 - continuous service definition of seniority, § 6:2
 - mitigation of disciplinary penalty, § 9:23
 - performance-related discharge, § 9:23
- Family status, § 5:31, § 8:15
- Gender, § 8:13
 - continuous service definition of seniority, § 6:2
 - pregnancy leave, § 5:20
 - salary grid categories, § 5:2
 - teaching assignments, § 6:9
- Gender expression and gender identity, § 8:17
- Race, colour, ethnicity and place of origin, § 8:11
- Religion, § 8:18
 - paid leave, § 7:29, § 16:21
 - school holidays, § 7:29
- Sexual orientation, § 8:16

DUE PROCESS

- See DUTY OF FAIRNESS

DUTIES

- See TEACHING DUTIES

DUTY OF FAIRNESS

- Content, § 12:21
- Just cause, relationship to, § 9:4
- Master-servant, § 12:21
- Principals and vice-principals
 - procedural rights upon suspension or dismissal, § 12:18, § 12:21
- Private school teachers, § 17:10
- Public office, § 12:21
- Scope of, § 12:21

DUTY OF FAIR

REPRESENTATION

- Colleges Collective Bargaining Act, 2008, § 16:4, § 16:10
- Labour Relations Act, § 3:5, § 3:19

DUTY OF FAIR

REPRESENTATION—Cont'd

Long-term disability claims, § 5:15
School Boards and Teachers Collective Negotiations Act, § 3:19

DUTY TO ACCOMMODATE

See HUMAN RIGHTS LEGISLATION

DUTY TO BARGAIN

Breach of
adopting inflexible bargaining position, § 3:13
altering terms and conditions of employment, § 3:13, § 3:27
captive audience in-school meetings, § 3:13
direct communication with teachers, § 3:13
discrediting affiliate/union, § 3:13
failure to recommend agreement, § 3:15
joint school board and union responsibility, § 3:13
refusal to meet, § 3:13
refusal to submit to ratification, § 3:15
replacement teachers, hiring of, § 3:13, § 3:29
soliciting teacher financial contributions, § 3:13
staffing changes during negotiations, § 3:13
Challenges
bad faith allegation, § 3:16
grievance, § 3:16
statutory breach, § 3:16
Community colleges
see COMMUNITY COLLEGES (COLLEGES OF APPLIED ARTS AND TECHNOLOGY)
Content of
flexibility, § 3:14
good faith, § 3:12

DUTY TO BARGAIN—Cont'd

Content of—Cont'd
meet and discuss, § 3:14
obligation to discuss tabled issues, § 3:12
process rather than substance, § 3:14
provide information, § 3:14
rational and informed discussion, § 3:14
reasonable availability, § 3:14
reasonable conduct, § 3:12
recognize bargaining agent, § 3:13
Deferral to arbitration, § 3:16
Delay, § 3:14
Education Relations Commission
jurisprudence, § 3:12
remedial power, § 3:12
source of guidance for Ontario Labour Relations Board, § 3:12
Labour Relations Act, § 3:12
Media campaigns, § 3:13, § 3:14
Mutuality of obligations, § 3:14
Notice to bargain, § 3:12
Ratification votes, § 3:15
Remedial power
Education Relations Commission, § 3:12
Ontario Labour Relations Board, § 3:12
School Boards and Teachers Collective Negotiations Act, § 3:12
Scope of bargaining and, § 3:12
Education Quality Improvement Act, impact of, § 3:17
mandatory three-year terms, § 3:11
Statutory terms and conditions of employment, § 3:17
Tentative agreements, § 3:15
Unlawful unilateral employer action
see breach of, *supra*

**EDUCATION ACCOUNTABILITY
ACT, 2000 (“BILL 74”)**

See also **INSTRUCTIONAL TIME**
Generally, § 3:21, § 3:23, § 4:12,
§ 4:17

**EDUCATION QUALITY
IMPROVEMENT ACT
 (“BILL 160”)**

Amendments to Education Act,
§ 1:1, § 3:2
Amendments to Teaching Profes-
sion Act, § 3:9
Bargaining unit membership/scope
of the bargaining unit, § 2:17
Bargaining unit work
non-classroom duties, § 2:18
Designated teachers, § 13:15
Duty to bargain/scope of, § 3:17
Instructional time provision, § 4:1
Occasional teachers, § 10:1, 10:2
Principals and vice-principals,
§ 12:1
transitional issues, § 12:2,
§ 12:17
Scope of the bargaining unit, § 2:18
Sick pay provisions, repeal of,
§ 5:16
Statutory working conditions
changes in, § 4:1
Teachers in non-school settings,
§ 2:17
Teaching, § 2:11

**EDUCATION RELATIONS
COMMISSION**

Advisements of jeopardy, § 3:30,
§ 3:31
Combined bargaining units, § 3:10
Duty to bargain jurisprudence,
§ 3:12 to 3:17, § 3:31
Fact-finding, § 3:14
Information gathering, § 3:14,
§ 3:31
Jeopardy, advisements of, § 3:30,
§ 3:31

**EDUCATION RELATIONS
COMMISSION—Cont’d**

Joint bargaining units, § 3:10
Ontario Labour Relations Board,
guidance for, § 3:12, § 3:14
Remedial powers, § 3:12
School Boards and Teachers Collec-
tive Negotiations Act, role
under, § 3:31
Unfair labour practices, § 3:18,
3:19

**ELEMENTARY TEACHERS’
FEDERATION OF ONTARIO
(ETFO)**

See **AFFILIATES; UNIONS**

EMPLOYEE STATUS

See **TEACHERS**

EMPLOYMENT RECORD

See **DISCIPLINE AND DIS-
CHARGE**

**EMPLOYMENT STANDARDS
ACT, 2000**

See also **WORKING CONDI-
TIONS**
Application to
principals and vice-principals,
§ 12:14
private school teachers, § 17:8
supervisory officers, § 12:13
teachers in public system, § 4:1
Colleges Collective Bargaining Act,
2008, arbitral application
under, § 16:14
Employment standards in Education
Act, § 4:1
Family medical leave, § 7:20
Notice of termination
by employee, § 6:1
by employer, § 6:1
Organ donor leave, § 7:22
Personal emergency leave, § 7:21

**EMPLOYMENT STANDARDS
ACT, 2000—Cont’d**

Pregnancy and parenting leaves
 accumulation of sick leave during, § 5:17, § 7:19
 credits for teaching experience during, § 7:19
 date of commencement of leave, § 7:19
 eligibility period, changes in, § 7:19
 imposition of pregnancy leave, § 7:19
 postpartum period, § 5:20
 right to reinstatement, § 7:19, § 7:23
 seniority and service accrual, § 7:19
 sick leave provisions in collective agreement, relationship to, § 5:20
 teachers in public system, § 4:1
 Private school teachers, § 17:8
 Reservist leave, § 7:22
 Retirement benefits, § 5:32
 Salary overpayments, recover of, § 5:10
 Severance and termination provisions, § 4:1, § 6:1
 Statutory holidays, § 4:1

ETHICS

College of Teachers code of ethics, § 14:3, § 14:10

**EXTRA-CURRICULAR
ACTIVITIES**

See CO-INSTRUCTIONAL
 ACTIVITIES; VOLUNTARY
 TEACHER ACTIVITIES

FACT-FINDING PROCESS

School Boards and Teachers Negotiations Act, under, § 3:14
 repeal of by Education Quality Improvement Act, § 3:14

FAIRNESS

See DUTY OF FAIRNESS

**FEDERATION OF WOMEN
TEACHERS’ ASSOCIATIONS
OF ONTARIO (FWTAO)**

See AFFILIATES; UNIONS

FIXED TERM CONTRACTS

See CONTRACTS OF EMPLOYMENT

FREEDOM OF SPEECH

Generally, § 3:18, § 9:14

FREEZE

See STATUTORY FREEZE

GRIEVANCE ARBITRATION

See ARBITRABILITY; ARBITRATION; GRIEVANCES

GRIEVANCES

See also ARBITRABILITY;
 ARBITRATION

Community college teachers
 see COMMUNITY COLLEGES
 (COLLEGES OF APPLIED
 ARTS AND TECHNOLOGY)

Confidentiality of information in
 course of College proceedings,
 § 14:31.50

Continuing
 grid placement, § 5:11
 remedy, § 5:10
 salary rates and payments, § 5:10
 timeliness, § 5:10

Estoppel
 statutory requirements, non-application to, § 12:8

Probationary teachers, § 9:3

University faculty members
 see UNIVERSITIES

**GROUND OF
DISCRIMINATION AND
HARASSMENT**

Discipline
 mitigation of penalty, § 9:23

GROUND OF

DISCRIMINATION AND HARASSMENT—Cont'd

Discrimination

absence from work, § 9:4

bona fide occupational require-
ment, § 6:9

continuous service definition of
seniority, § 6:2

Duty to accommodate

accommodations, § 8:9

mental disability, § 9:23

procedural requirements, § 8:10

statutory framework, § 8:8

use of sick leave, § 5:21

Long-term disability benefits

see BENEFITS

Sick leave

see BENEFITS

Workplace Safety and Insurance Act benefits

see BENEFITS

HEALTH AND SAFETY

See OCCUPATIONAL HEALTH
AND SAFETY ACT

HIRING

See CONTRACTS OF EMPLOY-
MENT; MANAGEMENT
RIGHTS

HOURS OF WORK

See WORKING CONDITIONS

HUMAN RIGHTS LEGISLATION

See also CANADIAN CHARTER
OF RIGHTS AND
FREEDOMS; DISCRIMINA-
TION

Generally, § 8:7

Age, § 8:14

early retirement incentive plans,
§ 5:32

Application of

arbitrators, § 16:14

HUMAN RIGHTS LEGISLATION

—Cont'd

Application of—Cont'd

denominational matters, § 13:10,
§ 13:16

management rights, § 7:10

Application to school boards, § 8:7

Bona fide occupational qualification
disability, § 6:9, § 9:23, § 16:20

religious observance and prac-
tices, § 13:8, § 13:10,
§ 13:16, § 17:9

sex, § 6:9

Denominational rights, § 13:8,
§ 13:16

Designated teachers, § 13:14

Disability, § 6:9, § 8:8 to 8:10,
§ 9:4

mental disability, § 9:23

Duty to accommodate

disability

accommodations, § 8:9

mental disability, § 9:23

procedural requirements,
§ 8:10

statutory framework, § 8:8

use of sick leave, § 5:21

pregnant teachers, § 7:19

religious leaves, § 7:29, § 16:21

Entitlements, occasional teachers,
§ 10:12

Family status, § 8:15

Gender, § 8:13

teaching assignments, § 6:9

Gender expression and gender
identity, § 8:17

Pregnancy

prorated experience, § 5:6

prorated sick credits (historical),
§ 5:17

sick pay, § 5:20

Private schools

accreditation by public bodies,
§ 14:5, § 17:9

HUMAN RIGHTS LEGISLATION—Cont'd

- Private schools—Cont'd
 - preferential hiring based on religion, § 17:9
 - public funding of, § 17:1
 - religious codes of conduct, § 17:9
- Race, colour, ethnicity and place of origin, § 8:11
 - burden of proof, § 8:11
 - ministry initiated review, § 8:12
- Religion, § 8:18
 - bona fide occupational qualification, § 13:8, § 13:10, § 13:16, § 17:9
 - leave policy, § 16:21
- Sexual orientation, § 8:16

ILLEGAL STRIKE

- See STRIKES

ILLNESS

- See BENEFITS; DISCRIMINATION; GROUNDS OF DISCRIMINATION AND HARASSMENT; HUMAN RIGHTS LEGISLATION

INDIVIDUAL CONTRACTS OF EMPLOYMENT

- See CONTRACTS OF EMPLOYMENT

INSTRUCTIONAL TIME

- See also CO-INSTRUCTIONAL ACTIVITIES; VOLUNTARY TEACHER ACTIVITIES; WORKING CONDITIONS
- Back-to-work legislation, § 3:30
- Co-instructional activities, § 3:24, § 4:12
- Credit course, § 3:24
- Education Accountability Act, 2000, § 1:1, § 3:24, § 4:12
- Education Quality Improvement Act changes, § 4:17
- Instructional program/day, § 4:9

INSTRUCTIONAL TIME—Cont'd

- “Instruction to pupils,” § 4:9
- Loss of, during strike, § 3:30
- Statutory minimum, § 4:9, § 4:17, 4:18
- Statutory provisions
 - Education Quality Improvement Act, § 4:17
 - O. Reg. 274/01, § 4:17
 - Stability and Excellence in Education Act, 2001, § 4:17
- Supervision, § 4:13
 - lunch break, § 4:14
- Travel time, § 4:9, § 4:10
- Voluntary teacher activities
 - see CO-INSTRUCTIONAL ACTIVITIES; VOLUNTARY TEACHER ACTIVITIES

INSUBORDINATION

- See DISCIPLINE AND DISCHARGE

INTEREST ARBITRATION

- See ARBITRATION; BACK-TO-WORK LEGISLATION

JEOPARDY

- See also STRIKES
- Advisements of, § 3:30, § 3:31

JOB CLASSIFICATION

- See MANAGEMENT RIGHTS; POSITIONS OF ADDED RESPONSIBILITY; PROMOTION, DEMOTION AND TRANSFER; TEACHING ASSIGNMENTS; TEACHING DUTIES

JOB POSTING

- See also MANAGEMENT RIGHTS; POSITIONS OF ADDED RESPONSIBILITY; PROMOTION, DEMOTION AND TRANSFER; RECALL RIGHTS; SENIORITY

JOB POSTING—Cont'd

- Criteria
 - internal preference, § 7:14
 - interview, § 7:13
 - qualifications, § 7:13
 - seniority, § 7:13
 - vacancy, § 7:13
- Management discretion
 - fetters
 - posting provisions, § 7:13
 - reasonable weighing of all factors, § 7:14
 - first consideration, § 7:14
 - school disruption, § 7:14
- New position, § 6:15, § 7:15
- Positions of added responsibility, § 6:15, § 7:15

JOB SECURITY

- See DISCIPLINE AND DISCHARGE; POSITIONS OF ADDED RESPONSIBILITY; PROMOTION, DEMOTION AND TRANSFER; SENIORITY; TENURE

JOINT BARGAINING UNIT

- See BARGAINING UNIT

JUDICIAL REVIEW

- Accreditation of teacher training programs, § 17:9
- Availability as remedy, § 12:20
- Canadian Charter of Rights and Freedoms, violations of, § 12:20, § 17:9
- Duty of fairness, see also DUTY OF FAIRNESS
 - administrators, § 12:20, § 12:21
 - private school decision-making, § 17:10
- Ontario College of Teachers committee decisions, § 14:30
- Statutory rights, violations of, § 12:20
- Technical requirements of termination, § 12:22

JUDICIAL REVIEW—Cont'd

- University decision-making
 - see UNIVERSITIES

JURISDICTIONAL DISPUTES

- Generally, § 3:9

JUST CAUSE

- See DISCIPLINE AND DISCHARGE; MANAGEMENT RIGHTS

LABOUR RELATIONS ACT

- See also COLLECTIVE BARGAINING; SCHOOL BOARDS AND TEACHERS COLLECTIVE NEGOTIATIONS ACT
- Bargaining unit determination, § 3:5
- Certification and decertification procedures, § 3:5
- Community college teachers, non-application to
 - see COMMUNITY COLLEGES (COLLEGES OF APPLIED ARTS AND TECHNOLOGY)
- Duty of fair representation, § 3:5, § 3:19
- Duty to bargain, § 3:12
- Joint bargaining, § 3:10
- Jurisdictional disputes, § 3:9, § 10:8
- Lockouts, § 3:26
- Majoritarian principle, § 3:9
- Mandatory three-year term, § 3:11
- Notice to bargain, § 3:11
- Ontario Labour Relations Board
 - jurisprudence regarding non-classroom positions, § 2:13, § 2:17
 - pink letter cases, § 3:25
 - remedial powers, § 3:12
- Principals and vice-principals, non-application to, § 12:1
- Private school teachers, § 17:6

LABOUR RELATIONS ACT

—Cont'd

- Ratification of tentative agreements,
§ 3:15
- Related employer provisions, § 3:5
- Remedies, § 3:12
- Statutory freeze, § 3:27
- Strikes
 - see STRIKES
- Successor rights provisions, § 3:5
- Tentative agreements, ratification
of, § 3:15
- Unfair labour practices
 - see UNFAIR LABOUR PRAC-
TICES
- Union messages, § 3:18
- Work assignment, § 3:9

LABOUR RELATIONS BOARD

See LABOUR RELATIONS ACT

LAY-OFF

See DISCIPLINE AND DIS-
CHARGE; RECALL
RIGHTS; REDUNDANCY

LEAVES

- See also BENEFITS; MANAGE-
MENT RIGHTS; WORKING
CONDITIONS
- “Annual salary,” § 5:28
- Collective agreement provisions
incorporating statutory provi-
sions, § 5:16, § 7:19
- Discretionary
 - advisory committee, § 7:24,
§ 7:25
 - management exercise of discre-
tion, § 7:24
 - management onus of explanation,
§ 7:24
 - remedies for refusal
 - compensation, § 7:27
 - order granting leave, § 7:27
 - reconsideration, § 7:27
- Effect on New Teacher Induction
Program, § 7:40

LEAVES—Cont'd

- Effect on performance appraisal,
§ 7:34
- Experience increments, § 5:6
- Family medical, § 7:20
- Four over five plans, § 7:28
- Limitations on number of leaves,
§ 7:31
- Long-term disability
 - see BENEFITS
- Personal, § 7:26
- Personal emergency, § 7:21
- Pregnancy/parenting, § 7:19 to 7:23
 - accommodation, § 5:31
 - “annual salary,” § 5:28
 - commencement date, § 7:19
 - duty to accommodate, § 7:19
 - eligibility, § 7:19, § 7:23
 - Employment Standards Act, 2000
provisions, § 7:19
 - experience increments, § 5:6
 - gratuities, § 5:28
 - imposed, § 7:19
 - Ontario Teachers’ Pension Plan,
purchase of credited service
for, § 15:27, § 15:29
 - postpartum period, § 5:20
 - pregnancy-related illness, § 5:20
 - reinstatement following, § 7:19,
§ 7:23
 - retirement gratuities, § 5:28
 - sick leave, § 5:22
 - sick pay, § 5:20
 - summer months, § 7:19
- Religious, § 7:29, § 16:21
- Reservist, § 7:22
- Sabbatical, § 7:24, § 7:25
- School board discretion
 - finances as relevant
consideration, § 7:25
 - purpose of leave, § 7:26
- Secondments
 - New Teacher Induction Program
and, § 7:40

LEAVES—Cont'd

- Secondments—Cont'd
 - performance appraisal during,
§ 7:34
 - unilateral changes to, § 7:25
- Self-funded, § 7:28
- undertakings, § 7:28
- Seniority calculation, § 6:2
- Short-term paid leaves, § 5:19,
§ 5:20
- Sick leave
 - see BENEFITS
- Special leave, § 7:31
- Statutory, benefits during, § 7:32
- Timing, § 7:28
- Union leave, § 7:30
- University faculty members
 - see UNIVERSITIES
- Weather conditions, § 7:26
- Without permission, § 9:13
- Workplace Safety and Insurance
Act-related
 - top-up through sick leave, § 5:22

LETTERS OF PERMISSION

- See also QUALIFICATIONS
- Generally, § 2:9

LETTERS OF STANDING

- Grand-parenting of, § 2:7

LOCK-OUTS

- See also STRIKES
- Colleges Collective Bargaining Act,
2008
 - see COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOL-
OGY)
- Labour Relations Act, § 3:26
- School closures, § 3:26
- Two-tier bargaining, impact of,
§ 3:28

LONG-TERM DISABILITY

- See BENEFITS

MANAGEMENT RIGHTS

- See also SCHOOL BOARDS
- Arbitral deference to, § 9:7
- Bargaining agent authority, § 3:13
- Common law dismissal
 - see DISCIPLINE AND DIS-
CHARGE
- Community colleges
 - see COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOL-
OGY)
- COVID-19, 7:54
- Discretion
 - administrative reassignment,
§ 10:4
 - assign, appoint, transfer teachers,
§ 7:13, § 9:7
 - appointing unqualified
candidates, § 6:5, § 10:11
 - at pleasure appointments, § 9:7
 - determine required qualifica-
tions, § 6:5
 - outside of school year, § 4:6
 - paper transfers, § 10:4
 - recall assignments, § 6:10
 - redundancy in positions of
added responsibility,
§ 6:14
 - term appointments, § 7:18
- assign work, § 10:8
- declarations of redundancy, § 6:3,
§ 6:14
- early retirement incentive plans,
§ 5:32
- establish length of school year,
§ 4:3
- hiring occasional teachers, § 10:8
to § 10:10
- leaves of absence, § 7:24 to 7:27
- positions of added responsibility
appointments, § 7:15
- creation, § 7:15
- elimination, § 6:15
- restructuring, § 6:15

MANAGEMENT RIGHTS

—Cont'd

- Discretion—Cont'd
 - program levels, § 6:3
 - re-timetabling, § 6:6
 - salary, § 5:3 to 5:5
 - withholding salary increments, § 9:19
 - school calendar, § 4:3
 - staffing, § 6:3, § 6:13, § 7:9
 - standards for exercising
 - arbitrary, discriminatory, bad faith, § 5:4, § 7:24
 - context of collective agreement as a whole, § 7:24
 - evidentiary onus, § 7:24
 - reasonableness, § 6:10, § 7:24
 - regard to relevant considerations, § 7:24
- Fetters
 - consultation, § 7:10
 - duty of fairness
 - see DUTY OF FAIRNESS
 - duty to bargain
 - see DUTY TO BARGAIN
 - duty to provide reasons, § 5:4, § 5:32, § 6:14
 - job posting provisions, § 7:13
 - criteria in posting, § 7:13
 - just cause clauses, § 9:2, § 9:4
 - implied just cause, § 9:2
 - preparation time, § 4:15
 - procedural fairness
 - see DUTY OF FAIRNESS
 - procedural requirements, § 6:3, § 7:16, § 7:25, § 9:19, § 12:18, § 12:22
 - reasonableness, § 7:18
 - redundancy clauses, § 6:3
 - school board policies, § 5:32, § 9:4
 - seniority provisions, § 6:3 to 6:7, § 6:14
 - statutory, § 2:17, § 5:10, § 7:10, § 7:15, § 7:23, § 12:14

MANAGEMENT RIGHTS

—Cont'd

- Lawful unilateral action
 - following statutory freeze, § 3:27
- Reserved rights
 - staffing, § 6:3, § 7:8, § 7:9, § 9:7
- Restricting teacher freedom of speech, § 9:14
- Statutory
 - see SCHOOL BOARDS
- Unilateral salary deductions, § 5:10
- Unlawful unilateral action
 - altering terms and conditions of employment, § 3:13, § 3:27, § 5:15, § 7:25
 - captive audience in-school meetings, § 3:13
 - direct communication with teachers, § 3:13
 - half from full-time assignment, § 6:8
 - hiring replacement workers, § 3:13, § 3:29
 - retroactive designation of professional activity days, § 4:3
 - soliciting teacher financial contributions, § 3:13
 - teacher timetable reduction, § 6:8
- Vaccination policies, 7:54
- Work rules, § 3:22
 - requirement of clear articulation, § 9:14

MATERNITY LEAVE

See LEAVES

MINISTER OF EDUCATION

- Approval
 - outline of professional activity days, § 4:4
 - school calendar, § 4:3
- Consent
 - administrative responsibilities, § 15:44
 - joint governance, § 15:1, § 15:2
 - to dismiss summarily, § 9:8

MINISTER OF EDUCATION

—Cont’d

- Private schools, inspection of,
§ 17:2
- Professional learning, regulation of,
§ 14:32

NATURAL JUSTICE

- See DUTY OF FAIRNESS

NEGOTIATIONS

- See COLLECTIVE BARGAINING; DUTY TO BARGAIN

NEW TEACHER INDUCTION PROGRAMS

- Generally, § 2:3, § 7:39 to 7:46
- Amendments to, § 7:41
- Completion of, § 7:41
- Extensions of new teaching period,
§ 7:40
- Leaves and, § 7:40
- Mentoring, § 7:41
- New teacher, § 7:40
- New teaching period, § 7:40
- Occasional teachers, § 7:40
- Orientation, § 7:41
- Participation mandatory, § 7:41
- Performance appraisals during,
§ 7:41, § 7:42
 - competencies, § 7:46
 - development needed, § 7:46
 - enrichment plan, § 7:45, § 7:46
 - extension of evaluation period,
§ 7:43
 - frequency, § 7:43
 - improvement plan, § 7:45, § 7:46
 - information to new employers,
§ 7:46
 - interim suspension, § 7:45
 - leaves and, § 7:43
 - move to regular evaluation cycle,
§ 7:44
 - not unsatisfactory, § 7:45
 - parent/pupil input, § 7:46
 - principal’s obligations, § 7:45

NEW TEACHER INDUCTION PROGRAMS—Cont’d

- Performance appraisals during,
§ 7:41, § 7:42—Cont’d
 - ratings, § 7:44 to § 7:46
 - recommendation for termination,
§ 7:45
 - review status, § 7:45
 - satisfactory, § 7:44, § 7:46
 - transfer to different school board
and, § 7:46
- Professional development and training, § 7:41
- transfers during, § 7:40

NIGHT SCHOOL

- See CONTINUING EDUCATION

OCCASIONAL TEACHERS

- As “teachers,” § 10:1, 10:2
- Collective bargaining, § 3:4, § 10:1,
10:2, § 10:6
 - bargaining agents, § 10:6
 - bargaining unit, § 10:1, 10:2,
§ 10:6
 - bargaining unit work
 - coverage of absent teachers,
§ 10:8
 - jurisdictional disputes,
§ 10:8
 - management discretion,
§ 10:8, § 10:9
 - redundant contract teachers,
§ 10:8
 - right to work, § 10:9
 - casual and long-term, § 10:1,
10:2
 - dual status teachers, § 10:7
 - conflicts with regular teachers,
§ 10:6
- Labour Relations Act, § 3:4,
§ 10:6
- School Boards and Teachers Collective Negotiations Act,
§ 10:1, 10:2
- Creditable “teaching experience,”
§ 5:4

OCCASIONAL TEACHERS

—Cont'd

- Deemed permanent, § 10:5
- Defined, § 10:1, 10:2
- Dual contract status, § 10:7
- Duration of substitution, § 10:3, § 10:5
 - duration of absence, § 10:5
 - duration of engagement, § 10:5
 - permanent versus temporary absence, § 10:3, § 10:4
 - serial engagements, § 10:5
 - vacancy of indeterminate duration, § 10:5
- Education Quality Improvement Act changes, § 10:1, 10:2, § 10:3 to 10:5
- Fixed term contracts, § 7:17
- Human rights entitlements, § 10:12
- Job security issues, § 10:10
- Jurisdictional disputes, § 10:8
- Long-term occasional teachers, § 10:2
- Management discretion, § 10:8, § 10:9
- Nature of substitution, § 10:3, § 10:4
 - death, § 10:3, § 10:4
 - permanent versus temporary absence, § 10:3, § 10:4
 - regular duties, § 10:3, § 10:4
 - secondment, § 10:4
 - temporary transfers, § 10:4
 - paper transfers, § 10:4
 - series of transfers, § 10:4
 - to another teaching assignment, § 10:4
 - to positions of added responsibility, § 10:4
 - triggering event, § 10:4
 - vacancy, § 10:4
- Occasional teacher lists, § 10:6, § 10:10
- On-call teachers, use of, § 10:9

OCCASIONAL TEACHERS

—Cont'd

- Ontario Teachers' Federation membership, § 10:1, 10:2
- Ontario Teachers' Pension Plan, participation in, § 15:5
- Paper transfers, § 10:4
- Qualifications, § 10:11
 - emergency appointments, § 10:11
- Rosters of occasional teachers, § 10:6, § 10:10
- Salary, § 10:1, 10:2
- Statutory form of contract, § 10:1, 10:2
- Summer months, assignments spanning, § 10:3
- Temporal conditions, § 10:5
- Term contracts, § 7:17
- Vacancies of indeterminate duration, § 10:5

OCCUPATIONAL HEALTH AND SAFETY ACT

- Application
 - to School Boards and Education Workers, § 7:47
- Bill 168, § 7:51
- Internal responsibility: Joint Health and Safety Committees, § 7:48
- Redress, § 7:49
- Workplace harassment, § 7:52
- Workplace violence, § 7:51
- Work refusals, § 7:53

ON-CALL PERIODS

- See INSTRUCTIONAL TIME; WORKING CONDITIONS

ONTARIO COLLEGE OF TEACHERS

- Accountability, § 14:31
- Accreditation committee, § 14:5
- Accreditation of teacher training programs, § 14:5, § 17:9
- Canadian Charter of Rights and Freedoms, consideration of, § 17:9

**ONTARIO COLLEGE OF
TEACHERS—Cont'd**

Accreditation of teacher training programs, § 14:5, § 17:9
—Cont'd
judicial review of, § 14:5, § 17:9
Alternative Dispute Resolution (ADR) Program, § 14:13
Appeals, § 14:30
College Council, § 14:2
Confidentiality of information in course of proceedings, § 14:31.50
Discipline committee, § 14:15 to 14:24
confidentiality of information in course of proceedings, § 14:31.50
decisions, § 14:16
overview, § 14:15
penalties, § 14:17
assessment, § 14:24
counselling, § 14:23
embarrassment, § 14:21
humiliation, § 14:21
isolated nature, § 14:22
medical issues, § 14:19
pornography, possession, § 14:18
remedial steps, § 14:20
remorse, § 14:20
technology, misuse, § 14:18
Emergency appointments, § 2:9
Ethical Standards for the Teaching Profession, § 14:10
Code of Ethics for Ontario College of Teachers, § 14:3, § 14:10
Fines, § 14:15
Fitness to practise committee, § 14:25
Functions, § 14:2
Governance, § 14:3
Incapacity, § 14:12
Incompetence, § 14:11

**ONTARIO COLLEGE OF
TEACHERS—Cont'd**

Interim suspensions, § 14:28
Investigation committee, § 14:14
Jurisdiction over members, § 14:4
Letters of eligibility, § 2:7
Membership, § 2:1, § 2:2, § 14:4
English/French proficiency test, § 2:7
non-teaching positions, § 2:19
principals and vice-principals, § 2:19
private school teachers, § 17:4
qualifying test, § 2:3
recertification, § 14:32
supervisory officers, § 2:19
Performance appraisals resulting in termination, § 7:35
Principals and vice-principals
membership, § 2:19
qualifications, § 12:12
Privacy, § 14:31
Private school teachers, § 17:2, § 17:4
Procedures, § 14:13
Professional learning, § 14:32
Professional misconduct, § 14:10, § 14:26, § 14:31
administrators, § 14:16
confidentiality of information in course of proceedings, § 14:31.50
criminal charges/convictions, § 14:16, § 14:31
professional discipline, § 14:16
reporting requirements, board duty, § 14:31
sexual abuse, definition, § 14:26, § 14:31
Professional standards, enforcement of, § 14:9
Qualifications, § 14:3
Recertification, mandatory, § 14:32
Registration, § 2:2, § 2:10, § 14:6 to 14:8
Register, § 14:8

**ONTARIO COLLEGE OF
TEACHERS—Cont'd**

Registration, § 2:2, § 2:10, § 14:6
to 14:8—Cont'd
Registrar, § 14:6, § 14:27
Registration Appeals Committee,
§ 14:6, § 14:7
regulations, § 14:6
suspension/cancellation of certifi-
cate, § 14:28
Reinstatement and variation,
§ 14:29
Removal/modification of certificate
terms
participation in Ontario Teachers'
Pension Plan, effect on,
§ 15:4
Retrospectivity, § 14:4, § 14:30
Stability and Excellence in Educa-
tion Act, 2001, § 14:32
Standards of Practice for the Teach-
ing Profession, § 14:10
Student Protection Act, 2002,
§ 14:26, § 14:31
Supervisory officers
membership, § 2:19
qualifications, § 12:11
Teachers from outside Ontario,
§ 2:7
Unqualified teachers, § 2:9

**ONTARIO ENGLISH CATHOLIC
TEACHERS' ASSOCIATION
(OECTA)**

Generally, APP C, § 3:9

**ONTARIO PUBLIC SCHOOL
TEACHERS' ASSOCIATION
(OPSTF)**

Generally, § 3:9

**ONTARIO SECONDARY
SCHOOL TEACHERS'
FEDERATION (OSSTF)**

See AFFILIATES; UNIONS

**ONTARIO TEACHERS'
FEDERATION (OTF)**

Affiliate membership (prior to
Education Quality Improve-

**ONTARIO TEACHERS'
FEDERATION (OTF)—Cont'd**

ment Act), APP C, § 3:9
By-law I, APP C, APP E, § 3:9
By-law X, APP C
Exclusions
principals and vice-principals,
§ 12:1
supervisory officers, § 12:1
Occasional teachers, § 10:1, 10:2
Ontario Teachers' Pension Plan
administrative responsibilities,
§ 15:44
joint governance of, § 15:1,
§ 15:2
Principals and vice-principals,
§ 12:1
Supervisory officers, § 12:1

**ONTARIO TEACHERS' PENSION
PLAN**

Absences, § 15:27, § 15:30
Active membership
see participation in the plan, *infra*
Administration of the plan, § 15:44
Board powers and responsibili-
ties, § 15:44
Amendments to the plan, § 15:1,
§ 15:2
Appeal of decisions, § 15:44
Benefits Adjudication Commit-
tee, § 15:44
judicial review of Board deci-
sions, § 15:44
Break in service, § 15:27, § 15:28
conditions, § 15:30
Community college teachers,
participation of, § 15:9
Contributions, § 15:11 to 15:24
active members employed in
education, § 15:13
active members on long-term
income protection, § 15:16
active members on pregnancy or
paternal leave, § 15:18 to
15:20

**ONTARIO TEACHERS' PENSION
PLAN—Cont'd**

Contributions, § 15:11 to 15:24

—Cont'd

active members receiving
Workplace Safety and Insur-
ance Act loss of earnings
benefits, § 15:19

employer obligation to remit,
§ 15:13, § 15:16, § 15:18 to
15:20

members on legal strike or lock-
out, § 15:22

members participating in deferred
salary leave plan, § 15:21

re-employed pensioners, § 15:23

Credited service, § 15:11 to 15:24

active members employed in
education, § 15:14

active members on long-term
income protection, § 15:17

active members on pregnancy or
paternal leave, § 15:18 to
15:20

active members receiving
Workplace Safety and Insur-
ance Act loss of earnings
benefits, § 15:20

members on legal strike or lock-
out, § 15:22

members participating in deferred
salary leave plan, § 15:21

Death benefit, § 15:41

Designated private schools and
organizations, § 15:6

Disability pensions, § 15:40

application deadline, § 15:40

benefits, level of, § 15:40

criteria, § 15:40

resumption of employment,
§ 15:40

Employer-approved leave, § 15:27,
§ 15:29

Governance of plan, § 15:1, § 15:2

Legal framework, § 15:2

**ONTARIO TEACHERS' PENSION
PLAN—Cont'd**

Membership

private school teachers, § 17:5

Occasional teachers, § 15:5

Participation in the plan, § 15:1
community college teachers,
§ 15:9

criteria, § 15:3 to 15:10

employment in education,
§ 15:3 to 15:10

qualification as a teacher,
§ 15:3 to 15:10

members employed by faculty of
education at an Ontario
university, § 15:8, § 15:9

occasional teachers, § 15:5

persons on long term income
protection benefits, § 15:7

persons receiving Workplace
Safety and Insurance Act
loss of earnings benefits,
§ 15:18 to 15:20

persons re-employed after retire-
ment, § 15:10

teachers in designated private
schools and organizations,
§ 15:6, § 17:5

Payments upon termination of plan
membership, § 15:43

Pensionable salary, § 15:12

active members employed in
education, § 15:12

active members on long-term
income protection, § 15:15

active members on pregnancy or
paternal leave, § 15:18 to
15:20

active members receiving
Workplace Safety and Insur-
ance Act loss of earnings
benefits, § 15:12, § 15:18

members on legal strike or lock-
out, § 15:22

members participating in deferred
salary leave plan, § 15:21

ONTARIO TEACHERS' PENSION PLAN—Cont'd

Private school teachers, § 15:6, § 17:5

Purchase of credited service, § 15:26 to 15:34

absences, § 15:27, § 15:30

conditions, § 15:30

breaks in service, § 15:27, § 15:28

employer-approved leave, § 15:27, § 15:29

conditions, § 15:30

legal strike or lock-out, § 15:31

member who receives contributions refund, § 15:32

member who transfer commuted value of pension to another plan, § 15:32

other employment, irrespective of, § 15:33

reciprocal agreements, § 15:34

religious holidays, § 15:30

Qualifying service, § 15:25

Re-employed pensioners, § 15:23

Re-employment after retirement, § 15:10

Refunds for errors, § 15:42

Refunds for overpayments, § 15:42

Retirement pensions, § 15:35 to 15:39

after re-employment, § 15:39

benefits, level of, § 15:38

general, § 15:35 to 15:39

reduced pensions, § 15:37

unreduced pensions, § 15:36

“Spouse,” definition of, § 15:41

Survivor benefits, § 15:41

PART-TIME TEACHERS

“Annual salary” of, § 5:28

Continuing education

see CONTINUING EDUCATION

Occasional work, § 10:7

Probationary period for, § 6:16

PART-TIME TEACHERS—Cont'd

Prorating

Early Retirement Incentive Plans (ERIP), § 5:32

experience, § 5:6, § 5:30

responsibility allowance, § 5:13

seniority credit, § 6:2 § 6:8

sick credits (historical), § 5:17

years of service, § 5:30

Redundancy, § 6:8

Retirement gratuity calculation, § 5:28

Salary

calculation

non-instructional assignments and, § 5:9

professional activity days, § 5:9

experience increments, § 5:6

grid movement, § 5:6

sick credits (historical), § 5:17

PAY EQUITY

See SALARY

PENSION PLAN

See ONTARIO TEACHERS' PENSION PLAN

PERFORMANCE APPRAISALS

See TEACHERS

PINK LETTER CASES

See STRIKES

POSITIONS OF ADDED RESPONSIBILITY

See also PROMOTION, DEMOTION AND TRANSFER

Administrators

see ADMINISTRATORS

Appointments, § 7:15

acting administrator, § 5:13

department heads, § 5:13

enrolment, § 5:13

full-time teaching of course of study, § 5:13

POSITIONS OF ADDED

RESPONSIBILITY—Cont'd

Appointments, § 7:15—Cont'd
 department heads, § 5:13
 —Cont'd
 size of department, § 5:13
 statutory requirements, § 7:15
 principals, § 7:15
 seniority, § 6:14
 As “teachers,” § 6:13
 Bumping, § 6:13
 administrative responsibilities,
 § 6:13
 by classroom teachers, § 6:13
 teaching duties, § 6:13
 Creation of
 following eliminations, § 6:15
 job postings, § 7:15
 statutory provisions, § 7:15
 Demotion, § 7:18
 elimination of position, § 6:15
 failure to renew position, § 7:18
 redundancy, § 6:14
 removal from position, § 7:18
 Department heads, § 5:13, § 7:15
 Discipline
 just cause, § 9:20
 Elimination of, § 6:15, § 7:18
 Evaluation of teachers, § 12:8
 Management discretion, § 6:15,
 § 7:15
 Principals and vice-principals
 see ADMINISTRATORS
 Redundancy, § 6:13, § 6:14
 Responsibility allowance, § 5:13
 Restructuring, § 6:15
 Salary, § 5:13
 Seniority, § 6:14
 Supervisory officers
 see ADMINISTRATORS
 Term appointments, § 7:18
 management discretion, § 7:18
 past practice, § 7:18
 retroactive, § 7:18

POSITIONS OF ADDED

RESPONSIBILITY—Cont'd

Term appointments, § 7:18—Cont'd
 surplus provisions and serial,
 § 7:18
 Transfer, § 7:18
 Women teachers, § 7:16
 affirmative action policies, § 7:16
 under-representation, § 7:16

POSTING

See JOB POSTING

PREGNANCY LEAVES

See LEAVES

PREPARATION TIME

See WORKING CONDITIONS

PRINCIPALS

See ADMINISTRATORS; POSI-
 TIONS OF ADDED
 RESPONSIBILITY

PRIVACY

Employee privacy, § 8:2 to 8:4
 medical information disclosure,
 § 8:3
 physically invasive employer
 instructions, § 8:4
 searches by employer, § 8:2
 Jurisdiction of arbitrators, § 8:6
 Student privacy, § 8:5

PRIVATE SCHOOLS

Accreditation by public bodies,
 § 14:5, § 17:9
 Administrators, § 17:3
 collective bargaining, § 17:6
 duties, § 17:3
 Employment Standards Act,
 2000, § 17:8
 Collective bargaining, § 17:6
 Contracts of employment, § 17:7
 Definition, § 17:2
 Duties of teachers, § 17:3
 Duty of fairness, application of,
 § 17:10

PRIVATE SCHOOLS—Cont'd

- Education Act, regulation under, § 17:2
- Funding, § 17:1
- Human rights issues
 - accreditation by public bodies, § 14:5, § 17:9
 - preferential hiring based on religion, § 17:9
 - religious codes of conduct, § 17:9
- Incorporation of, § 17:1
- Inspection by Minister of Education, § 17:2
- Legal framework, § 17:1
- Notice of intention to operate, § 17:2
- Private universities, § 17:1, § 18:1
- Teachers
 - collective bargaining regime, § 17:6
 - duties, § 17:3
 - Employment Standards Act, 2000, § 17:8
 - Ontario College of Teachers, membership in, § 17:2, § 17:4
 - Ontario Teachers' Pension Plan, membership in, § 15:6, § 17:5
 - terms and conditions of employment, § 17:6
 - tuition tax credit, § 17:1

PROBATIONARY TEACHERS

- See also QUALIFICATIONS; TEACHERS
- Community college teachers
 - see COMMUNITY COLLEGES (COLLEGES OF APPLIED ARTS AND TECHNOLOGY)
- Discipline, § 9:3
- Due process, § 9:3, § 9:4
- Evaluations, § 9:3
- Fixed term contracts, § 7:17

PROBATIONARY TEACHERS—Cont'd

- Grievance procedure, access to, § 9:3
- Job security, § 6:17, § 9:4
- Just cause protection, § 9:3
- Probationary period, § 6:16, 6:17
 - as matter for collective bargaining, § 6:16
 - resumed on post-termination return, § 6:16, § 6:17
 - resumed on recall, § 6:16, § 6:17
 - statutory maximum, § 6:16
- Procedural rights, § 9:3, § 9:4
- Recall rights, § 6:17
- Redundancy, § 6:17
- Redundant permanent teachers and, § 6:17
- Standard of arbitral review, § 9:3
- Term contracts, § 7:17
- Termination, § 9:3
 - due process, § 9:3, § 9:4
 - employer onus of proof, § 9:3
 - just cause
 - deference to management, § 9:3
 - evaluations, § 9:3
 - general application clause, § 9:3
 - opportunity to improve, § 9:3
 - scope of, § 9:3
- University faculty members
 - see UNIVERSITIES

PROCEDURAL FAIRNESS

- See DUTY OF FAIRNESS

PROFESSIONAL RESPONSIBILITY

- See also ONTARIO COLLEGE OF TEACHERS; ONTARIO TEACHERS' FEDERATION (OTF)
- Professional Boundaries, violations of, § 9:16.50
- Professional disagreement, § 9:13

PROFESSIONAL

RESPONSIBILITY—Cont'd

Professional discipline, § 14:9 to 14:31

Professional discretion, § 9:13, § 9:14

Professional learning, § 14:32

PROMOTION, DEMOTION AND TRANSFER

See also DISCIPLINE AND DISCHARGE; POSITIONS OF ADDED RESPONSIBILITY

Demotions

appropriate length, § 9:20

continuing impact, § 9:20

financial burden, § 9:20

job postings, § 9:20

seniority, § 9:20

disciplinary demotions, § 9:7, § 9:14, § 9:20

distinguished from transfers, § 9:20

duty of fairness, application of, § 12:21

emergency, § 9:20

indicia

comparable positions

commuting distance, § 9:21

relief from teaching duties, § 9:20

secretarial support, § 9:20

size of school and community, § 9:20, § 9:21

movement from preferred position, § 9:20

scope of responsibility, § 9:20

positions of added responsibility, § 7:18

procedural rights

written warning and chance to improve, § 12:8

Management discretion

see MANAGEMENT RIGHTS

PROMOTION, DEMOTION AND TRANSFER—Cont'd

Promotions

positions of added responsibility, § 7:15

preference on basis of religion, § 13:10

Transfers

cross-panel, § 9:21

salary, § 9:21

seniority, § 9:21

designated teachers, § 13:12

disciplinary, § 9:7, § 9:21

occasional teachers

see OCCASIONAL TEACHERS

paper transfers, § 10:4

portability of benefits

designated teachers, § 5:24

gratuity rights, § 5:24

sick credits, § 5:24

years of service, § 5:24, § 5:32

temporary, § 10:4

termination of employment

benefits, § 5:24

University faculty members

see UNIVERSITIES

PROVINCIAL SCHOOLS AUTHORITY

Generally, APP B

PUBLIC OFFICE

See ADMINISTRATORS; DUTY OF FAIRNESS; UNIVERSITIES

PUPIL-TEACHER RATIO (PTR)

See STAFFING; WORKING CONDITIONS

QUALIFICATIONS

See also ONTARIO COLLEGE OF TEACHERS

Additional qualifications, § 2:8

Basic qualifications, § 2:3

QUALIFICATIONS—Cont'd

- Certificate of qualification, § 2:4
 - restricted, § 2:6
 - transitional, § 2:5
- Community college teachers, § 16:1
- Defining teacher status, § 2:11, § 2:16
- Emergency appointments, § 2:9, § 10:11
- English/French proficiency test, § 2:7
- Gender, § 6:9
- Interim certificate of qualification, § 2:7
- Letters of Eligibility, § 2:7
- Letters of Permission, § 2:9
- Letters of Standing, grand-parenting of, § 2:7
- Management rights, § 6:5
- Occasional teachers, § 10:11
- Ontario College of Teachers, § 14:3
- Ontario Teacher's Certificate, § 2:2
- Ontario Teachers' Pension Plan, participation in, § 15:4
- Persons assisting teachers, § 2:20
- Principals and vice-principals
 - see ADMINISTRATORS
- Private school teachers, § 17:3
- Professional learning, § 14:32
- Qualifying test, § 2:3
- Recall and, § 6:10
- Recertification, mandatory, § 14:32
- Required by statute, § 2:1, § 4:9
- Salary category placement
 - see SALARY
- Supervisory officers
 - see ADMINISTRATORS
- Teachers from outside Ontario, § 2:7
- Temporary teachers, § 2:9
- Unqualified teachers, § 2:9

**QUALITY IN THE CLASSROOM
ACT, 2001**

- See also QUALIFICATIONS;
TEACHERS

**QUALITY IN THE CLASSROOM
ACT, 2001—Cont'd**

- Performance appraisals
 - principals, vice-principals and school administrators, of, § 12:16
 - teachers, of, § 7:33 to 7:38, § 12:8
- Qualifying test, § 2:3

REASONABLENESS

- See MANAGEMENT RIGHTS

RECALL RIGHTS

- See also REDUNDANCY;
SENIORITY
- Designated teachers, § 13:14
- Duration, § 6:11
- Management discretion, § 6:10
- Occasional work, § 10:8
- Probationary teachers, § 6:17
- Qualification, § 6:10
- Refusal, § 6:10
- Resumption of probationary period, § 6:16, § 6:17
- Scope of, § 6:10
- Seniority, § 6:10
- Severance as alternative, § 6:12
 - eligibility, § 6:12
 - resignation, § 6:12
- Timing of recall, § 6:10

RECERTIFICATION

- See TEACHERS

REDUNDANCY

- See also RECALL RIGHTS;
SENIORITY
- Bumping, § 6:7, § 6:13
- Collective bargaining constraints, § 6:3
- Consultation requirement, § 6:3
- Lay-offs, § 6:3
- "Notice of" vs. actual, § 5:32
- Part-time teachers, § 6:8
- Positions of added responsibility, § 6:13 to 6:15

REDUNDANCY—Cont'd

Principals and vice-principals,
 § 6:18, § 12:17
 Probationary teachers, § 6:17
 Procedures, § 6:2, § 6:3, § 6:14
 damages, § 6:3
 notice of redundancy, § 6:3
 Program protection, § 6:4
 Public funding, extension of,
 § 13:12
 Qualifications, § 6:5, § 6:9
 Reasons
 declining enrolment, § 6:3
 program needs, § 6:9
 reductions in Ministry funding,
 § 6:3
 requirement of explanation,
 § 6:14
 stability of system, § 6:14
 Reorganizing assignments, § 6:6
 Responses
 full-time reduced to part-time,
 § 6:8
 Seniority and, § 6:2, § 6:4, § 6:14
 Supervisory officers, § 12:17
 Surplus
 procedures, § 6:3
 teachers, § 6:3

REINSTATEMENT

See DISCIPLINE AND DIS-
 CHARGE; REMEDIES

RELIGIOUS BELIEFS

See DENOMINATIONAL
 RIGHTS; DISCRIMINA-
 TION; HUMAN RIGHTS
 LEGISLATION

REMEDIES

Arbitral authority
 Colleges Collective Bargaining
 Act, 2008, under
 see COMMUNITY COL-
 LEGES (COLLEGES OF
 APPLIED ARTS AND
 TECHNOLOGY)

REMEDIES—Cont'd

Arbitral authority—Cont'd
 compensation for lost preparation
 time, § 4:15
 mandatory orders, § 7:12
 order granting leave, § 7:27
 probationary reinstatement, § 9:4
 remitting matter back to school
 board, § 5:4
 substitute lesser penalty, § 9:9
 substituting own view, § 7:27
 university context
 see UNIVERSITIES
 Breach of statutory procedural
 rights, § 12:8
 Cease and desist orders, § 3:21
 Community college context
 see COMMUNITY COLLEGES
 (COLLEGES OF APPLIED
 ARTS AND TECHNOL-
 OGY)
 Continuing grievances, § 5:10,
 § 5:11
 Discretionary leaves, denial of,
 § 7:27
 Education Relations Commission,
 § 3:12
 Job posting cases, § 7:13
 Leaves, denial of, § 7:27
 Ontario Labour Relations Board,
 § 3:12
 Preparation time, loss of, § 4:15
 Prerogative remedies, § 12:20,
 § 12:21
 Reinstatement, § 9:5
 Staffing violations, § 7:12
 Statutory limit
 maximum probationary period,
 § 9:4
 University context
 see UNIVERSITIES

REPLACEMENT WORKERS

Generally, § 3:29

RESIGNATION

Generally, § 6:1

RETIREMENT

Definition, § 5:25

Early retirement incentive plans (ERIP)

age restriction, § 5:32

discretionary, § 5:32

discrimination and, § 5:32

prorated for part-time teachers, § 5:32

purpose, § 5:32

redundancy, § 5:32

Gratuities

see BENEFITS

Retiree benefits, § 5:15

University mandatory retirement, § 18:39

SAFE SCHOOLS ACT, 2000

Generally, § 12:9, § 12:10

SAFETY

See OCCUPATIONAL HEALTH AND SAFETY ACT

SALARY

See also BENEFITS; WORKING CONDITIONS

Allowances

qualification, § 5:13

responsibility, § 5:13

specialized assignments, § 5:13

Annual basis, § 4:7

Banking salary credits, § 7:28

“Best salary” for gratuity calculations, § 5:28

Community college teachers

see COMMUNITY COLLEGES (COLLEGES OF APPLIED ARTS AND TECHNOLOGY)

Continuing education teachers

basis for payment, § 5:12

non-instructional duties, § 4:16

Day’s pay, § 5:8

SALARY—Cont’d

Deductions

rectification, § 5:10

un-professional activity, § 4:4

Designated teachers, § 13:14

During

leaves, § 7:26

lock-outs, § 3:26

school closures, § 3:26

withdrawal of services, § 3:22

work to rule, § 3:22

Experience increments

initial hiring placement, § 5:3, § 5:5, § 5:7

leave provisions and, § 5:6

negotiated maximum, § 5:3, § 5:7

occasional teaching, § 5:4

other kinds of teaching experience, § 5:4, § 5:7

part-time teachers, § 5:6

prorating teaching experience, § 5:4, § 5:6

related experience, § 5:5

Social Contract period, § 5:7

“teaching experience,” § 5:3

withholding increment, § 9:19

yearly movement, § 5:3, § 5:6, § 5:7

Functional definition of teacher and, § 2:12, § 2:14

Gratuity calculation, § 5:28

Grid, § 5:1

horizontal axis, § 5:1

movement, § 5:3, § 5:6

placement on grid, § 5:2

as continuing grievance, § 5:11

Social Contract period, § 5:7

vertical axis, § 5:1, § 5:3

New positions, § 5:14

Occasional teachers, § 10:1, 10:2

Overpayments, § 5:10

mistake of fact, § 5:10

estoppel, § 5:10

SALARY—Cont'd

Overpayments, § 5:10—Cont'd
 mistake of fact, § 5:10—Cont'd
 material change in position,
 § 5:10
 mistake of law, § 5:10
 civil claim, § 5:10
 collective agreement, § 5:10
 deductions, § 5:10
 recovery, § 5:10
 rectification, § 5:10
 Pay-back, § 7:28
 Pay equity
 Qualifications Evaluation
 Council of Ontario (QECO)
 categories, § 5:2
 Per diem, § 5:13
 Positions of added responsibility,
 § 5:13
 responsibility allowances, § 5:13
 separate grid, § 5:13
 size of school, § 5:13
 Principals and vice-principals
 see ADMINISTRATORS
 Professional activity days, § 4:4
 Qualifications, § 5:2
 categories, § 5:2
 collective agreement provisions
 management discretion, § 5:2
 evaluation systems
 hybrid, § 5:2
 local, § 5:2
 provincial
 OSSTF classification, § 5:2
 QECO, § 5:2
 Specialist, § 5:2
 university, § 5:2
 Retirement gratuity calculation,
 § 5:28
 Sick pay
 see BENEFITS
 Structures, § 5:1
 Supervisors
 see ADMINISTRATORS
 Travel time, § 4:10

SALARY—Cont'd

Underpayments, § 5:10
 University faculty members
 see UNIVERSITIES
 Withholding increment, § 9:19

SCHOOL AUTHORITIES

Bargaining agents, § 3:8
 Bargaining unit, § 3:8
 Defined, § 1:1
 Provincial Schools Authority, **APP
 B**

SCHOOL BOARDS

See also MANAGEMENT
 RIGHTS
 Appoint and remove supervisory
 officers, § 12:18
 Co-instructional activities, § 4:12
 Discipline teachers, § 9:2, § 9:7,
 § 14:31
 just cause, § 9:2
 Duty of fairnes
 see DUTY OF FAIRNESS
 Duty to bargain
 see COLLECTIVE BARGAIN-
 ING; DUTY TO
 BARGAIN; MANAGE-
 MENT RIGHTS
 Evaluation of professional activi-
 ties, § 4:4
 Individual bargaining, § 3:13
 Joint bargaining, § 3:10
 Lock-outs, § 3:26
 Obligation to hire qualified teach-
 ers, § 2:1
 Policies and practices
 anti-nepotism, § 7:14
 Canadian Charter of Rights and
 Freedoms, application of,
 § 12:20
 co-instructional activities, § 4:12
 instructional time, § 4:9, § 4:17
 job posting, § 7:13 to 7:16
 preference on basis of religion,
 § 13:10, § 13:16

SCHOOL BOARDS—Cont'd

- Policies and practices—Cont'd
 - refusing Early Retirement Incentive Plan (ERIP) applications, § 5:32
- salary
 - teaching experience, § 5:4 to 5:6
- sick pay for pregnancy leave, § 5:20
- staffing, § 6:4, § 7:10
- student discipline, § 9:11
- taxes directed to Catholic schools, § 13:11
- timetables, § 3:22 to 3:24
- work rules, § 3:22, § 3:24
- Public character
 - duty of fairness, § 12:20, § 12:21
- Public Authorities Protection Act, § 12:19
- Reporting requirements
 - criminal charges/convictions, § 9:17, § 14:31
 - professional misconduct, § 14:31
- Reserved management rights
 - see MANAGEMENT RIGHTS
- School closures, § 3:26
- Statutory powers
 - ancillary powers, § 3:12
 - appoint and remove teachers, § 6:3
 - negotiate terms and conditions of employment, § 3:12
 - performance appraisals, § 7:33 to 7:38, § 12:8, § 12:16
 - resolution to increase class size, § 7:1
- Summary dismissal, § 9:8
- Supervisory officers, § 12:18

**SCHOOL BOARDS AND
TEACHERS COLLECTIVE
NEGOTIATIONS ACT**

- Bargaining period, § 3:11
- Definition of teacher, § 2:11 to 2:18
- Duty to bargain, § 3:12

**SCHOOL BOARDS AND
TEACHERS COLLECTIVE
NEGOTIATIONS ACT
—Cont'd**

- Education Relations Commission
 - see EDUCATION RELATIONS COMMISSION
- Joint bargaining, § 3:10
- Notice to bargain, § 3:11
- Occasional teachers excluded, § 3:4, § 10:1, 10:2
- Principals and vice-principals, § 12:1
- Repeal by Education Quality Improvement Act, § 3:2
- Statutory form of contract, § 1:5, § 2:11, § 4:1
- Supervisory officers, § 12:1
- Term of collective agreement, § 3:11
- Unlawful strike, § 3:22
- Work to rule, § 3:22

**SCHOOL BOARDS COLLECTIVE
BARGAINING ACT, 2014**

- See also COLLECTIVE BARGAINING, STATUTORY FREEZE
- Generally, 3:20

SCHOOL CLOSURES

- Generally, § 3:26

SENIORITY

- See also RECALL RIGHTS; REDUNDANCY
- Bridging, § 6:2
- Bumping, § 6:7
- Calculation, § 6:2
- Course assignments, § 6:5, § 6:6
- Definitions, § 6:2
 - continuous service
 - adverse impact, § 6:2
 - teaching experience, § 6:2
 - total service, § 6:2
- Departmental seniority, § 6:7
- Designated teachers, § 13:14

SENIORITY—Cont'd

Employees outside bargaining unit,
§ 6:18
Function, § 6:2
Importance of, § 6:2
Leaves of absence, § 6:2
Part-time teachers, § 6:8
Positions of added responsibility,
§ 6:13 to 6:15
Principals and vice-principals,
§ 6:18, § 12:17
Prior teaching experience, § 6:2
Prorating seniority, § 6:8
Recall, § 6:10 to 6:12
Redundancy, § 6:2, § 6:3 to 6:9,
§ 6:10 to 6:12
 positions of added responsibility,
 § 6:14
 recall rights, § 6:10 to 6:12
 reducing assignment timetable,
 § 6:8
Re-employment and, § 6:2
Supervisory officers, § 12:17
Surplus and, § 6:7
Teaching assignments and, § 6:2,
§ 6:5
Vesting, § 6:2

SICK LEAVE

See BENEFITS

SOCIAL CONTRACT

Experience increments, § 5:7
Joint responsibility, § 3:13
Negotiations during, § 3:13
School board responses
 extending school year, § 4:7

**STABILITY AND EXCELLENCE
IN EDUCATION ACT, 2001**

Generally, § 3:11, § 4:17, 4:18,
§ 7:1

STAFFING

See MANAGEMENT RIGHTS;
TEACHING ASSIGNMENTS;
WORKING CONDITIONS

STAFFING—Cont'd

Clauses, § 7:9, § 7:10
Consultation, § 7:10
During instructional time, § 4:9
Management discretion, § 7:8,
§ 7:9, § 9:7
Principal prerogatives, § 7:9
Program protection, § 6:4
Pupil-teacher ratio (PTR), § 7:8 to
7:12
Redundancy
 see REDUNDANCY
Remedies for violations, § 7:12
Statutory provisions, § 7:8 to 7:12
Unilateral changes during negotia-
tions, § 3:13

**STATUTORY FORM OF
CONTRACT**

See CONTRACTS OF EMPLOY-
MENT

STATUTORY FREEZE

See also DUTY TO BARGAIN
Colleges Collective Bargaining Act,
2008
 see COMMUNITY COLLEGES
 (COLLEGES OF APPLIED
 ARTS AND TECHNOL-
 OGY)
Labour Relations Act, § 3:16,
§ 3:20, § 3:27
Unilateral management changes
 following, § 3:20, § 3:27

STRIKES

See also LOCK-OUTS; STATU-
TORY FREEZE
Advisements of jeopardy, § 3:30,
§ 3:31
“Annual salary,” § 5:28
Back-to-work legislation, see
 BACK-TO-WORK LEGISLA-
 TION
Cease and desist order applications,
§ 3:21

STRIKES—Cont'd

- Co-instructional activities, § 3:24, § 4:12
- Colleges Collective Bargaining Act, 2008, § 16:4, § 16:7
- Definition of
 - Education Accountability Act, 2000, § 3:21, § 4:12
 - Labour Relations Act, § 3:21
 - School Boards and Teachers Collective Negotiations Act, § 3:21
- Discipline of employees during lawful strike, § 3:23
- Extra-curricular activities, § 3:22
- Instructional time, loss of, § 3:30, § 4:3
- Jeopardy, advisements of, § 3:30, § 3:31
- Lawful strikes, § 3:23
- Ontario Teachers' Pension Plan
 - establishing credited service during, § 15:22
 - purchase of credited service, § 15:31
- Partial strikes, § 3:22
- Pink letter cases, § 3:25
- Replacement workers, § 3:29
- Responses to
 - lock-outs, § 3:26
 - school closures, § 3:26
- Right to, § 3:21
 - fetters, § 3:30
- Salary during, § 3:22, § 3:23
- School closures, § 3:26
- School year, § 3:25
- Statutory duties, withdrawal of, § 3:23, § 4:12
- Timing, § 3:21
- Two-tier bargaining, impact of, § 3:28
- Unlawful strikes
 - cease and desist order applications, § 3:21
 - mass resignations, § 3:21

STRIKES—Cont'd

- Unlawful strikes—Cont'd
 - motive, § 3:21
 - pink letter cases, § 3:25
- Voluntary teacher activities, § 3:22, § 4:12
- Work during, § 3:29
- Work to rule, § 3:22
 - contrasted to withdrawal of services, § 3:22
 - partial services, § 3:22
 - pre-strike work rules, § 3:22
 - salary during, § 3:22
 - timing, § 3:22

STUDENTS

- Discipline of, § 9:9, § 9:11, § 9:13, § 12:9, § 12:10
- Jeopardy, advisements of, § 3:30
- Protection of rights, § 3:12, § 9:9, § 9:11, § 9:13
- Pupil-teacher ratio (PTR)
 - see STAFFING; WORKING CONDITIONS
- Student Protection Act, 2002
 - see DISCIPLINE AND DISCHARGE; ONTARIO COLLEGE OF TEACHERS
- Supervision of, § 4:13, § 14:16
 - lunch break, § 4:14
- Teacher conduct and, § 9:10, § 9:12, § 14:15, § 14:16, § 14:26, § 14:31

SUMMER SCHOOL

- See CONTINUING EDUCATION

SUPERVISORY OFFICERS

- See ADMINISTRATORS; POSITIONS OF ADDED RESPONSIBILITY

SUSPENSION

- See DISCIPLINE AND DISCHARGE

TEACHER PENSION PLAN

See ONTARIO TEACHERS' PENSION PLAN

TEACHERS

See also BARGAINING UNIT;
ONTARIO COLLEGE OF
TEACHERS; ONTARIO
TEACHERS' FEDERATION
(OTF); QUALIFICATIONS;
TEACHING ASSIGNMENTS;
TEACHING DUTIES

Annual learning plans, § 7:38

Associations

see AFFILIATES; UNIONS

Community college teachers

see COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOLOGY)

Conduct

see DISCIPLINE AND DIS-
CHARGE

Continuing education

see CONTINUING EDUCA-
TION

Definition

functional, § 2:11 to 2:14, § 2:16

overlapping functions, § 2:14

hybrid, § 2:14 to 2:16

membership in Ontario College
of Teachers, § 2:1, § 2:2

possession of teaching qualifica-
tions, § 2:3 to § 2:10

statutory, § 2:1, § 2:11

Designated teachers, § 13:12 to
13:16

conscientious objection, § 13:13

Education Quality Improvement
Act, impact of, § 13:15

rights of, § 13:14

Determining status of, § 3:9

Dual status, § 10:7

Duties of

see TEACHING DUTIES

TEACHERS—Cont'd

Evaluation of

see performance appraisals, infra

New teachers

see NEW TEACHER INDUC-
TION PROGRAMS

Non-classroom positions, § 2:12 to
2:18

Occasional teachers

see OCCASIONAL TEACHERS

Ontario Teachers' Federation

see ONTARIO TEACHERS'
FEDERATION (OTF)

Part X.1 teachers, § 3:4, § 6:13,
§ 7:11

Performance appraisals, § 7:33 to
7:38, § 12:8

application, § 7:33 to 7:38

board duties, § 7:33 to 7:38

content of, § 7:36

competencies, § 7:36

additional, § 7:37

materials used, § 7:36

parental/pupil input, § 7:36,
§ 7:37

evaluation year, § 7:34

extensions for leaves, § 7:34

frequency, § 7:34

new teachers and, § 7:34

see also NEW TEACHER
INDUCTION
PROGRAMS

Ontario College of Teachers com-
plaint, § 7:35

principals and vice-principals, of,
§ 12:16

principals' duties, § 7:35, § 12:8

records of, § 7:37

review status, § 7:35

timelines, § 7:34, § 7:35, § 7:37

unsatisfactory results, § 7:35

termination, § 7:35

Private school teacher

see PRIVATE SCHOOLS

TEACHERS—Cont'd

Qualifications
 see QUALIFICATIONS
 Recertification, mandatory, § 14:32
 Role models, § 9:9
 Sexual abuse, § 9:18, § 14:15,
 § 14:25, § 14:31
 Statutory provisions, § 2:11
 Temporary, § 2:9
 Unions
 see UNIONS
 University faculty members
 see UNIVERSITIES
 Unqualified, § 2:9

TEACHING ASSIGNMENTS

See also MANAGEMENT
 RIGHTS; STAFFING;
 TEACHING DUTIES;
 WORKING CONDITIONS
 Continuing education teachers,
 § 4:16
 Pending criminal proceedings,
 § 9:18
 Positions of added responsibility
 see POSITIONS OF ADDED
 RESPONSIBILITY
 Qualifications
 additional qualifications, § 2:8
 gender, § 6:9
 Reappointments, § 7:18
 Related experience credits, § 5:4 to
 5:6
 Reorganizing during redundancy,
 § 6:6
 Temporary, § 2:9
 Term appointments, § 7:18

TEACHING DUTIES

See also TEACHING ASSIGN-
 MENTS; TERMS AND
 CONDITIONS OF EMPLOY-
 MENT; VOLUNTARY
 TEACHER ACTIVITIES;
 WORKING CONDITIONS

TEACHING DUTIES—Cont'd

As basis for teacher status, § 2:12
 to 2:16
 Classroom duties, § 2:11
 Co-instructional activities
 see CO-INSTRUCTIONAL
 ACTIVITIES
 Community college teachers
 see COMMUNITY COLLEGES
 (COLLEGES OF APPLIED
 ARTS AND TECHNOL-
 OGY)
 Continuing education teachers,
 § 4:16
 During July and August, § 4:5,
 § 4:6
 Instructional time
 see INSTRUCTIONAL TIME
 Insubordination
 see DISCIPLINE AND DIS-
 CHARGE
 Mandatory versus voluntary, § 3:22,
 § 4:11 to 4:14
 Moral and ethical conduct, § 9:9
 Non-classroom positions, § 2:12 to
 2:18
 Non-instructional, § 4:11 to 4:15
 Noon-hour supervision, § 3:22,
 § 4:11, § 4:14
 Occasional teacher, use of, § 10:4
 Parent-teacher interviews, § 4:11
 Principals and vice-principals,
 performed by, § 12:12
 Private school teachers, § 17:3
 Protection of students' rights, § 9:9,
 § 9:11
 Regular duties, use of occasional
 teachers to perform, § 10:4
 Scheduling, § 4:5, § 4:9 to 4:16
 Statutory, § 4:11, § 4:12, § 9:9
 Supervisory duties, § 4:11, § 4:13,
 § 4:14
 Teacher discretion, § 9:13
 Teaching program, § 2:11 to 2:18,
 § 4:9

TEACHING DUTIES—Cont'd

Voluntary versus mandatory, § 3:22,
§ 4:11 to 4:14

TEMPORARY TEACHERS

Generally, § 2:9

TENURE

At pleasure appointments
positions of added responsibility,
§ 9:7

Boards of reference, § 1:5, § 9:1

Summary dismissal, § 9:8

University faculty members
see UNIVERSITIES

TERMINATION

See DISCIPLINE AND DIS-
CHARGE; WRONGFUL DIS-
MISSAL

**TERMS AND CONDITIONS OF
EMPLOYMENT**

See also COLLECTIVE AGREE-
MENT; COLLECTIVE
BARGAINING;
CONTRACTS OF EMPLOY-
MENT; TEACHING ASSIGN-
MENTS; TEACHING
DUTIES; WORKING
CONDITIONS

Administrators
see ADMINISTRATORS

Alteration of, § 3:27

Annual learning plans, § 7:38

Community college teachers
see COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOL-
OGY)

Denominational matters, § 13:11

Enforcement of
courts, § 12:19, § 17:7

Principals and vice-principals
contracts of employment, § 12:15
statutory terms and conditions of
employment, § 12:14

Private school teachers, § 17:6

**TERMS AND CONDITIONS OF
EMPLOYMENT—Cont'd**

Statutory freeze, § 3:27

Supervisory officers
contracts of employment, § 12:15
statutory terms and conditions of
employment, § 12:13

Unilateral changes to, § 3:27

TRANSFER

See PROMOTION, DEMOTION
AND TRANSFER

UNFAIR LABOUR PRACTICES

Alteration of terms and conditions
of employment, § 3:27

Colleges Collective Bargaining Act,
2008

see COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOL-
OGY)

Discipline of employees during
lawful strike, § 3:23

Discretion not to inquire into,
§ 3:18

Duty of fair representation
see DUTY OF FAIR REPRESENTATION

Duty to bargain
see DUTY TO BARGAIN

Labour Relations Act, § 3:5, § 3:18,
3:19

Statutory freeze
see STATUTORY FREEZE

Union conduct, § 3:5, § 3:18

UNIONS

Association des enseignants et
enseignantes franco-ontariens
(AEFO), APP C, § 3:9

Bargaining agents, § 3:9

By-law I of the Ontario Teachers'
Federation, APP C, APP E,
§ 3:9

UNIONS—Cont'd

Community colleges
see **COMMUNITY COLLEGES**
(**COLLEGES OF APPLIED ARTS AND TECHNOLOGY**)

Cross panels in school authorities, § 3:8

Duty of fair representation
see **DUTY OF FAIR REPRESENTATION**

Elementary Teachers Federation of Ontario (ETFO), **APP C**, § 3:9

Exclusive bargaining agency, § 3:9

Federation of Women Teachers of Ontario (FWTAO), **APP C**
replacement with ETFO, § 3:9

Internal discipline, § 3:25

Joint bargaining, § 3:10

Membership, **APP C**, § 3:9

Occasional teacher representation, § 10:6

Ontario English Catholic Teachers' Association (OECTA), **APP C**, § 3:9

Ontario Public School teachers' Federation (OPSTF)
replacement with ETFO, § 3:9

Ontario Secondary School Teachers' Federation (OSSTF), **APP C**, § 3:9

Certification system, § 5:2

Provincial Schools Authority, **APP B**

Part X.1 of Education Act, § 3:9

Private schools
see **PRIVATE SCHOOLS**

Provincial Schools Authority, **APP B**

School authorities, § 3:8

Strikes
see **STRIKES**

Union activity, § 3:18, § 16:9

University faculty members
see **UNIVERSITIES**

UNIVERSITIES

Academic freedom, § 18:18, § 18:28, § 18:35, § 18:39

Appointments, § 18:3, § 18:15 to 18:17

appointments with tenure, § 18:3

archivist appointments, § 18:5

classes of appointment, § 18:3

librarian positions, § 18:5

limited-term appointments, § 18:3, § 18:15

outside bargaining unit, § 18:16

probationary appointments, § 18:3

procedural compliance and fairness, § 18:17

ranks of appointment, § 18:4

research assistants and associates, § 18:6

Bargaining units, § 18:10, § 18:16

Canadian Charter of Rights and Freedoms, application to, § 18:2, § 18:39

Certification votes, conduct of, § 18:12

Discipline and dismissal, § 18:28 to 18:34

grounds, § 18:30

academic fraud, § 18:32

breach of trust, § 18:31

conflict of interest, § 18:30

falsified student evaluations, § 18:31

gross misconduct, § 18:30

persistent failure to carry out academic responsibilities, § 18:30

sexual harassment, § 18:31

onus, § 18:29

penalties, § 18:34

procedural compliance and fairness, § 18:33

standard of proof, § 18:29

Duty of fairness, § 18:17, § 18:22, § 18:23, § 18:33

UNIVERSITIES—Cont'd

Governing statutes, § 18:1
 Judicial review, § 18:2, § 18:23
 Managerial exclusions, § 18:11
 Mandatory retirement, § 18:39
 Non-certified faculty associations, § 18:13
 dues check off, § 18:13
 Post-secondary Education Quality Assessment Board, § 17:1
 Private universities, § 17:1, § 18:1
 Probationary period, § 18:19
 Procedural compliance and fairness, § 18:17, § 18:22, § 18:23, § 18:33
 Promotion, § 18:18 to 18:27
 criteria, § 18:19
 denial of, § 18:20 to 18:27
 duty of fairness, § 18:23
 “fair chance of meet standards,” § 18:24
 junior faculty members, pressures on, § 18:25
 onus, § 18:21
 procedural compliance, § 18:22
 remedy, § 18:27
 substitution of decision for university decision-maker, § 18:27
 student evaluations, weight given to, § 18:26
 substantive grounds, challenges on, § 18:24
 Public/private nature, § 18:2
 Reasonable apprehension of bias, § 18:17, § 18:22, § 18:23
 Representation structures, § 18:7 to 18:13
 Retirement, § 18:39
 Salaries and compensation, § 18:36 to 18:38
 partly funded through external sources, § 18:37
 sabbatical leaves and teaching remissions, § 18:38

UNIVERSITIES—Cont'd

Salaries and compensation, § 18:36 to 18:38—Cont'd
 salary anomalies, § 18:36 to 18:38
 Special plans, § 18:13
 Tenure, § 18:18 to 18:27
 criteria, § 18:19
 denial of, § 18:20 to 18:27
 duty of fairness, § 18:23
 “fair chance of meet standards,” § 18:24
 junior faculty members, pressures on, § 18:25
 onus, § 18:21
 probationary period, § 18:19
 procedural compliance, § 18:22
 remedy, § 18:27
 grant of extension of probationary period, § 18:27
 substitution of decision for university decision-maker, § 18:27
 student evaluations, weight given to, § 18:26
 substantive grounds, challenges on, § 18:24
 Unions, § 18:8

UNLAWFUL STRIKE

See STRIKES

VACANCY

See JOB POSTING

VACCINATION POLICIES

See COVID-19

VICE-PRINCIPALS

See ADMINISTRATORS; POSITIONS OF ADDED RESPONSIBILITY

VOLUNTARY TEACHER ACTIVITIES

See also STRIKES; TEACHING DUTIES

**VOLUNTARY TEACHER
ACTIVITIES—Cont'd**

- Co-instructional activities
 - board plans, § 4:12
 - strike definition, § 3:24, § 4:12
- Conversion to mandatory activities, § 4:11
- Extra-curricular activities, § 4:11, § 4:12
- Noon-hour supervision, § 4:11, § 4:14
- Withdrawal of, § 3:22, § 4:12

WAGES

- See SALARY

WORDS AND PHRASES

- Annual salary, § 5:28, § 7:28
- Assign, § 4:15
- Best salary, § 5:28
- Branch affiliate, § 3:9
- Categories (salary), § 5:2
- Class, § 7:2, § 7:11
- Classroom teacher, § 4:12, § 4:13
- Comparable position, § 9:20
- Consider, § 10:10
- Continuous service, § 6:2
- Discipline, § 9:7
- Evaluation year, § 7:33 to 7:38, § 12:8
- Grid, § 5:1
- Grievance, § 7:7
- Guideline, § 7:10
- Instruction, § 4:1, § 4:9, § 4:17, 4:18
- Instructional days, § 4:2, § 4:3, § 4:9
- Negotiated, § 7:10
- Normal class size, § 7:10
- Occasional teacher, § 10:1, 10:2
- OSSTF Classification, § 5:2
- Part X.1 teachers, § 3:4, § 6:13, § 7:11
- Performance appraisal, § 7:33 to 7:38, § 12:8, § 12:16
- Position, § 6:7

WORDS AND PHRASES—Cont'd

- Postpartum period, § 5:20
- Professional activity, § 4:4
- Professional activity days, § 4:3, § 4:4
- Professional learning, § 14:32
- Public act, § 12:19
- Public office, § 12:21
- QECO, § 5:2
- Qualifying test, § 2:3
- Recertification, § 14:32
- Regular duties, § 10:4
- Regular school year, § 4:3, § 4:8
- Related experience, § 5:5
- Retirement, § 5:25
- Review status, § 7:33 to 7:38, § 7:45, § 12:8
- Room, § 5:13
- School, § 3:21
- School days, § 4:3, § 4:5
- School holidays, § 4:3, § 4:6
- School program, § 3:21
- School year, § 4:3, § 4:8
- Seniority, § 6:2
- Sexual abuse, § 14:26
- Strike
 - see also STRIKES
 - activity, § 3:21, § 3:22
 - designed, § 3:21, § 3:22
 - in combination and concert, § 3:21, § 3:22
 - interference, § 3:21, § 3:22
- Substitute, § 10:4
- Supply instructors, § 10:6
- Teacher
 - see TEACHERS
- Teaching, § 2:1, § 2:11 to 2:18
- Teaching duties, § 2:11 to 2:18
- Teaching experience, § 5:3
- Total salary, § 5:28
- Transfer, § 9:20
- Vacancy, § 7:13
- Work to rule, § 3:22
- Year, § 4:8, § 6:16

WORDS AND PHRASES—Cont'd

Years of service, § 5:30

WORK ASSIGNMENTS

See STAFFING; TEACHING ASSIGNMENTS; TERMS AND CONDITIONS OF EMPLOYMENT; WORKING CONDITIONS

WORKING CONDITIONS

See also STAFFING; TEACHING ASSIGNMENTS; TEACHING DUTIES; TERMS AND CONDITIONS OF EMPLOYMENT

Class size
board resolution to increase, § 7:1
elementary school classes, § 7:1, § 7:3
enforcement, § 7:7
exceptional pupils, § 7:6
reporting, § 7:5
secondary school classes, § 7:1, § 7:4

Co-instructional activities
see CO-INSTRUCTIONAL ACTIVITIES

Community college teachers
see COMMUNITY COLLEGES (COLLEGES OF APPLIED ARTS AND TECHNOLOGY)

Continuing education teachers, § 4:16

Denominational matters, § 13:11

Employment Standards Act, 2000
exemptions from, § 4:1
minimum standards, § 4:1, § 7:19 to 7:23

private school teachers, § 17:8

Hours of work, § 4:9

Instructional time
see INSTRUCTIONAL TIME

Leaves
see LEAVES

WORKING CONDITIONS

—Cont'd

Lunch break, § 4:9, § 4:14

Preparation time, § 4:15

Pupil-teacher ratio (PTR)
class size, § 7:1, § 7:2
“student” calculation, § 7:11
“teacher” calculation, § 6:13, § 7:11

Relationship to collective agreement provisions, § 4:1

Scheduling
non-instructional activities, § 4:11 to § 4:13
supervisory duties, § 4:13, § 4:15
working day, § 4:5

School year
examination days, § 4:3
instructional days, § 4:3
professional activity days, § 4:3, § 4:4
school calendar, § 4:2 to 4:8
school days, § 4:2, § 4:3, § 4:5
school holidays, § 4:3, § 4:6
religious discrimination and, § 7:29

statutory provisions, § 4:3
working outside the school year, § 4:5

“Six-of-eight” schedule, § 3:27, § 4:11, § 4:13, § 4:15

Staffing violation remedies, § 7:12

Statutory standards, § 4:1

Supervisory duties, § 4:11, § 4:13

University faculty members
see UNIVERSITIES

Working day
duties outside instructional day, § 4:13 to § 4:15
instructional day, § 4:9, § 4:17, 4:18

July and August, § 4:5

length of, § 4:9

noon-hour duties, § 4:11 to 4:14

number of working days, § 4:7

WORKING CONDITIONS

—**Cont'd**

Working day—Cont'd
 preparation time, § **4:15**
 scheduling of, § **4:5**
 travel time, § **4:9**, § **4:10**
Workload, § **4:11**, § **4:13** to § **4:15**
Work rules, § **3:22**, § **4:11**

WORK TO RULE

See **STRIKES**

WRONGFUL DISMISSAL

See also **DISCIPLINE AND DIS-
CHARGE**

Administrators, § **12:19**

Private school teachers, § **17:7**

Teachers in public system, § **12:19**