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EDUCATION LABOUR & EMPLOYMENT LAW IN ONTARIO, 2nd EDITION

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Release No. 3, December 2023

Education Labour and Employment Law in Ontario, Second Edition delivers comprehensive coverage of the latest developments in the law, policies and practices governing teacher employment and jobs. From the collective bargaining rights of teachers in public education, to special issues concerning Roman Catholic separate school boards, this substantive resource gives you a clear perspective on the complex issues that matter most to educators. Drawing on statute and case law, it provides you with information on teacher qualifications, the working year and day for teachers, job security issues, discipline and discharge, salaries, benefits and pensions, class size, occasional teachers, public school administrators, and the Ontario College of Teachers, as well as information on teaching in the public sector, separate schools, community colleges, private schools and universities.

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What's New in this Update:

This release updates to Words and Phrases, Select Legal Literature and New Developments.

Highlights:

- **WORDS AND PHRASES—CONTINUING GRIEVANCE—**[A] “continuing grievance” required more than just “continuing effects or consequences of an earlier breach”; it required a “continuing, ongoing or renewed breach” (emphasis in original). *Ottawa Catholic District School Board and OECTA (20501-OU-DD)*, Re, 2023 CarswellOnt 1067 (Ont. Arb., Goodfellow, para. 41)
- **WORDS AND PHRASES—TRANSFER—**“Transfers and reassignments are different. A transfer is typically understood to be a move from one school to another. It may, but does not necessarily, involve a change in the duties and responsibilities of the teacher being transferred. A reassignment will involve a change in duties and responsibilities but may not involve a move to a different school.” *Seven Oaks Teachers’ Assn. of the Manitoba Teachers’ Society and Seven Oaks School Division (M.O.)*, Re, 2022 CarswellMan 167 (Man. Arb., Graham, para. 36)
- **WORDS AND PHRASES—IS—**“I agree with Arbitrator McDowell’s comments, the use of the word ‘is’ signifies that the definition is intended to be exhaustive as opposed to open ended. If the parties wanted to make the definition . . . open ended then they could have used words such as ‘includes’. To coin a phrase, ‘it is what it is’” *Toronto District School Board and CUPE, Local 4400 (C-7907)*, Re, 2021 CarswellOnt 5424 (Ont. Arb., Stout, paras. 44-45)
- **SELECT LEGAL LITERATURE—**With the December 2023 release, the Select Legal Literature appendix has been updated with the addition of several new subject headings relating to labour and employment issues in the education sector. Examples of new subject headings include: Bargaining Units, Charter of Rights and Freedoms, Remote Learning, and School Teachers-Preparation Time. Among the most recent articles for which bibliographic information has been provided in this update include: *Ontario Labour Arbitrator Awards Damages for Teacher Preparation Time* (June 2023); *Ontario Court of Appeal Upholds the Privacy Rights of School Teachers* (June 2023), *Quebec’s Laicity Act, Teachers and Dress Codes in Canadian Case Law: Introspection Before Legal Action*; and *A Class Complaint Forces the Vancouver School Board to Respond to Charges of Systemic Racism* (September 2022).

- **NEW DEVELOPMENTS**—*Education Labour & Employment Law in Ontario's* current awareness reference tool provides digests of Ontario labour relations board, arbitration and court decisions to aid research into and ongoing awareness of legal developments. In this release, a New Developments appendix has been added to the text featuring board, arbitration and court decisions from August 2022 to July 2023.

ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases, Table of Statutes and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages