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<p>EDUCATION LABOUR & EMPLOYMENT LAW IN ONTARIO, 2nd EDITION Sheilagh Turkington & Christopher Perri Release No. 3, December 2024</p>
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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 Chapter 4. Hours of Work: The Working Year and Working Day for Teachers, Chapter 7. Other Terms and Conditions of Employment, Chapter 8. Workplace Human Rights and Privacy Issues, and Chapter 9. Discipline and Discharge.

Highlights:

- **Chapter 4—III. Length of Working Day for Teachers—§ 4:15. Preparation Time**—Damages were awarded in *Sudbury Catholic District School Board and OECTA (20468)*, *Re*, 2024 CarswellOnt 9627 (Ont. Arb.), where the school board scheduled prep time for teachers outside of the instructional day.
- **Chapter 7—VIII. Health and Safety—D. Vaccination Policies—§ 7:54. Generally**—Three teachers initiated work refusals following a violent incident involving a student with Autism Spectrum Disorder who injured another staff member in the school. The OLRB held that two of the teachers had proper grounds for a work refusal due to the fact that they genuinely believed their own health and safety was endangered. The third teacher did not have a right to refuse work because his primary motivation for doing so was not due a genuine concern for his own personal health and safety, but instead a concern for the health and safety of other staff and students.
- **Chapter 8—II. Employee Privacy Issues—§ 8:2. Employer Searches**—*York Region District School Board v. Elementary Teachers' Federation of Ontario*, 2024 SCC 22 (S.C.C.) affirmed *Elementary Teachers Federation of Ontario v. York Region District School Board*, 2022 CarswellOnt 8666, 2022 ONCA 476 (Ont. C.A.), where the court found that the teachers had a reasonable expectation of privacy. The subject matter of the search was the personal messages the teachers sent to each other through their own “cloud” account, not in any onsite school board storage. The court disagreed with the arbitrator’s focus on whether the information in the log was close enough to the grievor’s biographical core: the Court found that the log was in essence a kind of diary.
- **Chapter 9—I. Just Cause—§ 9:4. Procedural Rights and Just Cause**—In *Re, OECTA and Northwest Catholic District School Board (Gerber)*, 2024 CarswellOnt 1011 (Ont. Arb.), an arbitrator concluded that a school board’s decision to terminate the employment of an occasional teacher violated the procedural aspect of just cause in two important ways. First, the grievor was not given a meaningful opportunity to partic-

ipate or to explain herself prior to being terminated. Second, the board rushed its decision and therefore failed to consider relevant information, including the grievor's prior clean discipline record. Ultimately, the board's breach of the procedural aspect of just cause did not vitiate the discipline but it did act as a mitigating factor that led the arbitrator to reverse the termination and substitute a lessor penalty