

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, § 2:11,
§ 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, § 12:5

evaluation of, § 12:16

Ontario College of Teachers

membership, § 2:13,
§ 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

Statutory procedural rules, applica-
tion of, § 12:22

ADMINISTRATORS—Cont'd

- Supervisory officers
 - bargaining unit membership, § 12:1
 - business supervisory officers, § 12:4, § 12:11
 - Education Act definition, § 12:4
 - Ontario College of Teachers membership, § 2:13, § 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 (AEFO), APP C, § 3:9

AFFILIATES—Cont'd

- 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 (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

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
 - penalty substitution, § 9:9

ARBITRABILITY—Cont'd

- 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
 - statutory class sizes, § 7:7

ARBITRATION—Cont'd

- 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 Negotia-
tions 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
 - co-ordinator, § 2:11
 - principals, § 2:11, § 3:4, § 12:1,
§ 12:2
 - supervisory officer, § 3:4, § 12:1
 - vice-principals, § 2:11, § 3:4,
§ 12:1, § 12:2
- Bargaining unit work
see also TEACHING ASSIGN-
MENTS
 - defining teacher status, § 2:11 to
2:14
 - jurisdictional disputes, § 10:8

BARGAINING UNIT—Cont'd

Bargaining unit work—Cont'd
 regular school year, § 4:3
 temporary teachers, § 2:9
 Basis of membership
 by function, § 2:11 to 2:14
 by qualification, § 2:11 to 2:14
 combined bargaining units,
 § 3:10
 Community colleges
 see COMMUNITY COLLEGES
 (COLLEGES OF APPLIED
 ARTS AND TECHNOLOGY)
 District school boards, § 3:7
 Employees excluded
 chaplains, § 2:11
 occasional teachers, § 2:11,
 § 3:4, § 10:1, 10:2
 principals
 See ADMINISTRATORS
 psychologists, § 2:12
 psychometrists, § 2:12
 social workers, § 2:12
 supervisory officers
 see ADMINISTRATORS
 support staff, § 2:12
 vice-principals
 see ADMINISTRATORS
 Employees included
 attendance counsellors, § 2:11
 coordinators, § 2:11
 psychologists, § 2:11
 psychometrists, § 2:11
 Joint bargaining units, § 3:10
 Occasional teachers
 see OCCASIONAL TEACHERS
 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
 functional determination, § 2:11
 to 2:14
 incumbent qualifications, § 2:11

BARGAINING UNIT—Cont'd

Scope of unit work—Cont'd
 integral to teaching program,
 § 2:11 to 2:14
 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 qualifica-
 tions, § 2:11

BENEFITS

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

BENEFITS—Cont'd

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
 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

BENEFITS—Cont'd

Sick leave and short-term disability
 days, § 5:16 to 5:22—Cont'd
 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
 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

**CANADIAN CHARTER OF
RIGHTS AND FREEDOMS**

—Cont’d

Section 15 (equality rights)
denominational terms and conditions 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
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

COLLECTIVE AGREEMENT

—Cont’d

Expiry of—Cont’d
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-
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 TECHNOL-
OGY)
Consultation clauses, § 7:10
Denominational matters, § 13:9,
§ 13:10
Historical note, § 3:2
provincial discussion tables,
§ 3:3
Joint bargaining, § 3:10

COLLECTIVE BARGAINING

—Cont'd

- 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*

COMMUNITY COLLEGES

(COLLEGES OF APPLIED ARTS AND TECHNOLOGY)

—Cont'd

- Arbitration, § 16:13—Cont'd
 - 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 Committee, *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
 - comparison with Labour Relations 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-secondary teaching, § 16:20
 - reconsideration power, § 16:12
 - religious exemption, § 16:11
 - statutory freeze, § 16:8

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

Colleges Collective Bargaining Act,
2008—Cont'd
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
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

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

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
Creditable teaching experience,
§ 5:5
Pink letter cases, § 3:25
Programs, § 2:1, § 5:12
Teacher contracts, § 2:11, § 4:16
Teachers
bargaining unit membership,
§ 2:11
duties, § 5:12
qualifications, § 2:1
salary, § 4:16, § 5:12
statutory form of contract, § 2:11
teacher status
see TEACHERS
working conditions, § 4:16
Terms and conditions of employ-
ment, § 2:11, § 4:16
Working year, § 4:16

CONTINUING GRIEVANCES

See GRIEVANCES

CONTRACTS OF EMPLOYMENT

See also TERMS AND CONDI-
TIONS OF EMPLOYMENT
Administrators, § 12:15

**CONTRACTS OF EMPLOYMENT
—Cont'd**

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 2:14
chaplains, § 2:11
limited to teaching program,
§ 2:11, § 2:12
nature of position, § 2:11
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
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

COURTS—Cont'd

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 RIGHTS

—Cont'd

- 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
 - 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

DENOMINATIONAL RIGHTS

—Cont'd

- Section 93 of Constitution Act, 1867, § 13:10—Cont'd
 - impact on teachers in denominational schools, § 13:8
 - implementation in different provinces, § 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 employment, § 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
- Teachers and designated early childhood educators: coordination and cooperation, § 11:4

DESIGNATED TEACHERS

- See DENOMINATIONAL RIGHTS

DISABILITY

- See also BENEFITS; DISCRIMINATION; HUMAN RIGHTS LEGISLATION

DISCHARGE

- See DISCIPLINE AND DISCHARGE

DISCIPLINE AND DISCHARGE

- Access to student records, § 9:4
- Alteration of grounds
 - Aerocide principles, § 9:15
 - conduct discovered post-discipline, § 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 TECHNOLOGY)
- 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

DISCIPLINE AND DISCHARGE

—Cont'd

- Disciplinary response—Cont'd
 - indicia—Cont'd
 - objective—Cont'd
 - school board procedures, § 9:7
 - school board representations, § 9:7
 - unsatisfactory work performance, § 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 qualifications, § 9:9
 - profanity, § 9:9
 - sexual explicitness, § 9:9
 - breach of work rules, § 9:14
 - civil disobedience, § 9:9
 - 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

DISCIPLINE AND DISCHARGE

—Cont'd

Grounds—Cont'd
 criminal charges, § 9:17—Cont'd
 mitigating factors, § 9:17
 —Cont'd
 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
 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

DISCIPLINE AND DISCHARGE

—Cont'd

Grounds—Cont'd
 insubordination—Cont'd
 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
 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

DISCIPLINE AND DISCHARGE

—Cont'd

- Just cause standard—Cont'd
 - 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
 - Leave pending investigation
 - generally, § 9:18.50
 - 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
 - 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

DISCIPLINE AND DISCHARGE

—Cont'd

- Principals and vice-principals
 - Cont'd
 - 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
- 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

DISCIPLINE AND DISCHARGE

—Cont'd

- Supervisory officers—Cont'd
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 qualifica-
tion, § 6:9
continuous service definition of
seniority, § 6:2
mitigation of disciplinary penalty,
§ 9:23
performance-related discharge,
§ 9:23
- Family status, § 5:31, § 8:15

DISCRIMINATION—Cont'd

- 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 suspen-
sion 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
- Long-term disability claims, § 5:15
- School Boards and Teachers Collec-
tive Negotiations Act, § 3:19

DUTY TO ACCOMMODATE

- See HUMAN RIGHTS LEGISLA-
TION

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
- 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

DUTY TO BARGAIN—Cont'd

Content of—Cont'd

- 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

**EDUCATION QUALITY
IMPROVEMENT ACT
("BILL 160")—Cont'd**

Amendments to Teaching Profes-
sion Act, § 3:9
Bargaining unit membership/scope
of the bargaining unit, § 2:11
Bargaining unit work
non-classroom duties, § 2:11
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
Scope of the bargaining unit, § 2:11
Sick pay provisions, repeal of,
§ 5:16
Statutory working conditions
changes in, § 4:1
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
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
Pregnancy and parenting leaves
accumulation of sick leave dur-
ing, § 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

EMPLOYMENT STANDARDS

ACT, 2000—Cont'd

- Pregnancy and parenting leaves
—Cont'd
 - 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 provi-
sions, § 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 Nego-
tiations 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 EMPLOY-
MENT

FREEDOM OF SPEECH

- Generally, § 3:18, § 9:14

FREEZE

- See STATUTORY FREEZE

GRIEVANCE ARBITRATION

- See ARBITRABILITY; ARBITRA-
TION; GRIEVANCES

GRIEVANCES

- See also ARBITRABILITY;
ARBITRATION
- Community college teachers
see COMMUNITY COLLEGES
(COLLEGES OF APPLIED
ARTS AND TECHNOL-
OGY)
- 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-ap-
plication to, § 12:8
- Probationary teachers, § 9:3
- University faculty members
see UNIVERSITIES

**GROUND OF
DISCRIMINATION AND
HARASSMENT**

- Discipline
 - mitigation of penalty, § 9:23
- 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

GROUND OF

DISCRIMINATION AND HARASSMENT—Cont'd

- 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

HISTORICAL

CONSIDERATIONS

- Generally, § 2:11

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
 - 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

HUMAN RIGHTS LEGISLATION

—Cont'd

- 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
 - 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 qualifica-
tion, § 13:8, § 13:10,

HUMAN RIGHTS LEGISLATION—Cont'd

Religion, § 8:18—Cont'd
 § 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
 “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

INSTRUCTIONAL TIME—Cont'd

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

Criteria

 internal preference, § 7:14
 interview, § 7:13
 qualifications, § 7:13
 seniority, § 7:13
 vacancy, § 7:13

Management discretion

 fettors
 posting provisions, § 7:13
 reasonable weighing of all factors, § 7:14
 first consideration, § 7:14

JOB POSTING—Cont'd

Management discretion—Cont'd
school disruption, § 7:14
New position, § 6:15, § 7:15
Positions of added responsibility,
§ 6:15, § 7:15

JOB SECURITY

See DISCIPLINE AND DIS-
CHARGE; POSITIONS OF
ADDED RESPONSIBILITY;
PROMOTION, DEMOTION
AND TRANSFER; SENIOR-
ITY; 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 com-
mittee decisions, § 14:30
Statutory rights, violations of,
§ 12:20
Technical requirements of termina-
tion, § 12:22
University decision-making
see UNIVERSITIES

JURISDICTIONAL DISPUTES

Generally, § 3:9

JUST CAUSE

See DISCIPLINE AND DIS-
CHARGE; MANAGEMENT
RIGHTS

LABOUR RELATIONS ACT

See also COLLECTIVE
BARGAINING; SCHOOL
BOARDS AND TEACHERS
COLLECTIVE NEGOTIA-
TIONS 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 TECHNOL-
OGY)
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, § 2:12,
§ 2:13
pink letter cases, § 3:25
remedial powers, § 3:12
Principals and vice-principals, non-
application to, § 12:1
Private school teachers, § 17:6
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

LABOUR RELATIONS ACT

—Cont'd

- Unfair labour practices
see UNFAIR LABOUR PRACTICES
- Union messages, § 3:18
- Work assignment, § 3:9

LABOUR RELATIONS BOARD

- See LABOUR RELATIONS ACT

LAY-OFF

- See DISCIPLINE AND DISCHARGE; RECALL RIGHTS; REDUNDANCY

LEAVES

- See also BENEFITS; MANAGEMENT RIGHTS; WORKING CONDITIONS
- “Annual salary,” § 5:28
- Collective agreement provisions
incorporating statutory provisions, § 5:16, § 7:19
- Discretionary
 - advisory committee, § 7:24, § 7:25
 - management exercise of discretion, § 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
- 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

LEAVES—Cont'd

- 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
 - 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

LEAVES—Cont'd

- 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 TECHNOLOGY)
- 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 TECHNOLOGY)
- COVID-19, 7:54

MANAGEMENT RIGHTS

—Cont'd

- 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
- 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

MANAGEMENT RIGHTS

—Cont'd

- Discretion—Cont'd
 - standards for exercising—Cont'd
 - 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, § 5:10, § 7:10, § 7:15, § 7:23, § 12:14
- 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

MANAGEMENT RIGHTS

—Cont'd

- 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
- 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
 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
 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

OCCASIONAL TEACHERS

—Cont'd

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
 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
 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

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

Discipline committee, § 14:15 to 14:24—Cont'd
 penalties, § 14:17—Cont'd
 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
 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, § 2:13
 principals and vice-principals, § 2:13
 private school teachers, § 17:4
 qualifying test, § 2:3
 recertification, § 14:32
 supervisory officers, § 2:13
 Performance appraisals resulting in termination, § 7:35
 Principals and vice-principals
 membership, § 2:13
 qualifications, § 12:12
 Privacy, § 14:31

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

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
 Registrar, § 14:6, § 14:27
 Registration Appeals Committee, § 14:6, § 14:7
 regulations, § 14:6
 suspension/cancellation of certificate, § 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 Education Act, 2001, § 14:32
 Standards of Practice for the Teaching Profession, § 14:10
 Student Protection Act, 2002, § 14:26, § 14:31

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

Supervisory officers
membership, § 2:13
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-
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

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

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
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

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

Credited service, § 15:11 to 15:24
—Cont'd
active members receiving
Workplace Safety and Insurance 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
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

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

Participation in the plan, § 15:1
—Cont'd
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
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 contribu-
tions refund, § 15:32
member who transfer commuted
value of pension to another
plan, § 15:32
other employment, irrespective
of, § 15:33

ONTARIO TEACHERS' PENSION PLAN—Cont'd

Purchase of credited service,
 § 15:26 to 15:34—Cont'd
 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
 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

PART-TIME TEACHERS—Cont'd

Salary—Cont'd
 calculation—Cont'd
 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

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

POSITIONS OF ADDED

RESPONSIBILITY—Cont'd

- Creation of—Cont'd
 - 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
 - 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; POSITIONS 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
- 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

PRIVATE SCHOOLS—Cont'd
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 employ-
ment, § 17:6
- tuition tax credit, § 17:1

PROBATIONARY TEACHERS

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

PROBATIONARY TEACHERS
—Cont'd

- 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 discipline, § 14:9 to
14:31
- Professional discretion, § 9:13,
§ 9:14
- Professional learning, § 14:32

**PROMOTION, DEMOTION AND
TRANSFER**

- See also DISCIPLINE AND DIS-
CHARGE; POSITIONS OF
ADDED RESPONSIBILITY
- Demotions
 - appropriate length, § 9:20
 - continuing impact, § 9:20
 - financial burden, § 9:20
 - job postings, § 9:20
 - seniority, § 9:20

PROMOTION, DEMOTION AND TRANSFER—Cont'd

Demotions—Cont'd
 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
 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

PROMOTION, DEMOTION AND TRANSFER—Cont'd

Transfers—Cont'd
 portability of benefits—Cont'd
 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
 Certificate of qualification, § 2:4
 restricted, § 2:6
 transitional, § 2:5
 Community college teachers, § 16:1
 Defining teacher status, § 2:11, § 2:13
 Emergency appointments, § 2:9, § 10:11
 English/French proficiency test, § 2:7
 Functional requirements, § 2:11
 Gender, § 6:9
 Interim certificate of qualification, § 2:7
 Letters of Eligibility, § 2:7
 Letters of Permission, § 2:9

QUALIFICATIONS—Cont'd

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, § 2:14
 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
 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

RECALL RIGHTS—Cont'd

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
 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

REDUNDANCY—Cont'd

- Reasons—Cont'd
 - 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 DISCHARGE; REMEDIES

RELIGIOUS BELIEFS

- See DENOMINATIONAL RIGHTS; DISCRIMINATION; HUMAN RIGHTS LEGISLATION

REMEDIES

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

REMEDIES—Cont'd

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

RETIREMENT—Cont'd

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

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

SALARY—Cont'd

Experience increments—Cont'd

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 assessment of the nature
of work, § 2:11

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

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

SALARY—Cont'd

- 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
- 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

SCHOOL BOARDS—Cont'd

- Co-instructional activities, § 4:12
- Discipline teachers, § 9:2, § 9:7, § 14:31
 - just cause, § 9:2
- Duty of fairness
see DUTY OF FAIRNESS
- Duty to bargain
see COLLECTIVE BARGAINING; DUTY TO BARGAIN; MANAGEMENT RIGHTS
- Evaluation of professional activities, § 4:4
- Individual bargaining, § 3:13
- Joint bargaining, § 3:10
- Lock-outs, § 3:26
- Obligation to hire qualified teachers, § 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
 - 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

SCHOOL BOARDS—Cont'd

- Public character—Cont'd
 - 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 2:14
- Duty to bargain, § 3:12
- 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

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

- Unlawful strike, § 3:22
- Work to rule, § 3:22

**SCHOOL BOARDS COLLECTIVE
BARGAINING ACT, 2014,
§ 2:12**

- 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
- 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

SENIORITY—Cont'd

- 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
- 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

STAFFING—Cont'd

- 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
- 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 Col-
lective Negotiations Act,
§ 3:21
- Discipline of employees during
lawful strike, § 3:23
- Extra-curricular activities, § 3:22

STRIKES—Cont'd

- 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
 - 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

TEACHERS—Cont'd

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
 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

Evaluation of
 see performance appraisals, *infra*

New teachers
 see NEW TEACHER INDUC-
 TION PROGRAMS

Non-classroom positions, § 2:12

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

TEACHERS—Cont'd

Performance appraisals, § 7:33 to
 7:38, § 12:8—Cont'd
 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

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 ASSIGNMENTS

—Cont'd

**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
- As basis for teacher status, § 2:12
- 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

TEACHING DUTIES—Cont'd

- 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
- 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 2:14,
§ 4:9
- 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 AGREEMENT; COLLECTIVE BARGAINING; CONTRACTS OF EMPLOYMENT; TEACHING ASSIGNMENTS; 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 TECHNOLOGY)

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

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 TECHNOLOGY)

UNFAIR LABOUR PRACTICES

—Cont'd

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

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

UNIONS—Cont'd

- 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

UNIVERSITIES—Cont'd

- 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
- 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

UNIVERSITIES—Cont’d

Promotion, § 18:18 to 18:27
 —Cont’d
 “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
 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

UNIVERSITIES—Cont’d

Tenure, § 18:18 to 18:27—Cont’d
 remedy, § 18:27—Cont’d
 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; POSI-
 TIONS OF ADDED
 RESPONSIBILITY

VOLUNTARY TEACHER

ACTIVITIES

See also STRIKES; TEACHING
 DUTIES

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

WORDS AND PHRASES—Cont'd

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
 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

WORDS AND PHRASES—Cont'd

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 2:14
 Teaching duties, § 2:11 to 2:14
 Teaching experience, § 5:3
 Total salary, § 5:28
 Transfer, § 9:20
 Vacancy, § 7:13
 Work to rule, § 3:22
 Year, § 4:8, § 6:16
 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

WORKING CONDITIONS

—Cont'd

- Class size—Cont'd
 - 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
- 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

WORKING CONDITIONS

—Cont'd

- School year—Cont'd
 - 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
 - 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 DISCHARGE

- Administrators, § 12:19
- Private school teachers, § 17:7
- Teachers in public system, § 12:19