



ETFO Submission to the Ministry of Education Consultation on Hiring Practices – Phase 2

May 2019



**Elementary Teachers' Federation of Ontario
Fédération des enseignantes et des enseignants
de l'élémentaire de l'Ontario**

ETFO represents 83,000 elementary public school teachers, occasional teachers and education professionals across the province. Its Building Better Schools education agenda can be viewed at **BuildingBetterSchools.ca**.

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INTRODUCTION

The Elementary Teachers' Federation of Ontario (ETFO) welcomes the opportunity to respond to the Ministry of Education's Consultation on Regulation 274/12 – Hiring Practices. ETFO represents 83,000 elementary public school teachers and education professionals across the province and is the largest teacher federation in Canada.

As stated in the response to the initial phase of this consultation, ETFO believes that discussions about hiring practices in general, and Regulation 274/12 (Regulation 274) in particular, belong at the bargaining table. Nonetheless, this response summarizes ETFO's views on Regulation 274, which are rooted in our members' experiences, existing evidence and the overarching goal of providing high-quality public education to students in Ontario. This submission should be considered as complementary to ETFO's response to the initial phase of the consultation and addresses the topics and questions raised by the Ministry's *Consultation Guide*. For clarity, this submission does not constitute a bargaining proposal and is provided without prejudice to any position which ETFO might pursue at negotiations or otherwise.

The government has stated student achievement, protecting front-line staff, fiscal responsibility, evidence-based decision making and diverse teaching staff as key goals during this consultation. These goals will not be served by the changes the government is proposing. The government appears to be ignoring existing research; in particular the compelling evidence gathered in a previous in-depth study of Regulation 274.¹ If implemented, the changes proposed

¹ Directions Evidence and Policy Research Group, LLP (2014). Ontario Regulation 274 – Final Report. Toronto.

by the government would have a detrimental effect on the teaching profession and the quality of education for Ontario's students.

Teacher Mobility

ETFO, OPSBA and the Ministry of Education have already negotiated language to assist teachers in relocating to a different board. Regulation 274 currently establishes a clear, consistent and transparent process for placement on the long term occasional (LTO) list.

The proposed changes by the Ministry would completely ignore teaching experience and undermine access to teaching opportunities for experienced occasional teachers in the communities where they have worked for years.

Right Teacher for the Job

The current practices under Regulation 274 ensure that only qualified teachers with the necessary experience are considered for positions and largely removes a system based on personal preferences and favouritism. The requirement to interview five teachers from the LTO list who meet the required qualifications and have the highest seniority ensures that the school boards and principals can consider objectively qualified candidates for a given position.

Removing the maximum number of candidates to be interviewed will open up the process to bias, favouritism, nepotism and inconsistent practices. The resulting lack of transparency would erode the trust teachers place in the hiring process. Interview caps should not be removed.

Simplifying the Hiring Process

The existing process under Regulation 274 requires that boards maintain an occasional teacher (OT) roster and an LTO list. If the government wants to propose changes to the current requirements for an OT roster and LTO list, ETFO would be prepared to discuss this concept at the bargaining table.

Reducing Bias in Teacher Hiring Practices

The current criteria of qualifications and experience provide the best way to prevent bias and ensure equity in the hiring process. Removing the seniority criteria would open up the hiring process to bias and favouritism and erode confidence in the process.

Addressing diversity and equity in hiring

In 2013, the Ministry of Education commissioned a report on Regulation 274. On November 14, 2014, a Final Report was issued by Directions Evidence and Policy Research Group, LLP after extensive consultation and discussions with education stakeholders, including employer groups and unions representing educators.² In its report, Directions found that some boards acknowledged that “because of the Regulation some occasional teachers who had previously been overlooked were now being interviewed and employed.” The report also concluded:

“In our view, Regulation 274 is consistent with both the intentions of the Ontario Human Rights Commission, the Ministry’s agreement with the Commission, and Ministry policy directives

² Directions Evidence and Policy Research Group, LLP (2014). Ontario Regulation 274 – Final Report. Toronto.

because it brings transparency and fairness into the hiring process. Transparency and fairness in hiring processes as objectives do not conflict with diversity objectives.”

Responses to questions raised by the Ministry of Education

1. What are the implications of the proposals on hiring practices of teachers in Ontario in relation to the five key goals.

Regulation 274 currently ensures that only qualified teachers with the required experience are considered for available positions. This supports Ontario’s high-quality public education system by ensuring an experienced and qualified workforce is available. Regulation 274 also provides certainty and transparency in the hiring process and thus enhances the teaching profession.

Undermining the transparent hiring process currently in place will open the door to a return to nepotism and favouritism, creating uncertainty for current occasional teachers and prospective teachers.

The current government proposals would have a detrimental impact on front-line staff, in particular on occasional teachers. By eliminating transparency and fairness in the hiring process, occasional teachers will have no way to be confident that their work as occasional teachers might lead them to regular employment with their school boards. This could act as a deterrent to continuing in the teaching profession. Without a clear career path, it will be difficult for occasional teachers to commit years of professional growth without the knowledge that they will be given a fair, equitable and transparent opportunity to demonstrate their skills and abilities.

The government has stated that evidence-based decision making is one of its goals.

Nonetheless, it does not consider the substantial body of evidence that supports the continued

implementation of Regulation 274, including the results in a study commissioned by the Ministry in previous years.

The evidence also demonstrates that Regulation 274 is consistent with diversity objectives, especially because it provides transparency and fairness in the hiring process. In fact, eliminating current requirements under Regulation 274 would remove accountability from the hiring process and could have a detrimental effect on diversity and equity objectives.

2. Regarding this proposal, what issues will need to be considered for implementation?

As stated in the introduction of this submission, and in ETFO's response to the first stage of this consultation, Regulation 274 is an issue that belongs at the bargaining table. The parties to the Central Agreement should be addressing these issues through central negotiations.

3. Are there alternative approaches that you would like to put forward that would achieve the government's five key goals?

ETFO would be ready to discuss possible improvements to Regulation 274 during collective bargaining negotiations at the central table.

4. Are there alternative approaches that you would like to put forward that would achieve the government's five key goals?

Undermining fair and transparent hiring practices will have a detrimental effect on the quality of education for Ontario's students. We urge the government to reconsider its current position on

Regulation 274. Discussions about improvements to the current hiring process can take place during upcoming collective bargaining negotiations.

Feedback from ETFO members

Following are some examples of the feedback ETFO has received from its members regarding Regulation 274 which has helped informed this submission.

“I believe that Regulation 274 has helped me tremendously in my career. I am grateful for this hiring practice and have experienced its commitment to fairness and equal opportunity. Candidates should be hired based on merit and they should be given a chance to prove their qualifications after working and gaining experience over the years.”

- ETFO member

“I worked fairly consistently as a daily call out but as I did my job well, was not visible to administrators who hired long term OTs. I did not usually work in long terms therefore I was passed over for contracts and other long term assignments. When Reg 274 began, I was finally able to use my seniority to be interviewed for a contract.

...finally, in 2014, being given a contract. As a day to day OT, the board could not guarantee me working all week and it was hard for my family’s finances. It was extremely hard to watch newly hired OTs get long terms because they were in the classroom when it was needed.”

- ETFO member

“I worked hard to build a rapport with the staff and administration and pursued professional development opportunities to build my knowledge. I also volunteered for many extra-curricular activities, presented workshops for other Occasional Teachers, and sat on numerous committees. I completed AQ courses to receive a Specialist in Special Education, upgraded coursework to obtain an intermediate qualification, and completed my Master of Education specializing in Applied Behaviour Analysis. I also had extensive outside experience in the field of Special Education...”

Had it not have been for Regulation 274, I don't know how much longer I would have had to wait to receive a contract. Although I worked extremely hard as a classroom teacher and with pursuing professional development in addition to receiving exceptional evaluations, I was not fortunate to have a personal connection to anyone at the Board level. I felt that this hindered me from obtaining a contract. I watched as many teachers below me on seniority receive contracts with fewer qualifications and experience. I often felt like my qualifications, outside experience and work ethic did not mean anything. When Regulation 274 was implemented my seniority was high enough to qualify me for a contract.

In my opinion, Regulation 274 eliminates favouritism based hiring practices.”

- ETFO member

“I have found that this Regulation has certainly helped me, because it provides a clear path to obtaining a permanent position without the vague uncertainty that used to be...

As a racialized teacher, it is important to have high quality teachers in classrooms that not only provide culturally responsive pedagogical practices, but those who can relate to the students and communities they serve. To dismantle the Regulation, would again marginalize ELL, racialized and Indigenous educators, this is 100% an equity issue.”

- ETFO member

“I have been able to see how hiring was done before Reg 274, and after as well. Before the regulation was put in place OTs were hired to LTOs and contract positions on what felt like a very random basis. I saw good teachers who were hired with me put into contracts after working for a single year and others who were just as proficient had to wait 10 or 11 years...

After my successful interview I was placed on the long-term list which was ordered by seniority. This means that my 13 years of experience was honored by the school board. If this had not been required through reg 274 I would have been placed at the bottom of the LTO list and many teachers with far less experience than I would have moved into contract positions before I could...

Having reg 274 in place protects the rights of teachers and requires our school board to be up front about the hiring process.”

- ETFO member

“If you were at the same school for multiple years covering for maternity leaves but no permanent position opens up you would not have the same opportunity as the first year teacher who happened to be at the neighbouring school when another teacher retires.

The reason we needed Regulation 274 was to create an equitable hiring practice. It isn't a cake walk. Potential candidates have to pass a 40 minute interview and give a mock lesson to a panel of principals. If an Occasional teacher, who has been with the board for many many years does not pass the interview process, their seniority means absolutely nothing. Therein is the fail-safe that ensures the best qualified teachers who ALSO have the longest experience get hired. Equity. It's simple.”

- ETFO member

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