

## ETFO SPECIAL BARGAINING BULLETIN

# REGULATION 274 AT THE CENTRAL BARGAINING TABLE

### WHAT IS REGULATION 274?

Ontario Regulation 274/12 (or “Regulation 274”) was put in place by the government in September 2012. The regulation was a response to concerns that, in some school boards, long-term occasional (LTO) and new teaching positions appeared to be awarded based on nepotism and favouritism (i.e., “who you know” and “who likes you”), rather than on qualifications and objective hiring rules.

Regulation 274 establishes a transparent, fair and consistent hiring process for LTO and new permanent teaching positions. All public school boards -- and every principal working for a public school board -- must use that transparent, fair and consistent hiring process, without exception.

Regulation 274 requires all school boards to maintain two OT lists:

- a **roster** of daily OTs; and
- a **list** of long-term OTs.

School boards must also do other things to comply with Regulation 274. For ETFO members, this means:

- **Transparency:** Every school board has to post LTO and new permanent teaching positions for at least five school days so all eligible OTs know about, and have the opportunity to apply for, those positions.
- **Fairness:** School boards must give every interested OT who has taught at least 20 days during a 10 month period the opportunity to apply for a place on the LTO list.
- **Consistency:** As LTO and new permanent teaching positions become available, every school board must provide the most senior qualified applicants with the opportunity to be interviewed for those positions.

### SCHOOL BOARDS WANT TO ELIMINATE REGULATION 274

In this round of bargaining, school board representatives advised ETFO that one of their bargaining goals is to eliminate Regulation 274. Over the past seven years, school boards have claimed:

- the regulation forces them to hire unqualified teachers;
- hiring based on qualifications and experience is unfair to new faculty of education graduates;
- the regulation prevents school boards from considering diversity in their hiring processes; and
- experienced, more senior occasional teachers are less effective in the classroom than new graduates from faculties of education.

These claims are not based on data, on research or on any critical analysis of the hiring process established by Regulation 274.

### THE TRUTH ABOUT REGULATION 274: IT WORKS

In fact, the conclusions of an objective, rigorous study found the complaints from school boards about Regulation 274 were without merit.

In 2013 an external, well-respected research group was retained by the Ministry of Education to investigate the impact of Regulation 274 on school board hiring practices. The researchers conducted hundreds of hours of interviews with school

# ETFO SPECIAL BARGAINING BULLETIN

## REGULATION 274 AT THE CENTRAL BARGAINING TABLE

board administrators, board trustees and teacher federation representatives. Their report<sup>1</sup> published in 2014, dispelled claims being made by opponents of Regulation 274:

1. The researchers found no instances of occasional teachers being hired for positions they weren't qualified for.
2. Because it brings transparency, fairness and consistency to the hiring process, Regulation 274 aligns with diversity objectives in employment.
3. Regulation 274 brings transparency to hiring because it makes the path to permanent employment clear to everyone, including new graduates.
4. Research about teacher effectiveness shows that, all other things being equal, teachers with more experience are better teachers.

### REGULATION 274 AT THE CENTRAL BARGAINING TABLE

Even though the extensive review by an objective research group showed Regulation 274 works, school boards have come to the central bargaining table proposing that Regulation 274 be eliminated. In its place, each school board would have the autonomy to establish its own process for hiring. The school board's hiring process would then be posted on its website.

ETFO is being asked to give up the transparency, fairness and consistency of Regulation 274 for a promise that school boards can be trusted to implement fair hiring processes – yet those hiring processes won't be shared with ETFO during bargaining.

ETFO is committed to maintaining Regulation 274, and has proposed a number of ways to improve the regulation. For example, ETFO wants to work collaboratively with school board representatives around the issue of permanent teachers and occasional teachers on LTO lists who have moved to an area outside their school board and need to seek employment with another board.

ETFO is open to discussing ideas that would improve our members' working conditions. But ETFO's bargaining goals are based on our members' priorities. During surveying conducted to prepare for the 2019 round of bargaining, ETFO received a clear message: the transparency, fairness and consistency Regulation 274 brings to the occasional teacher hiring process are priorities for many of our member

---

<sup>1</sup> *Ontario Regulation 274: A Report* can be found at <http://www.etfo.ca/defendingworkingconditions/bargainingandagreements/pages/reg274.aspx>