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EDUCATION LABOUR & EMPLOYMENT LAW IN ONTARIO, 2nd EDITION

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Publisher's Special Release Note 2021

The pages in this work were reissued in October 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the October 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

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

What's New in this Update:

This release includes updates to the case law and commentary in Chapters 1 (Introduction), 2 (What is Teaching?), 4 (Hours of Work: The Working Year and Working Day for Teachers), 6 (Lay off and Other Job Security Issues), 7 (Other Terms and Conditions of Employment), 8 (Workplace Human Rights and Privacy Issues), 9 (Discipline and Discharge), 10 (Designated Early Childhood Educators), 13 (Denominational Rights) and 14 (Ontario College of Teachers).

Highlights:

- **HOURS OF WORK: THE WORKING YEAR AND WORKING DAY FOR TEACHERS — PREPARATION TIME —** In *Hamilton-Wentworth District School Board v. Elementary Teachers' Federation of Ontario (Inclement weather days and preparation time payback)*, 2022 CarswellOnt 1128 (Knopf), an arbitrator allowed a grievance against the school board's rescheduling of previously lost preparation time during snow days when schools were closed. Notwithstanding that inclement weather days were considered instructional days under the *Education Act*, preparation time could not be rescheduled on such days. To allow that would be to defeat the purpose of preparation time, being to relieve teachers of instructional responsibilities during days when instruction is being carried out.
- **WORKPLACE HUMAN RIGHTS AND PRIVACY ISSUES — DISCLOSURE OF MEDICAL INFORMATION —** In *Toronto Catholic District School Board and OECTA (TECHT)*, 2022 CarswellOnt 2428 (Ont. Arb.), the grievor had been absent from work on several occasions before being cleared to return only either not to do so, or to return only briefly before going off again. An arbitrator denied a griev-

ance against the employer's request for medical information after the grievor was cleared to return to work after a further absence without any medical restrictions. The employer's request that the grievor's doctor complete a medical questionnaire so that it could gain clarity about the grievor's ability attend work was fair and reasonable. The employer violated the collective agreement, however, by refusing to permit the employee to return to work until it received the requested medical information. The employer had a "legitimate interest in pursuing [the information]" but "no real or substantial basis upon which to doubt the physician's unequivocal, unqualified and timely medical clearance."

- **DISCIPLINE AND DISCHARGE — DISCHARGE AND OTHER FORMS OF TERMINATION OF EMPLOYMENT RELATIONSHIP** — A teacher who refused to meet with his employer to review the findings of an investigation, but instead absented himself from work for approximately seven years while pursuing a human rights complaint against the employer (which complaint was ultimately dismissed) was found to have abandoned his employment in *Toronto Catholic District School Board and OECTA (Amazan)*, unreported, September 24, 2021 (Herlich).

ProView Developments

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

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