

## Policy/Program Memorandum No. 165

**Date of Issue:** February 22, 2021

**Effective:** March 31, 2021

**Subject:** School Board Teacher Hiring Practices

**Application:** Directors of Education

School Authorities

**Reference:** This memorandum is effective following the revocation of Ontario Regulation 274/12, "Hiring Practices".

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### Purpose

The Ministry of Education is committed to having the best education system in the world in order to prepare students<sup>1</sup> for success, now and in the future. To achieve this, it is critical to have a well-prepared, qualified and diverse teacher workforce with the knowledge, skills, and attributes needed to ensure that all students reach their full potential, regardless of their background or social identity.

The purpose of this memorandum is to provide direction to school boards<sup>2</sup> on the development and implementation of fair, consistent, and transparent teacher hiring policies and processes. The memorandum identifies the components of a teacher hiring policy that school boards are expected to adopt as well as recommended effective practices. The expectations set out in this memorandum apply to hiring processes that begin after the revocation of Ontario Regulation 274/12: Hiring Practices, on October 29, 2020.

This memorandum is informed by leading research on pedagogy and best practices in creating a well-prepared, qualified and diverse workforce in the education sector. It is also informed by the results of consultations with stakeholders who have asked for more fairness and flexibility, mobility, merit and quality in the hiring of teachers.

### Expectations for School Board Hiring Policies

The Ministry of Education expects all hiring decisions to be made in accordance with this memorandum and in accordance with applicable laws, including the *Human Rights Code*, and with school board collective agreements. Hiring decisions must respect the rights of denominational schools and of French-language schools. Where any direction of the PPM conflicts with these other requirements, the applicable laws and collective agreement provisions prevail.

In outlining expectations for teacher hiring, this memorandum upholds the principles mandated in Regulation 298, "Operation of Schools – General", R.R.O., 1990, including those related to teacher qualifications and providing the best possible education program for students.

All school boards in Ontario's publicly funded education system are expected to establish fair, consistent, and transparent policies for teacher hiring. School boards' requirements and selection criteria for hiring should be clearly laid out and publicly available on their websites.

School boards are expected to include the following inter-dependent components in their teacher hiring policies:

- Qualifications and Merit
- Diversity, Equity, and Human Rights
- Employment Mobility
- Fairness and Transparency
- Monitoring and Evaluation

### **Qualifications and Merit**

Teacher hiring policies must adhere to the qualification requirements set out in Regulation 298, “Operation of Schools – General”. School boards should also rely on the following when developing their selection and evaluation criteria:

- valuing applicants' demonstrated experience and commitment to creating a safe, inclusive, equitable, accessible, and high-quality learning environment; providing the best possible program as determined by the principal, and considering applicants demonstrated:
  - teaching commitment;
  - experience or time spent in a particular school; and
  - suitability for a particular assignment.
- valuing applicants' additional experiences, skills, backgrounds, lived and work experience;
- responding to school and board priorities based on clearly defined criteria, including qualifications.

### **Diversity, Equity, and Human Rights**

The promotion of human rights and equity is vital to achieving a diverse and representative teacher workforce to meet the needs of a diverse student body. There is a positive effect on the educational experience and outcomes of historically under-served students when teachers reflect their identities. Research demonstrates that all students benefit from having teachers with varying social identities and lived experiences. The way to achieve a diverse and representative workforce is to:

- ensure that all employment policies and practices are anti-discriminatory;
- work to intentionally identify and remove barriers for Indigenous peoples and equity-seeking groups at each stage of the hiring process. This involves examining each part of the process – from setting job requirements and employment conditions to establishing the recruitment, application, screening, interview, and selection processes so that no stage creates a barrier for candidates.

### **Employment Mobility**

The teacher hiring process should address employment mobility by providing equal opportunity to all OCT certified teachers to apply for any position (occasional, long-term occasional, or permanent) for which they are qualified irrespective of where they are currently employed.

### Fairness and Transparency

To support a fair and transparent process for candidates, teacher hiring policies should include:

- a conflict of interest disclosure policy based on the conflict of interest template provided by the Ministry of Education;
- clear steps to avoid nepotism (the attached Teacher Hiring Conflict of Interest Template represents the minimum standard which boards are expected to meet in developing a local policy);
- a process for adherence to the bona fide or “legitimate” job requirements and qualifications through the hiring process, while following the requirements outlined in Regulation 298, “Operation of Schools – General”;
- a process and criteria for all aspects of teacher hiring – setting job requirements, postings, outreach and recruitment, application, screening, interview, and selection processes, including the communication of these;
- a process for tracking and communicating with applicants;
- processes to promote demographically diverse hiring panels that draw on the different experiences, skill sets, and educational and professional backgrounds in the board;
- criteria for evaluating candidates based on more than one source;
- provisions for structured evaluation criteria, questions and tools that prevent interview and selection bias;
- a process for providing constructive interview feedback for candidates, upon request;
- a process for providing accommodation based on needs related to the Human Rights Code; and
- a process for the disclosure of information to the appropriate bargaining units.

### Monitoring and Evaluation

Boards should develop a monitoring and evaluation plan to review the effectiveness of their teacher hiring policy and make adjustments as necessary.

### Effective Practices

School boards should develop the following effective practices to remove barriers and gaps in teacher hiring. To implement the expectations outlined in this memorandum and to provide that their policies remain relevant, school boards are expected to establish a mechanism, or use existing mechanisms, to collaborate with local teachers' federations and associations.

### Candidate Selection Practices

#### Newly Qualified Teachers

Hiring policies should acknowledge the importance of supporting renewal in the teacher workforce and help to provide career pathways for newly qualified teachers, including those who have been on long-term assignments for a number of years and have not yet secured a permanent position.

The hiring of newly qualified teachers presents:

- an opportunity to introduce new talent and skills to the school system;
- a way to increase diversity; and
- an opportunity to strengthen pathways to the teaching profession and invest in the people who will be the experienced teachers of the future.

### **Representation**

Encouraging diversity of the teaching workforce in the school board is vital because the workforce should be reflective of the diversity in the province. Inequitable representation of historically disadvantaged groups in the workforce can lead to inequities in educational experiences and outcomes for excluded or equity-seeking students.

### **Monitoring and Evaluation Practices to Strengthen Accountability**

#### **Data Collection**

The collection of teacher workforce demographic data will provide a foundation for well-informed discussions and decision-making about the vision for a diverse and inclusive workplace, as well as the policies, programs, and procedures that will help to achieve that vision. Quantitative data collection is the first step to helping boards identify employment barriers.

When developing a voluntary workforce census and analysing results, boards should consider the following questions:

- Does the teacher workforce reflect the social identities of the student population and the region as well as the diversity of the province?
- What identities, and intersections of identities, should be represented in the teacher workforce in order to help reflect and meet the needs of the school board community and the diversity of the province?
- Are there some under-represented communities whose members are reluctant to self-identify, which makes it necessary to use alternative or supplement approaches to a census?

School boards are encouraged to explore how they can collect voluntary demographic information from candidates in order to assess whether there is diversity in the candidates that are applying for positions, as well as where there may be barriers to candidates in the teacher hiring process.

#### **Employment Systems Review (ESR)**

The collection and analysis of workforce data provides the foundation for an Employment Systems Review (ESR). Each school board should examine its employment systems to determine whether they create barriers for potential candidates or otherwise unfairly impact their chances to succeed. An effective review will also examine the organizational culture for unconscious values, assumptions, and

behavioural norms that can disadvantage groups and individuals based on their personal characteristics.

A centralized applicant tracking and file management system for all hiring-related documentation is recommended as a key monitoring tool. In some boards, such a system may already be in place.

### Creating a Fairness in Employment Plan

The goal at the end of the ESR is to have identified and made recommendations to address the gaps and barriers, including workplace culture and attitudinal barriers, to a diverse and inclusive work environment. Working together, school boards and employee representatives and unions should use the result of the workforce census and ESR to develop a fairness in employment plan that includes goals and timelines for closing those gaps and removing those barriers. This can include specially constructed measures to address the ongoing effects of systemic discrimination.

### Conclusion

The Ministry of Education is committed to having the best education system in the world in order to prepare our students for success, now and in the future. We recognize teachers, and the quality of their teaching, as the single most important factor in the improvement of student achievement.

Fair and transparent school board teacher hiring policies that align with the expectations outlined in this PPM will enable students to have access to teachers who can make a positive difference in their lives. They will be teachers hired based on qualifications, merit and the ability to meet the diverse needs of all students.

The ministry will continue to work with school boards and education partners to provide ongoing support and resources as boards develop and implement local teacher hiring policies and processes aligned with this PPM.

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<sup>1</sup> In this memorandum, unless otherwise stated, student(s) includes children in Kindergarten and students in Grades 1 to 12.

<sup>2</sup> In this memorandum *school board(s)* and *board(s)* refer to district school boards, school authorities, and Provincial and Demonstration Schools (including the schools operated by the Centre Jules-Léger Consortium).

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## **Appendix**

### **Teacher Hiring Conflict of Interest Policy**

#### **1. Application of this Policy**

This Policy applies to all Employees of the School Board involved in teacher hiring.

#### **2. Preamble**

This Policy is intended to facilitate Employees' ability to maintain the highest business and ethical standards, and to facilitate the protection of the integrity of Employees in the course of their teacher hiring responsibilities to the School Board.

This Policy defines and addresses potential, apparent and actual conflicts of interest. It provides guidance to Employees so that conflicts of interest are recognized and either avoided or resolved expeditiously through appropriate disclosure and management.

The fundamental principle underlying this Policy is that Employees must not permit relationships with others or external business activities to conflict, or appear to conflict, with the interests of the Board.

#### **3. Definitions**

Conflict of Interest means a potential, apparent, or actual conflict where an Employee's financial or other personal interest, whether direct or indirect, conflicts or appears to conflict with the Employee's responsibility to the Board, or with the Employee's participation in any recommendation or decision pertaining to teacher hiring within the Board.

Employee means full-time or part-time Employees of the School Board involved in teacher hiring.

External Activity means any activity of an Employee outside the scope of her/his employment with the School Board undertaken as part of a commercial or volunteer enterprise.

Relationship means any relationship of the Employee to persons of his or her immediate family whether related by blood, adoption, marriage, or common-law relationship, and any relationship of an intimate and/or financial nature during the preceding five years, any student-supervisor relationship, or any other past or present relationship that may give rise to a reasonable apprehension of bias.

Supervisor means the person to whom an Employee reports.

#### **4. Specific Conflicts**

Without restricting the generality of this Policy, the following circumstances may give rise to Conflicts of Interest:

i) participating in, or influencing the outcome of the appointment, hiring, promotion, supervision, or evaluation of a person with whom the Employee has, or has had, a Relationship;

ii) acceptance by an Employee of a gift from any of the following persons or entities if a reasonable person might conclude that the gift could influence the employee when performing hiring duties with the School Board:

a) a person, group, or entity that has dealings with the School Board;

b) a person, group, or entity to whom the Employee provides services in the course of his or her duties to the School Board;

c) a person, group, or entity that seeks to do business with the School Board.

An Employee who is offered a gift in the circumstances described in ii) above shall, in writing, notify his or her Supervisor.

### **5. Procedures for Disclosure of Conflicts of Interest**

i) All Employees have an obligation to disclose to their Supervisor or the Director of Education any Conflict of Interest. The Employee must disclose in writing as soon as she/he could reasonably be aware that a Conflict of Interest exists. The existence of a Conflict of Interest does not necessarily preclude involvement in the issue which has given rise to the Conflict ("the Matter"). The Employee must declare, in writing, the nature and extent of the Conflict of Interest no later than any meeting or process in which the Employee participates and at which the Matter is to be considered. The Employee must refrain from taking part in any discussion or decision-making in relation to the Matter, and withdraw from any meeting or process when the Matter is being discussed until a decision has been reached regarding the manner in which the Conflict of Interest will be addressed.

ii) A Conflict of Interest involving an Employee may also be reported to a Supervisor by any other person. A report to a Supervisor about the existence of a potential, apparent or actual conflict of interest shall be made in writing.

### **6. Procedures for Management of Conflicts of Interest**

i) If the Supervisor or Director of Education to whom the disclosure is made also has a Conflict of Interest, the disclosure should be made in writing to the person at the next highest level of authority.

ii) The Supervisor or Director of Education will investigate to determine if a Conflict of Interest exists. Where appropriate, the Supervisor or Director of Education may consult with the Employee and/or others.

iii) If the Supervisor or Director of Education determines there is a Conflict of Interest, the Supervisor or Director of Education should resolve the matter as per [paragraph 7](#) below and shall document, in writing, any remedies that have been applied.

### **7. Options for Resolving Conflicts of Interest**

If a Supervisor or Director of Education determines that a Conflict of Interest exists, the Supervisor or Director of Education will decide a course of action from the following options:

- i) If the Matter pertains to [paragraph 4 i\) above](#), and where the Employee may be knowledgeable and have information central to the discussion, the Employee with a Conflict or appearance of Conflict may be permitted to be involved in the Matter without participating in the final decision described in [paragraph 4 i\) above](#).
- ii) If an Employee fails to disclose a Conflict as per [paragraph 5](#) above, a range of remedies can be applied, up to and including the termination of employment.

### **8. Contraventions of this Policy**

Adherence to this Policy, in letter and in spirit, is crucial to the relationships of trust that exist between the Board, its Employees, and the public. Contraventions of this Policy, whether arising from dishonesty or inattention, undermine these relationships and may lead to disciplinary action. For Employees, disciplinary sanctions for breach of this policy may take a range of forms appropriate to the nature of the contravention and could include dismissal from employment.