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## ARTICLE

# Ontario issues PPM 165 on teacher hiring practices in schools

A new Policy/Program Memorandum (PPM) from Ontario's Ministry of Education (Ministry) allows schools more flexibility to hire teachers based on merit, diversity, and the needs of the school, rather than by seniority.

## What you need to know

- On February 22, 2021, the Ministry issued its long-awaited *Policy/Program Memorandum No. 165*<sup>1</sup> (PPM 165) concerning teacher hiring practices for publicly funded school boards in the province.
- PPM 165's purpose is to "provide direction to school boards on the development and implementation of fair, consistent, and transparent teacher hiring policies and processes" by fostering "a well-prepared, qualified and diverse teacher workforce with the knowledge, skills, and attributes needed to ensure that all students reach their full potential."
- On March 31, PPM 165 came into effect and replaced the *Interim policy for school board hiring practices* released in October 2020 following the revocation of Regulation 274/12.<sup>2</sup>

## Background

From 2012 until October 2020, Ontario's teacher hiring practices were largely governed by Regulation 274/12, the procedures of which generally prioritized seniority in hiring. For example, when filling long-term assignments of thirty days or less, school boards were required to offer, without an interview, the position to one of the five most senior qualified occasional teachers from the long-term occasional teachers list.

In 2019, the Ministry consulted with various stakeholders to solicit feedback on Regulation 274/12. Several associations, including the Ontario Principals' Council, identified hiring for merit and diversity rather than seniority as a key area for improvement, citing concerns about their inability under the existing Regulation to hire the best teacher for the position. The former Interim Policy and newly issued PPM 165 emerged out of these consultations and respond to several concerns identified during the process.

## PPM 165

PPM 165 identifies several inter-dependant components that boards are expected to integrate into their respective teacher hiring policies:

- Qualifications and merit;
- Diversity, equity, and human rights;
- Employment mobility;
- Fairness and transparency; and
- Monitoring and evaluation<sup>3</sup>.

These components and their related requirements are discussed below.

In addition to the qualification requirements set out in Regulation 298,<sup>4</sup> 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 [*sic*] demonstrated:
  - teaching commitment
  - experience or time spent in a particular school
  - 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<sup>5</sup>

## Diversity, equity and human rights

PPM 165 recognizes that 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," and that "there is a positive effect on the educational experience and outcomes of historically under-served students when teachers reflect their identities."<sup>6</sup> To achieve these outcomes, PPM 665 requires school boards 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.<sup>7</sup>

The latter requirement “involves examining each part of the teacher hiring 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.”<sup>8</sup>

## Employment mobility

Pursuant to PPM 165, school boards’ teacher hiring processes “should address employment mobility by providing equal opportunity to all OCT [Ontario College of Teachers] 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.”<sup>9</sup>

PPM 165 lists several components to be included in teacher hiring policies to support a fair and transparent process for candidates:

- A conflict of interest disclosure policy based on the conflict of interest template provided by the Ministry of Education;
- Clear steps to avoid nepotism (including the minimum standards outlined in the *Teacher Hiring Conflict of Interest Template* attached to PPM 165);
- 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...;
- 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 steps;
- 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<sup>10</sup>.

Lastly, the PPM notes that school boards “should develop a monitoring and evaluation plan to review the effectiveness of their teacher hiring policy and make adjustments as necessary.”<sup>11</sup>

## Recommended practices for school boards

In addition to the required, interdependent components above, PPM 165 also requires boards to develop several effective practices to “remove barriers and gaps in teaching hiring.” These recommended practices fall under two main areas, which are summarized briefly below.

### (1) Candidate selection practices

PPM 165 makes the following suggestions regarding the candidate selection process:

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...

Encouraging diversity of the teaching workforce in the school board is vital because the workforce should be reflective of the diversity in the province.<sup>12</sup>

### (2) Monitoring and evaluation practices to strengthen accountability

The PPM also lists several suggestions for the monitoring and evaluation of school boards’ hiring practices themselves. These suggestions, which relate to the collection of data during the hiring process, the review of systems used to store and/or manage such data, and the creation of fairness in employment plans, include the following:

- The collection of teacher workforce demographic data is the first step to helping boards identify employment barriers and foster a diverse and inclusive workplace.
- When developing “a voluntary workforce census and analyzing results, boards should consider the following questions:”
  - Whether the teacher workforce reflects “the social identities of the student population and the region ... [and] the diversity of the province”
  - Which “identities, and intersections of identities should be represented in the teacher workforce ... to meet the needs of the ... [board’s] community and the diversity of the province”
  - Whether the members of some under-represented communities “are reluctant to self-identify,” and whether it is therefore “necessary to use alternative or supplement [*sic*] approaches to a census”<sup>13</sup>
- School boards should “explore how they can collect voluntary demographic information from candidates in order to assess whether there is diversity of candidates ... applying for positions, as well as where there may be barriers to candidates in the teacher hiring process.”<sup>14</sup>

Regarding Employment Systems Review (ESR), PPM 165 provides that:

[e]ach school board should examine the employment systems in which its workforce data is collected to determine whether they create barriers for potential candidates or otherwise unfairly impact their chances to succeed....

A centralized applicant tracking and file management system for all hiring-related documentation is recommended as a key monitoring tool.

The final recommendation is that school boards, 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 ... gaps and removing ... barriers [identified by the ESR].”<sup>15</sup>

## Key takeaways

The introduction of PPM 165 provides many school boards with increased discretion and greater flexibility to hire the best, most qualified candidates based on the unique needs of their schools and communities. This greater flexibility is particularly crucial now when many schools continue to face increased staffing challenges as a result of the COVID-19 pandemic.

Despite the increased flexibility suggested by PPM 165, it is important to note that it must be applied in accordance with applicable law, and hiring decisions must continue to respect (and are subject to) the rights of denominational school boards and of French-language schools.

Similarly, and significantly, PPM 165 must also be applied in accordance with existing collective agreement obligations, and the terms of a collective agreement will prevail in the event of a conflict between the two. In other words, the discretion of certain school boards with regard to hiring decisions may still be largely controlled by the provisions of a collective agreement, particularly when the procedures therein are centrally negotiated at the provincial level (as is the case with Catholic school boards in Ontario).

For more information on the new Policy/Program Memorandum or Ontario’s teacher hiring practices, please reach out to the author or one of the key contacts below.

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<sup>1</sup> [Ontario Ministry of Education, Policy/Program Memorandum 165](#) (22 February 2021) online: Ontario

<sup>2</sup> [Hiring Practices](#), O. Reg. 274/12 [Repealed].

<sup>3</sup> Above note 1.

<sup>4</sup> [Operation of Schools – General](#), R.R.O. 1990, Reg. 298.

<sup>5</sup> Above note 1.

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*

<sup>9</sup> *Ibid.*

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

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