

In one information-packed day, you'll get a better grasp of your responsibilities and how to handle them

# The Legal Guide to Human Resource Issues in K-12 Education

Gain a practical, up-to-date understanding of the complex and often thorny legal issues in the education milieu and how to manage them. A multi-disciplinary faculty will discuss:

- Grounds for professional misconduct defined by the OCT
- Current issues in employment law – managing misconduct
- Supervisory duties of the principal – what is an appropriate level of supervision?
- Union involvement in employee HR matters
- Performance management – how to navigate the TPA process
- Investigations – communications between boards and the OCT
- Bill 168 update – managing workplace harassment and violence
- Regulation 274 – implications on school board hiring practices
- Identifying, accommodating and managing mental health issues
- How to handle an employee when misconduct and disability overlap

## Chair

Jennifer Trépanier, Keel Cottrelle LLP



## DATE & TIME

Thursday, November 28, 2013  
8:30 a.m. – 3:30 p.m. EDT/EST

## LOCATION

Osgoode Professional  
Development Centre  
1 Dundas St. W., 26th Floor  
Toronto, ON

## ENDORSED BY



Webcast  
Available



# The Legal Guide to Human Resource Issues in K-12 Education

**Do you understand your legal obligations and risks well enough to make efficient, sound and confident decisions?**

**T**he legal challenges surrounding human resource issues facing Ontario's education system are more complex than ever before. Recent legislative reforms around hiring practices, workplace harassment and violence, as well as ongoing concerns surrounding human rights and accommodations, make it imperative that you have a clear understanding of the law, its requirements and its implications.

This *Osgoode Professional Development* program was designed, based on your feedback, to focus exclusively on the most critical human resource issues facing school boards today. You will hear about critical issues, including:

- The implementation of the "risk of violence" provisions in Bill 168 and how they interrelate with employee rights
- The challenges created by Regulation 274 and some practical solutions
- The best methods to handle staff insubordination
- The duty to report to the Ontario College of Teachers
- Union involvement in the accommodation process

This is an essential course for those involved in human resources in Ontario's education system. You will walk away with a better understanding of the issues you face on a daily basis and the confidence to face them head on.

**Register now by visiting [www.osgoodepd.ca](http://www.osgoodepd.ca), calling 416.597.9724 or 1.888.923.3394, emailing [opd-registration@osgoode.yorku.ca](mailto:opd-registration@osgoode.yorku.ca) or faxing 416.597.9736.**

## Chair

**Jennifer Trépanier, Keel Cottrelle LLP**

## Faculty

**Sarah Colman, General Counsel  
Ontario Principals' Council**

**Allyson Otten, General Counsel  
Ontario Principals' Council**

**Francine Dutrisac, Director of Investigations  
and Hearings, Ontario College of Teachers**

**Michael Salvatori, OCT, PhD, Registrar and Chief  
Executive Officer, Ontario College of Teachers**

**J. Paul R. Howard, Shibley Righton LLP**

**Andre Labrie, Superintendent of HR  
Limestone District School Board**

**Craig A. Lewis, Willson Lewis LLP**

## Who Should Attend

- School Administrators
- Superintendents of HR
- Directors of HR
- Managers of HR
- HR Consultants
- Teachers
- Supervisory Officers
- School Trustees
- Directors of Education
- School Board Staff
- Representatives from Federations, the Ministry of Education, and Ontario College of Teachers
- Representatives from school board/education related associations
- Advocates for students and parents
- Education Lawyers

# Agenda

- 8:00 Registration and Continental Breakfast**
- 8:30 Welcome and Introduction from the Chair**  
**Jennifer Trépanier, Keel Cottrelle LLP**
- 8:35 Current Issues in Employment Law and Managing Misconduct – Employer and Employee Perspectives**  
**Jennifer Trépanier, Keel Cottrelle LLP**  
**Craig A. Lewis, Willson Lewis LLP**
- Overview of employment regime and relevant legislation
  - Duties of teachers under the *Education Act* and duties of other staff
  - Supervisory duties of the principal – what is the appropriate level of supervision? Best practices?
  - Managing professional misconduct
  - Handling staff insubordination
  - Conducting investigations, including involvement of third parties such as OCT, police and CAS
  - Privacy implications in the investigation process
  - Performance management (including tips on navigating the Teacher Performance Appraisal (TPA) process)
  - Union involvement in employee HR matters
  - Reflections from an employee side lawyer on HR issues
  - Practical insights – the employee viewpoint on the process
- 9:50 Refreshment Break**
- 10:05 Teacher Misconduct – The OCT Standard of Conduct**  
**Michael Salvatori, OCT, PhD, Registrar and Chief Executive Officer, Ontario College of Teachers**  
**Francine Dutrisac, Director of Investigations and Hearings Ontario College of Teachers**
- Ethical standards and Standards of Practice
  - Grounds for professional misconduct defined by the Ontario College of Teachers, both in and out of the classroom, in the context of:
    - ethics
    - information
    - protection of students
    - supervisory duties
  - Duty to report/case studies
  - Investigations – communications between boards and the OCT
- 11:05 Bill 168 – Where are We Now?**  
**Allyson Otten, General Counsel, Ontario Principals' Council**  
**Sarah Colman, General Counsel, Ontario Principals' Council**
- Update on developments since Bill 168 has been in effect
  - Requirement to develop written policies and programs to implement
  - Annual policy reviews
  - Training requirements – are the obligations being met?
  - Managing workplace harassment and workplace violence
  - Managing personality conflicts in the workplace
  - Implementation of the “risk of violence” provisions in Bill 168 and how they interrelate with employee rights

- 12:00 Luncheon**
- 1:00 Human Rights and Accommodations**  
**J. Paul R. Howard, Shibley Righton LLP**
- Implications of the Ontario *Human Rights Code* for school boards' employment practices
  - Overview of the duty to accommodate employees and recent case law
  - Identifying, accommodating and managing mental health issues
  - Union involvement in the accommodation process
  - Recent case law on termination of employment
  - How to handle an employee when misconduct and disability overlap
- 2:15 An Update on Regulation 274 – Implications for Boards**  
**Andre Labrie, Superintendent of HR, Limestone District School Board**
- Update on the status of Regulation 274 and a look at future developments
  - Challenges created by Regulation 274
    - practical solutions
  - Implications of the regulation on school board hiring practices
    - what does it mean for you and your board?
- 3:00 HR Round-Up: Panel Discussion**  
**Moderator**  
**Jennifer Trépanier, Keel Cottrelle LLP**
- Panelists**  
**Francine Dutrisac, Director of Investigations and Hearings Ontario College of Teachers**  
**Allyson Otten, General Counsel, Ontario Principals' Council**  
**Andre Labrie, Superintendent of HR, Limestone District School Board**
- In this final session, these expert panelists will focus on the key topics/issues of the day and what lessons can be taken away. This is an excellent opportunity to hear from and engage the panel on how you can take the knowledge you have gained and apply it directly to your school or board setting.
- 3:30 Program Concludes**

## What past participants of *Osgoode's Education Law* programs have said:

*“Excellent! I would love to see this training offered to all school administrators.”*

*“A very worthwhile day. Presenters were excellent.”*

*“Outstanding. Informative. Don't change a thing! Spectacular and brilliant.”*

# Registration

Please complete all registrant information.

**Don't delay. Register now to reserve your spot.**

## *The Legal Guide to Human Resource Issues in K-12 Education*

**I will attend:**  On site  Via webcast (single viewer)

Unable to attend? Please contact us to order the Materials/Program Archive.

### Fee Per Delegate

**\$525 plus 13% HST for a total of \$593.25.**

Fees include attendance, program materials, continental breakfast, lunch and break refreshments. Group discounts are available for both on site and webcast participants.

Visit [www.osgoodepd.ca](http://www.osgoodepd.ca) for details. Please inquire about financial assistance and professional development credits.

### Interested in Custom and In-house Programs?

Osgoode Professional Development also offers many of its programs in-house and can customize some programs to your specific needs. If you would like further information, please contact Heather Gore, Program & Business Development Lawyer, at 416.597.8847 or [custom@osgoode.yorku.ca](mailto:custom@osgoode.yorku.ca) or visit [www.osgoodepd.ca](http://www.osgoodepd.ca).



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### CPD Credits

### Program Changes

We will make every effort to present the program as advertised, but it may be necessary to change the date, location, speakers or content with little or no notice. In the event of program cancellation, York University's and Osgoode Hall Law School's liability is limited to reimbursement of paid fees.

### Cancellations and Substitutions

Substitution of registrants is permitted at any time. If you are unable to find a substitute, a full refund (less \$75 administration fee) is available if a cancellation request is received in writing 14 days prior to the program date. No other refund is available.

### Date & Time

**Thursday, November 28, 2013  
8:30 a.m. – 3:30 p.m. EDT/EST**

Please arrive a half hour early for sign-in and material pick-up.

Dress is business casual.

### Location

**Osgoode Professional Development  
Downtown Toronto Conference Centre**

1 Dundas St. W., 26th Floor  
Toronto, ON M5G 1Z3

### Registrant Information

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Firm/Company: \_\_\_\_\_

Practice Area: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ Prov: \_\_\_\_\_ Postal Code: \_\_\_\_\_

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- ONLINE** at  
[www.osgoodepd.ca](http://www.osgoodepd.ca)
- FAX** your registration to  
416.597.9736
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or 1.888.923.3394