



Members Update for August 27th, 2021

First things first.....

I want to start off by saying how proud I am to represent all of you. The work that has been accomplished across the HWDSB by our members in caretaking and maintenance has been extraordinary since the students were assigned to online work in mid April. I have seen pictures and heard of all the extra work being done that is well over and above our job descriptions because of one reason – we take pride in our jobs and do the work to benefit the students, our co-workers and our school community families. Extra painting jobs, extra maintenance items, extra cleaning and a wide range of other jobs have been done to benefit the buildings we look after and care for on a daily basis. Make no mistake about it – WE are the reason schools will be able to open on September 8th and welcome students back and support them for in person learning. All the plans, procedures and policies of the provincial government and the HWDSB are nothing without the work we do.

Respect in the Workplace – I want to get this out of the way first. This summer has been especially challenging for a number of our stewards and executive as we have had many instances of member on member conflicts to deal with and sort through. They have ranged from verbal harassment to physical threats. While I do think that the ongoing stress of the pandemic has been a factor in some of these cases, there is no excuse for behavior like this in the workplace or within our own Local. Within CUPE, we have an Equality Statement which we abide by. Within the workplace, there are many pieces of legislation (Occupational Health and Safety Act) and employer policies (Respectful Workplace and Employee Code of Conduct) that exist to protect workers from harassment, intimidation and physical threats while at work. Nobody should ever feel unsafe, intimidated, harassed or picked on in the workplace – especially by their own brothers and sisters from our Local. Local 4153 does not support any conduct, speech or acts that demean, devalue or humiliate another person. The moment you step into the workplace, everyone deserves the same level of respect, regardless of your personal opinions of them. If you are experiencing any of these issues from any staff member, you need to document it and report it to your area supervisor. The employer has an obligation to investigate and deal with all instances of harassment. The Local will support all members who report these issues and stand by them with our time and resources.

Wellness and the FAF Form – Any absence by our members that is longer than 5 days automatically requires members to have an FAF form completed by their doctor or other medical professional. This is part of the Central Collective Agreement on behalf of all OSBCU members across Ontario. A simple doctor's note is not accepted by the HWDSB anymore. If you have a serious medical issue that will have you off work for a while, please have your doctor be as specific as possible with the form and include an expected return to work date. There are 4 parts to the form and not every part needs to be completed, depending on the seriousness of the medical issue or injury. Currently, the HWDSB will reimburse \$35 for the completion of the form, but if you are asked to pay more to have the form completed – please let one of our Wellness Reps (Patrick Cumbo, Dave Dickhout and Flora DiCarlo) know and provide them with receipts so they can try to have your fully reimbursed. You can download and print off the FAF form on our own CUPE 4153 website (<https://cupe4153.ca/wp-content/uploads/sites/97/2021/02/Caretaker-Maintenance-Medical-Form-2020-CUPE-January-2020.pdf>) and take it with you to your doctor's appointment.

Mandatory Vaccinations – I'm sure this was not a huge surprise to anyone, but workers in certain fields (medical, some law enforcement agencies and education and few others) are now subject to providing proof of Covid vaccinations in order to be in the workplace. Due to the nature of our jobs in caretaking and maintenance – we cannot work remotely and need to be in the workplace. Information on the overall plan is still coming to the HWDSB in bits and pieces and while it's not complete yet – we do know a few things about the program that we can say for sure at this point.

1) All HWDSB staff will need to provide documentation of having both Covid shots in order to be in the workplace. The documentation will be downloaded from the Ministry of Health website by staff members and at some point in the next few weeks, will need to be uploaded to the HWDSB as proof of your vaccinations. Simply stating that you have been vaccinated will not be an option.

2) Workers who have chosen not to be vaccinated OR cannot be vaccinated for medical reasons will have to self administer rapid Covid tests twice ever 7 days in order to be in the workplace.

I know with some members, this is a controversial issue, but this is a directive from the provincial government and not a school board issue. They are required to comply with the directive the same as any other health care or education organization across the province. At the end of this update, I will include a release on the mandatory vaccination issue from the OSBCU for you to read and consider some of the points made by our provincial bargaining organization.

There should be a complete set of memo's from the HWDSB HR Dept coming very soon around requirements, processes, exemptions, etc – so please watch your work email daily for that information.

New Call Out & Absence System - I mentioned a few weeks ago that the HWDSB had contracted with Apply to Education to provide a new software system to manage absences and call out coverage. The HWDSB was assured by Apply to Education (same provider that handles the online job applications for the HWDSB) that the changeover to the new software would be seamless and everything would be ready to go. Well, anyone that has had experience with the new system this week has found that to be a bit on the untrue side. Caretaking staff have been called to cover for maintenance positions, shift times have been wrong for coverage and various other issues. At this point, all we can say is that we HOPE all the bugs are worked out in the next week and a half before students start arriving and coverage is absolutely necessary for all positions. The goal of the new system is to streamline and enhance the absence reporting and ensure coverage is made for all vacant permanent positions. As with any new system, there are bound to be flaws, hiccups and outright screw ups so at this time our best advice is to be in contact with area supervisors if in doubt about being called for coverage and if reporting an absence, document the time and what you did to report the absence. There have been a few emails sent by the HWDSB about how to navigate the system so please check your HWDSB emails from the last two weeks - the latest being on Monday August 23rd from Neelam Sanduja with directions for both permanent and casual members.

Enhanced Cleaning Positions – As often happens when I write up these updates – things tend to change. I had a nice piece explaining what the direction of the board would be for the enhanced cleaner positions all ready to go and then yesterday afternoon the brakes got pushed by the Local about a few issues we had with the plans for enhanced cleaning. My hope is that it's for the better of the position and our members, so we're waiting for information from the employer before announcing anything. There is still funding for the positions – it's not going away. We're hoping to add to that funding in order to better support the staff and students of our schools. Stay tuned!

In closing, I want to thank everyone for all the effort, sweat and hard work you have put in to making our locations look as good as they do. There are a number of construction and renovation projects that are behind schedule and causing some concern, but these are outside of our control and while it will impact a number of our members next week and likely the Labor Day weekend – I'm confident that we will work as we always do to make sure the return to in person learning by our teaching co-workers and students will be as good as it can be. You all rock and should be proud of your accomplishments!

Cheers,

Blake



August 25, 2021

Provincial government vaccination and disclosure programs for schools – FAQ

On Monday, August 16, the Ford government announced a vaccination program for the child care and education sectors and the next day, it announced a disclosure program for everyone in schools.

In a memo on Wednesday, August 18, the Minister of Education stated that the Ministry “intends to introduce a policy” on vaccination and disclosure, and that has since been confirmed.

OSBCU has flagged with the ministry some inconsistencies between what it has told us and what it had made public. We will follow up with you as more information becomes clearer; however, here is some of the information that has been confirmed:

- The immunization policy will be for all schools, both private and public, as well as licensed child care centres.
- All school boards are required to implement an immunization policy; this is being linked to the COVID-19 guidance document.
- The policy will require school boards to ensure that employees, student placements, student transportation drivers and school visitors complete the following:
 - provide proof of full vaccination against COVID-19
OR
 - provide a formal/official documented medical reason for not being vaccinated against COVID-19
OR
 - participate in an educational program as approved by the Ministry of Education.
- Those who are not immunized, including those who have medical reasons for not being vaccinated, will be required to complete regular testing as directed in provincial guidance (currently that is 1 to 3 times a week depending on case numbers).
- This policy will become a regulation under the Education Act, meaning that this is not guidance but rather a directive.

- Public health units and school boards are asked to host school focused clinics which are aimed at education workers, students, and families.

To help locals respond to questions from their members, we have written up answers to some frequently asked questions:

- **What is OSBCU's opinion of these programs?**

OSBCU broadly welcomes both programs; we have always supported vaccination and testing. But we have also stated that vaccines alone will not keep us safe and that we need a wider program of measures that include vaccines, masking, ventilation, smaller class sizes, and increased staffing to carry out the additional work the measures will entail.

OSBCU also recognizes COVID's fourth wave will likely hit the education sector hard, just as the first three waves were felt most in health care and long-term care. This is a direct result of the fact that a large portion of our students will not be eligible for vaccination.

- **Does OSBCU intend to bring a legal challenge to the government's requirement for a vaccination and testing policy?**

OSBCU has not yet seen the text of the regulation, so it is too early to comment on all possible legal questions arising. However, the OSBCU sees vaccination and testing as important tools in the fight against COVID-19. It is clear the government will not require employers to implement mandatory vaccination, but rather testing for those who choose not to be vaccinated. Mandatory testing has been upheld by the Ontario Labour Relations Board and by multiple arbitrators as a reasonable measure for employers to use as part of a COVID-19 prevention program.

- **Whom will the programs affect?**

The child care and education sectors; in schools, they will apply to anyone who enters a school building – students, workers, parents, contractors, and visitors. (We are waiting to hear how these last will be treated.)

- **What do the programs require?**

The government clearly wants to encourage as many workers as possible to be vaccinated. However, it will not require employers to make vaccination mandatory. The disclosure program will ask people to reveal their vaccination status. If someone is not vaccinated or declines to disclose their status, they must attend an education session about vaccines and undergo regular COVID testing. Those with medical exemptions from vaccination are not required to attend the education session but will be required to undergo regular testing.

- **How will boards verify proof of vaccination?**

Everyone will be asked to show copies of their vaccination receipts.

- **Which students will be vaccinated?**

For now, all students in Grades 7 and above, but it will be expanded to students aged 5 and up when they are eligible for vaccination.

- **What questions has OSBCU asked?**

We are waiting to hear how many tests per week workers who refuse vaccination or disclosure must undergo; whether school boards will receive directives or guidance around the programs; who will deliver the education sessions; testing frequency; who will conduct tests; how privacy will be ensured; who is collecting and tracking the information and how will it be stored.

We also have questions about how itinerant staff will be handled, how does the programs pertain to community use of schools, how employers will deal with those who cannot or wish not to be tested or vaccinated, and how they will ensure accommodations.

- **What testing will be done?**

Although we have not seen the government's program, the logistics and frequency of testing and the testing kits that will be used, we believe program for Rapid Antigen testing in school boards will be guided by the Provincial Antigen Screening Program.

- **Who will do the additional work?**

OSBCU has flagged to the Ministry of Education that additional staffing, especially among clerical workers and school secretaries, will be required.

- **Who will vaccinate students and staff in schools?**

Local public health units will be in schools for vaccination.

- **Will visitors to schools be subject to the same requirements?**

The Ministry said all visitors will be included, and OSBCU is confirming that this covers contractors, nutrition program workers and volunteers, occupational health, spectators for sport and other events, and whether this means there can be no visitors in schools until the programs are launched and whether the Ministry has accounted for the additional staffing that will be required.

- **What happens if I work in a school and don't want to be either vaccinated or regularly tested?**

For employees who choose not to be vaccinated, regular testing will be mandatory.

- **What if I am medically unable to take a COVID-19 test?**

An employee who is medically unable to take a COVID-19 test, or who is otherwise unable to test on the basis of a ground set out in the Human Rights Code, would have to go through the proper process to request an accommodation. Documentation to show the basis for the exemption request would be required. If a need for accommodation was substantiated, the employer would have to accommodate an employee to the point of undue hardship. What that looks like in any particular instance would be based on an individualized analysis of the employee's restrictions, duties, and workplace.

OSBCU will ask school board members to work with their local executives and their employer to determine possible accommodations where warranted. However, we should keep in mind that, although regular testing is new for education workers, there is a great deal of precedent around testing. In long-term care and health sectors, testing has been a longstanding practice for both visitors and staff. It has only been on proof of vaccination that our brothers and sisters in these sectors have been able to cease testing.

- **What were the results of OSBCU's vaccination poll?**

Members who responded were strongly in favour of mandatory COVID-19 vaccination for all education workers in worksites.

- **What actions should CUPE education locals take?**

Address your board's policies as soon as possible in your labour management meetings. Any grievances about vaccination and disclosure policies will be filed by locals, not centrally by OSBCU.

MU:gb/cope491