

October 21, 2020

Provincial Executive Liaison Report

To: District 14 TBU Council
From: Dave Warda, Executive Officer

1. **Decision re: OLRB Complaint on Re-opening of Schools**

We are extremely disappointed in the decision of the Chair of the Labour Relations Board when he dismissed our health and safety case without even hearing the evidence. Our case challenged the lack of effective health and safety measures in the Province's Guide to Re-Opening Ontario Schools, which set out the legal requirements for re-opening our schools.

What this means is that the Labour Relations Board has declined to consider meaningful, clear province-wide workplace health and safety standards for our schools. Standards which could have been applied by the Ministry of Education, school boards, Ministry of Labour Health and Safety Inspectors and school communities every day, on the ground, right away, to prevent the spread of COVID-19.

Our case sought to establish provincial standards on class size and distancing, cohorts for students and teachers, masking, ventilation and busing. The things which all knowledgeable experts say must be addressed and addressed now in order to make our schools safe.

Instead, the Labour Relations Board has told us to bring each individual case of a violation of health and safety precautions forward, one at a time, for adjudication. This is not a sensible approach to the problem of the pandemic and we deeply regret that this is the Board's decision.

This decision is not a good message for health and safety in this Province during COVID-19.

Our case sought to present evidence for the imposition of the precautionary principle in school health and safety. The precautionary principle has been endorsed time and again by experts, as it was after SARS and other public health crises in Ontario.

The precautionary principle means that when there are threats of serious harm as there are with COVID-19, scientific uncertainty must be resolved in favour of prevention. The Occupational Health and Safety Act directs employers to take every precaution reasonable for the safety of a worker.

Our evidence on these issues would have shown the need for the following measures. These are measures that are well within the capacity of the Province to take. We do not know why the Province is not taking these measures.

1. That Class size be set at 15-20 students, wherever 2 meter distancing cannot be maintained in a given classroom.
2. That cohorts for student to staff contacts be set at 50 and be applicable not just to students but also staff. Cohorts are the maximum number of people someone can be

- in contact with in school. Right now, they are only applicable to students and can go as high as 100. One hundred is not a meaningful number for slowing transmission of the disease. Failing to apply cohorting to staff puts staff at risk and also puts students at risk.
3. That the American Society of Heating, Refrigerating and Air-Conditioning Engineers' "School and University Reopening Standards", as updated by that Association from time to time, be set as the minimum standards for ventilation in schools and other education worksites, as they have been set by the Province for Ontario's Court System. ASHRAE is an internationally respected standard setting organization.**
 4. That the Ontario Public Services Health and Safety Association's busing and transportation standards as set out in the PSHSA document "Health and Safety Guidance During COVID- 19 for Student Transportation Employers", be set as the minimum standards for busing and other forms of student transportation. The Association is created and supported by the Minister of Labour. We do not understand why the Minister would decline to follow its guidelines.
 5. That all students be required to wear non-medical masks at all times during the school day, subject to reasonable exceptions for medical accommodations. Masking is fundamental to safety in this pandemic.
 6. That all standards ordered by the MOL in respect of COVID-19 be reviewed every month for continuing compliance with the best science available at the time, will be updated as the original issuing body updates them, and may be replaced by more stringent or detailed standards as the science dictates and the Ministry, in consultation with stakeholders, determines.

We have our experts' reports and we will be releasing them to the general public in very short order and we will have our experts available to answer questions from the media.

We will be reviewing all available options to deal with the mess created by the decision of the Labour Relations Board to not proceed to a full hearing of the matter.

Undoubtedly, we will be faced with simply many, many individual situations in schools and classrooms across the Province. Situations, which could have been simply addressed, on the ground, by clear Province-wide standards that protect all of us fairly and equally. Now we will be forced to deal with them individually and adjudicate them individually where the Occupational Health and Safety Act is violated. Make no mistake, we, as a union will be taking action to protect our members' health and safety throughout the Province. Our job has been made much more massive and difficult by this decision of the Labour Relations Board but we will do what we have to do to keep our members and their students as safe as we can make them.

** NOTE: We have actually asked for more detailed relief in our application around ventilation, as follows:

- install and maintain HEPA or better filters in each classroom and throughout the school and other board buildings, and to assess and provide for other filtration and air circulation options as needed;
- upgrade existing heating, ventilation, and air conditioning (HVAC) systems to meet the ASHRAE standards;

- stipulate the air exchange rates e.g. HVAC systems in accordance with the ASHRAE standards;
- provide for alternative measures for air circulation and filtration in buildings with no HVAC systems, e.g. those which rely on hot water heat;
- provide for alternative measures for air circulation and exchange in buildings with no or inadequate windows that open; and
- assess air flow/circulation in each classroom and throughout the school and board buildings and develop a plan for ensuring optimal air flow and filtration locally, considering how air flow will interact with other preventative measures such as Plexiglas barriers.

2. The Reissued Call for a National Action Plan on Violence Against Women and Gender-Based Violence ...

The Canadian Labour Congress (CLC) is seeking OSSTF/FEESO's endorsement of the Reissued Call for a National Action Plan on Violence Against Women and Gender-Based Violence. This Reissued Call is the result of a collaboration of 18 partners from feminist civil society organizations, including the Canadian Labour Congress.

In the Liberals' 2019 electoral platform, the need for a National Action Plan on Violence Against Women and Gender-Based Violence was recognized, along with a promise of \$30 million for its development. The plan was included in the January 2020 Speech from the Throne. In the most recent Speech from the Throne, the government indicated that it will "continue to advance with a National Action Plan on Gender-Based Violence."

As we adapt to COVID-19 and its numerous impacts, the need for a national plan is greater than ever. Women's Shelters Canada and the Canadian Labour Congress, along with other partners, have advocated for this plan since 2015 and initially developed a blueprint for a National Action Plan on Violence Against Women.

The Reissued Call outlines in great detail what the National Action Plan (NAP) on Violence Against Women must be:

- Grounded in an intersectional women's human rights framework, responsive to international norms, obligations and standards throughout;
- An all-of-government approach, inclusive of federal ministries in addition to the Department for Women and Gender Equality (WAGE) and the provincial/territorial Status offices;
- Structured to provide continuous coordination and incentives for provincial and territorial adoption and leadership as solutions to the jurisdictional challenges of universal and national standards;
- Grounded in VAW/GBV community-based expertise and service sustainability - Inclusive of a robust prevention agenda;
- Guided by intersectional feminist expertise - attached to a realistic and substantial budget, commensurate with the pervasiveness of the social harm;
- Productive of interventions that are culturally and linguistically accessible and safe;
- Guided by a robust feminist Monitoring, Evaluation, and Learning (MEL) process; and
- Harmonized with the parallel national action plan(s) on Missing and Murdered Indigenous Women and Girls (MMIWG).

Full report:

https://endvaw.ca/wp-content/uploads/2020/09/Reissued-Call-NAP-on-VAW.GBV_.pdf

Sign on:

https://survey.ca1.qualtrics.com/jfe/form/SV_bwuQdpi3GMeQWIB

3. Ontario Moving to Standardized Online Testing for Students

The Ontario Government announced on September 23, 2020 that EQAO has “launched a request for bids process in an effort to source the expertise required to develop an online testing solution”. This is the second attempt by the Government and EQAO to “...modernize and enhance the way we assess student learning... by moving to digital testing.” EQAO failed in its’ first attempt at standardized on-line testing in March 2015 using the Ontario Secondary School Literacy Test (OSSLT). The experience was a failure with EQAO claiming it was due to the “hacking of the on-line testing platform”. Though reported, no proof was or has been provided to the public or the EQAO Advisory Committee to date.

After five years, the Grade 9 Mathematics test will be piloted in 2020-21 with a yet to be determined platform.

No details of the plan are available at this time. Normally, the specifics following the announcement, such as the strategic plan, goals and outcomes from the pilot would be made available to the EQAO Advisory Committee on which OSSTF/FEESO and the other affiliates have representatives. Though the EQAO Advisory Committee is mandated to meet at least twice annually, a meeting has not been called since the election of the Ford Government in June 2018.

4. Teacher Education Staff Work Group (TESWG) Meeting September 15, 2020

A meeting of the Teacher Education Staff Work Group (TESWG) met on Tuesday, September 15, 2020 via Zoom. Assigned Educational Services Staff attended, as did representatives from OTF, AEFO, ETFO, and OECTA.

Participants reviewed a number of issues including liaison with Faculties of Education, the impact of COVID-19 on Teacher Education and Associate Teaching, education about systemic racism and anti-Black racism at Faculties of Education. Planning also began for the OTF/Affiliate Teacher Education Conference, currently scheduled for February 5 – 6, 2021. The theme will be Equity in Teacher Education. The next TESWG meeting is scheduled for October 27, 2020.

A second meeting of assigned OTF and affiliate representatives met on Monday, September 21, 2020, to discuss a joint response to the Ontario College of Teachers Survey on the Content, Stance, Pedagogies, and Learning Experiences to be included in a new Anti-Black Racism Additional Qualification course. A joint response from OTF and the Affiliates will go to the OTF executive for approval.

Items of Interest

Local Teacher Education Liaison Committees may or may not have access to virtual meeting platforms. OTF has offered to supply virtual meeting space if necessary. Where Faculties arrange for mandatory Boundaries presentations for Teacher Candidates, there has been a mix of Faculty and Federation-supplied meeting platforms.

It is clear that some teachers are hesitant to volunteer to serve as associate teachers this year, due to COVID-19 issues related to health and safety, as well as due to last-minute notification of what and where some members are teaching. Advice for Associate Teachers, including references to Health and Safety, and to OSSTF/FEESO policy is currently under development.

If TCs do not get a rich, in-class practicum experience before graduating, or the minimum of 80 days of practice teaching, NTIP and mentorship will be increasingly important, and may need more support from the Ministry. The TESWG will monitor this issue for the next year before determining next steps, if necessary.

5. **Here For Students Survey Results – Emergency Remote Learning**

In mid-June, we posted a survey on the *Here For Students* website that included questions about people's impressions of emergency remote learning. We shared the survey through social media and an email to all supporters in early July.

We had 1,714 total responses, 58% of which self-identified as parents. The survey consisted of eight questions. Highlights of the survey results are as follows:

- 46% felt ensuring “my child stays engaged in the school process” was the most challenging aspect of the remote learning process, while 32% saw managing family schedules and real-time learning expectations as the most challenging. Only 15% saw access to technology or internet as the most challenging;
- 59% saw ensuring flexibility in learning as more important than ensuring students receive the same level of education they receive in the classroom (41%). Parents were split 50/50 on this question, while 75% of educators wanted flexibility. However, 67% of students expected to get the same level of education;
- On a scale of one to ten, with ten representing “perfect”, the Ford government scored an average of 4.4 out of 10 on their roll out of emergency remote learning;
- On a scale of one to ten, with ten representing “absolutely necessary”, participants overwhelmingly supported the idea of educators being involved in developing emergency remote learning plans, with an average of over 9.5 in the scoring;
- 59% said keeping schools closed should be a priority until there is no risk of COVID-19 infection versus 41% who said that school reopening should be a priority, even if there is a risk. Parents were split (55 / 45), and 60% of students said schools should remain closed;
- There was a 50/50 split on the likelihood of parents keeping children at home if classroom learning resumed in the fall versus staying home and continuing emergency remote learning;
- 74% said that smaller class sizes, more custodial staff, and more support staff are all necessary if schools were to reopen in the fall. Respondents also noted that mandatory mask use, better ventilation and hand wash stations are also needed;
- In an open-ended question asking for feedback from survey participants, most said that funding is needed in order to deal with COVID-19 challenges, and keeping students engaged proved to be difficult.

6. **Short Term Communications and Political Action Strategy – September to November 2020**

The Provincial Executive has approved in principle a short-term communications and political action strategy for deployment over the next couple of months. The Provincial Executive and staff have continued to discuss and develop a communications and political action strategy that has adapted to constantly changing landscape created by an unpredictable and indecisive Ford government. Despite the challenges, we have fashioned our messaging and actions through a number of different lenses. The overreaching goals are to maximize our impact, and minimize the loss of public and member support.

The strategy follows these themes and priorities:

- A safe return to schools for all;
- Minimize making the union “the enemy” that Ford is looking to blame – avoid an “us versus them” narrative;

- Echoing and reinforcing the concerns of parents, students and communities regarding the school reopening plan – avoid being the loudest voice;
- Advocate for the safety of our members, which translates into making our schools safer for students;
- Assert that the members do want to return to schools and worksites, but want to ensure the safety of students and our communities.

The use of these messaging lenses is supported by our outside consultants, including Sussex and Aurora, as well as by polling data. These discussions were useful to reinforce the notion that we need to be patient and strategic.

Primary Messaging Theme – Safety for All

OSSTF/FEESO's framework for reopening of schools released on June 19, 2020 was entitled *A Safe Return for All*. This broader theme captures the essence of what our demands are, as well as those from many parents and activists who have expressed concerns about the Ford school reopening plan. If our schools are safe with proper protocols, funding and safety measures, then everyone in the community is safer, and less likely to spread COVID-19. In short, safe school environments equal safe communities.

It is a message that is difficult to refute at face value. It shows that OSSTF/FEESO continues to advocate for policies and procedures aimed at ensuring all who attend our schools and worksites are truly safe and that every reasonable precaution possible is taken to make this happen. It allows us to point to medical expertise, including the Hospital for Sick Kids report, to back up our statements of our goal of making sure our schools and worksites are safe for all. It shows that our demands are reasonable and aligned with experts and the public. It proves that we are again, the rational adult voices in the room.

It is from this broad theme that our messaging should continue to emanate from over the short term with a revision to **Safety for All** as students and staff return to schools.

Communications

As cases of COVID continue to increase, and with it the possibility of one or more schools closing, the following communications and messaging considerations are in active development and underlie our strategy:

Who Will Take the Blame?

- Developing narratives that show education workers and teachers are doing their best for students, both in terms of delivery of services and delivery of curriculum;
- If, and when, one or more schools close due to COVID outbreaks, position our members as the ones who are not at fault for outbreaks, or the general collapse of the Ford government's school reopening plans; maintain our focus on our calls for safety for all;
- Make the Ford narrative that "teacher unions" are to blame for the failure of the plan difficult to accept for the public;
- Call out Ford on the choices he has made to not hire enough teachers and other education workers to meet the need for smaller class sizes;
- Continue to point out where the government has failed to bring in policies and funding that will keep students and communities safe; the government made poor choices, and failed to listen to parents, educators and all the medical advice available.

Echoing Parent Voices

- Parent voice is what has driven the government to change its initial plans for school reopening, albeit not to everyone's satisfaction;
- Parent interests are aligning well with our demands – parents have more political leverage than education unions with the Ford government given their ideological leanings.

General Communications and Messaging Tactics

- Keep demands simple and easy for the public to understand;
- Use of visuals, animations and graphics for sharing on social media to highlight our messaging;
- New Safety for All page on the provincial website where members and the public can access messaging, visuals and resources;
- Sharing of positive stories of the good things our members and communities are doing to make the best of a difficult situation – instil confidence in the publicly-funded system and those who work within it – potentially facilitated through our *Here For Students* website;
- Continue our ongoing outreach to parent groups and allies;
- Keep members informed of the OLRB case through regular COVID-19 Updates.

Political Action

As students return to schools, it is highly likely that health and safety violations will emerge. We have provided training to our local leaders on work refusals, and provided resources on how to identify safety issues. There will be situations where health and safety concerns will be raised, and be subject to public scrutiny. Traditional political actions may not be doable and warranted in every situation. As we noted earlier, parent voice is crucial and they need to be at the forefront of highlighting the faults of the government plan.

Local Focus

- Diversity of issues and situations across the province will make it necessary for more local level-focused actions on the introduction of virtual schools for example;
- Our focus should be on resolving issues locally with the employer before undertaking any specific political action, including going to local media;
- Consultation with field secretary team and Provincial Executive liaison will help to maintain some consistency in messaging and action.

Social Media

- Consistent sharing of visuals and messaging from provincial level;
- Careful consideration of sharing parent messaging if it forwards our agenda of safety for all;
- Local and provincial social media actions (i.e. Twitter Storms) are under consideration, but should focus on safety for all – avoid direct attacks on government or employer.

Protests – Not a Good Idea

- Physical distancing requirements make it a challenge to engage in traditional protests or information rallies; puts members and the public at risk;
- Members are overwhelmed with their current work, adapting to a difficult situation – difficult to mobilize for a physical political action;
- Risk feeding into the narrative that the unions are obstructing the reopening of schools and are organizing themselves to do just that.

Conclusion

The short-term communications and political action strategy will focus on maintaining public support and advocating for a safe learning environment for all. Maintaining public support is vital to our short and long-term goals. In the short-term, the public, especially parents, will continue to have a strong influence on changing government policy for the better. In the long-term, maintaining public support and awareness will assist us in making publicly-funded education an important election issue in 2022.

A balance of holding the government to account for its poor planning with highlighting the great work that our members do to keep students safe while delivering quality education and service to students will help retain public support.

7. Coalitions and Donations 2020-2021

Annually, the Provincial Executive receives numerous requests for donations from our Coalition Partners.

So far, the Provincial Executive has approved donations to the following:

- CCPA Ontario
- Workers Art and Heritage
- Climate Action Network
- Ontario Health Coalition
- Ontario Coalition for Better Childcare
- Coalition of Black Trade Unionists Scholarship fund
- Feed Ontario
- Green Economy Network
- Canadian Apprenticeship Forum
- Black Lives Matter
- Ontario Alliance of Black School Educators ONABSE
- Back Youth Helpline

Additional requests for donations will be reviewed as they are received, and recommendations will be provided to the Provincial Executive for consideration.

8. Recent DBUs

- 049 - Ontario's COVID-19 School Screening Tool
- 048 - Environmental Advisory Work Group - Call for Member
- 047 - Guelph University and University of Toronto Research Study
- 046 - Educational Services PD Workshops
- 045 - CPAC Conference - Registration Now Open
- 044 - Ministry Correspondence - COVID-19 Funding-High Priority Areas
- 043 - Ministry Correspondence - Assessment Evaluation and Reporting
- 042 - Ministry Correspondence - Updated Screening Guidance
- 041 - Decision - OLRB Complaint on Re-opening of Schools
- 040 - Student Achievement Awards 2021
- 039 - Women in Canada Curriculum Resource
- 038 - Black People in Canada Curriculum Resource
- 037 - Job Posting for Executive Assistant
- 036 - Associate Teacher Considerations in Light of COVID-19
- 035 - Transfer to QECO Certification Update
- 034 - Ontario Health Coalition Day of Action on Long-Term Care
- 033 - Sisters in Spirit (SIS) Vigils
- 032 - 2020-2021 New Presidents' Training
- 031 - New Member Engagement Advisory Work Group

- 030 - OSSTF/FEESO's Outline of Oral Arguments - OLRB Complaint on Re-opening of Schools
- 029 - OTPP & OMERS Pension Workshops
- 028 - Ministry Correspondence - COVID-19 School Screening Tool - School Reopening Health and Safety Protection Strategies
- 027 - Anti-Black Racism and Allyship Workshops Group Call for Writers
- 026 - Opportunity for Teachers - Climate Action Project
- 025 - Office of the Auditor General of Ontario - Curriculum Implementation Survey

