



## ETFO CB eNEWSLETTER



**November 18, 2022**

### **POTENTIAL STRIKE BY CUPE EDUCATION WORKERS ON NOVEMBER 21, 2022: ADVICE TO ETFO MEMBERS**

ETFO extends its full support and solidarity to the 55,000 education sector members of the Canadian Union of Public Employees – Ontario School Board Council of Unions (CUPE) as they prepare to go on strike on **Monday, November 21, 2022**. CUPE has given notice that it is prepared to go on strike on November 21 unless a tentative central agreement is reached by 5:00 pm on Sunday, November 20, 2022.

In the event CUPE members do engage in a strike that includes full withdrawal of services on Monday, November 21 or later, ETFO members are advised that:

- **ETFO is currently engaged in central bargaining and is not in a legal strike position. Consequently, all ETFO members (Teachers, Occasional Teachers, Designated Early Childhood Educators, Education Support Personnel, Professional Support Personnel, Adult Literacy Instructors, etc.) are legally obligated to attend to regular work duties as employees of their school board/educational organization.**
- During CUPE's strike, ETFO members should refrain from doing any work that is normally performed within the CUPE bargaining unit. **ETFO members are advised to report any attempt by their principal/supervisor to assign them CUPE bargaining unit work to their ETFO local president immediately.**
- ETFO locals will be filing grievances against school boards that pivot to online instruction/support during CUPE's strike. If you work in a school board that intends to pivot in-person instruction/support to virtual instruction/support on November 21, **comply with the direction under protest and send the following message to the school board's Director of Education:**

*"Dear [Name of Director of Education] - I will be complying with the direction of the school board to engage in online instruction/support on Monday, November 21. However, I am doing so under protest. I am very disappointed with the school*

*board's lack of support for the important work our CUPE colleagues do within our board, as well as for the efforts they are making during central bargaining to negotiate additional supports that would benefit students, the board and Ontario's public education system." Respectfully yours, [Name of ETFO Member]."*

- ETFO locals will be filing grievances against school boards where CUPE DECEs are not in attendance for the Full Day Kindergarten program and the program proceeds.
- It is the school board's/employer's responsibility to put in place plans to ensure the health and safety of all students and employees. Should a situation arise that is detrimental to the health, safety or learning environment of students or staff, ETFO will respond. **ETFO members are advised to report any situation they deem detrimental to the health, safety or learning environment of students or staff to their principal/supervisor and to their local president immediately.**
- **Under the *Occupational Health and Safety Act*, you are protected against reprisals for exercising your right to refuse work that is unsafe.** Take the concern directly to your principal and let them know that if it cannot be resolved, you are considering a work refusal. It is possible your principal will immediately resolve the concern. But if they cannot or will not, you can proceed with the work refusal. If you are considering engaging in a work refusal, you should contact your ETFO local or your health and safety representative for advice. The following ETFO resources provide information about your rights and

responsibilities around refusing work you have reason to believe is unsafe:

[You Have the Right to Refuse Unsafe Work](#) (Poster)  
[Understanding Your Right to Refuse Unsafe Work](#) (Video)  
[Your Rights and Your Employer's Duties](#) (Tip Sheet)

ETFO will be monitoring CUPE's job action and may issue additional advice to our members. Any additional advice will be provided by *CB eNewsletter*; it will also be posted on ETFO's Collective Bargaining website at [etfocb.ca](http://etfocb.ca)

## **ETFO STANDS IN SOLIDARITY WITH CUPE**

ETFO members and CUPE members are united in the goal of protecting Ontario's internationally-recognized public education system and ensuring that students receive the quality education and services they deserve.

ETFO asks its 83,000 members to ensure that striking CUPE members know they are not alone by joining their picket lines before, after the school day, and/or during the lunch period, to express their solidarity.

## **POTENTIAL CUPE STRIKE ON NOVEMBER 21, 2022: FREQUENTLY ASKED QUESTIONS**

ETFO has prepared the following answers to address our members' most commonly asked questions about the potential CUPE strike on November 21, 2022.

## **ETFO MEMBERS' RIGHTS AND RESPONSIBILITIES**

***My board has said it will be closing schools to students.  
Should I go to work that day?***

ETFO is currently engaged in central bargaining and is not in a legal strike position. Consequently, all ETFO members are legally obligated to attend to regular work duties should job action by CUPE take place.

Unless there is an issue that prevents an ETFO member from attending work (e.g., an illness, an injury, an approved leave day, etc.), ETFO members are required to arrive at their school/work site as usual during the strike by CUPE. Members who are unable to report to work for illness or other reasons must follow the notice provisions set out in their collective agreement and/or follow their school board's established procedures for reporting absences.

***Will I be paid if my board closes schools/work sites to students?***

School boards are not in a legal position to alter the terms and conditions of ETFO collective agreements. That means school boards must honour all terms in your collective agreement, including terms regarding salary and sick leave.

*(Note: Information regarding daily occasional and long-term occasional assignments is covered later in this CB eNewsletter.)*

***Will I be paid if my board closes schools/work sites to students AND staff?***

Again, school boards cannot change the terms and conditions of ETFO collective agreements. That means school boards are obligated to honour all terms in the collective agreement, including terms regarding salary and sick leave.

This obligation applies even if school boards close schools, choose to re-deploy ETFO members to other work locations or place them on home assignment during CUPE's strike.

***If a school board decides to move face-to-face instruction/support into a virtual format in response to CUPE's job action, do I have to comply and move to virtual?***

If you work in a school board that intends to pivot in-person instruction/support to virtual instruction/support on November 21, **comply with the direction under protest and send the following message to the school board's director of education:**

*"Dear [Name of Director of Education] - I will be complying with the direction of the school board to engage in online instruction/support on Monday, November 21. However, I am doing so under protest. I am very disappointed with the school board's lack of support for the important work our CUPE colleagues do within our board, as well as for the efforts they are making during central bargaining to negotiate additional supports that would benefit students, the board and Ontario's public education system." Respectfully yours, [Name of ETFO Member]."*

ETFO locals will be filing grievances against any school board that directs ETFO members to pivot to virtual instruction/support during the CUPE strike.

***Even though my board has closed schools to students due to CUPE's strike, a student showed up at school today. My principal has asked me to supervise the student until arrangements can be made to have the student picked up by a parent/guardian. What should I do?***

Keeping students safe must always be a primary consideration. ETFO members who are asked to supervise a student during the instructional day should do so until the student is safely in the

care of another appropriate adult (e.g., an administrator, a parent, a guardian, etc.).

***I am a Kindergarten teacher. My DECE partner is a CUPE member and will be participating in the strike on November 21. Without the presence of my DECE partner working with me to supervise students during recess, physical education lessons, etc., I have concerns about the safety of my students. What do I do?***

- Report your concerns to the principal in writing as soon as possible. Ask how the principal will ensure the safety of you and/or your students in the absence of your DECE partner, given your stated concerns.
- Contact your ETFO local office. Let your ETFO local representative know that you have advised the principal of your concerns. Ensure your ETFO local representative has the information necessary to follow up on your concerns, if necessary. **Note: ETFO locals will be filing grievances in circumstances where boards are keeping Kindergarten classes open without the presence of a DECE who is participating in CUPE strike action.**

***I am a Special Education teacher. My EA partner is a CUPE member and will be participating in the strike on November 21. My board has said it will keep schools open during the strike. I have concerns about my safety/the safety of my students. What do I do?***

- Report your concerns to the principal in writing as soon as possible. Ask how the principal will ensure the safety of you and/or your students in the absence of your EA partner, given your stated concerns.
- Contact your ETFO local office. Let your ETFO local representative know that you have advised the principal of your concerns. Ensure your ETFO local representative has

the information necessary to follow up on your concerns, if necessary.

***I will be providing asynchronous online instruction/support to students on Monday, November 21. This means I won't have direct responsibilities with any students that day (i.e., I will not be providing either in-person or synchronous online instruction). Can I go attend the CUPE strike during instructional time on November 21?***

As Monday, November 21 is an instructional day, and ETFO is not in a strike position, ETFO members are required to report to work – wherever that work location is. ETFO members who have been permitted to work from home must be at home, working. Failure to report to work may lead to disciplinary consequences from your school board.

However, ETFO members are encouraged to attend the CUPE strike during non-instructional/non-work time (i.e., before school, after school and /or during the lunch period).

## **CUPE PICKET LINES**

***What should I do if there is a picket line at the school/work site/parking lot?***

ETFO members are required to arrive at their school/work site as usual, including those sites where picketing may be taking place.

ETFO members are asked to respect CUPE's picket protocols prior to entering the school, school yard, work site, parking lot, etc. This means stopping and waiting until you are permitted to proceed.

***Can I be delayed from going into the school/work site/parking lot?***

Cars may be delayed for a period of time prior to being granted entry into the parking lot. Please remain calm and supportive during this time.

If there is an identified health, medical or emergency situation that requires entry into the school or parking lot earlier than the prescribed picket protocol time, explain the issue to the CUPE Picket Captain on site.

Student safety must be the top priority for ETFO members. If your work responsibilities require you to supervise students, and you need to enter the school/school yard to fulfill that responsibility, explain the issue to the CUPE Picket Captain on site.

***What can happen if I refuse to cross CUPE's picket line during the strike?***

Refusing to cross the picket line during the strike could be considered an absence from work without a valid reason. Such an absence could result in sanctions from your employer, including loss of pay and/or disciplinary action.

**DAILY OCCASIONAL/LONG-TERM OCCASIONAL ASSIGNMENTS**

***I have a daily occasional assignment booked during CUPE's strike. Can my board cancel this assignment?***

ETFO members who are booked to work in a daily occasional assignment should report to work and should be paid by the school board unless:

- there are provisions in the local collective agreement that allow the school board to cancel a daily assignment with notice; and

- notice has been provided by the school board to the ETFO member in compliance with the collective agreement.

If a school board cancels a daily assignment in a way that does not comply with the collective agreement, ETFO will pursue grievances against the school board.

Members with concerns about the cancellation of a daily occasional assignment should contact their ETFO local office for advice and assistance as soon as possible.

***I have a long-term occasional (LTO) assignment that starts during CUPE's strike. Can my board interfere with my LTO assignment?***

It is ETFO's position that members in LTO assignments should report to work and should be paid by the school board.

There may be language in the local collective agreement stipulating the terms that allow the school board to cancel an LTO assignment. School boards are expected to comply with that language. If that does not occur, ETFO will file grievances against the school board.

Members with concerns about the cancellation of an LTO assignment should contact their ETFO local office for advice and assistance as soon as possible.

## **EXPRESSING SOLIDARITY AND SUPPORT FOR CUPE MEMBERS**

***Parents are asking me about the CUPE strike. What can I say?***

ETFO members are not required to remain neutral on labour relations issues. Arbitrators have recognized the right to freedom

of expression, including political expression in the form of wearing buttons or speaking about a topic.

However, that right does not extend to undue criticism of your employer (i.e., your school board) or resorting to inflammatory language or unprofessional behaviour. Whatever the topic of discussion, teachers' and education workers' communications should remain professional at all times. If parents are looking for more information about the CUPE strike, ETFO members may wish to refer parents to the CUPE steward on staff or direct them to the [CUPE-OSBCU website](#).

***My Intermediate students are asking me about CUPE-related events and about the strike taking place on November 21. What can I say?***

Conversations with your students about current events are not strictly prohibited. This might be a good “teachable moment” to engage in a conversation about the history of the labour movement and the importance of the collective bargaining process in improving the lives of working people in Canada.

ETFO members should refer to school board guidelines about current events discussions, and make sure that all conversations on the topic are age appropriate. Allow students to express their ideas and opinions, even if they differ from your own. Refrain from any direct criticism of your school board's response to the CUPE strike.

***A principal has asked me to accept an assignment replacing a striking DECE in a Kindergarten classroom. Should I take the assignment?***

No. It is important for ETFO members to respect and support the integrity of CUPE bargaining unit work.

***My principal has asked me to do the work of a striking DECE in a Kindergarten classroom. Should I do this?***

No. All ETFO members should refrain from doing any work that is CUPE bargaining unit work and is normally performed by CUPE members. ETFO members are advised to report any attempt by their principal/supervisor to assign them the work of a CUPE member to their ETFO local immediately.

If your principal directs you to do CUPE bargaining unit work:

1. ask the principal to provide the direction in writing;
2. advise the principal, calmly and professionally, that you are complying under protest; and
3. contact your ETFO local office as soon as possible to get advice about next steps.

***The principal at my child's school has asked me, as a parent, to volunteer my time and do the work of a striking CUPE worker. What should I do?***

ETFO members are asked to respect CUPE's strike before, during and after work.

Like ETFO members, CUPE members are fighting for quality public education in Ontario, now and into the future. To support their efforts, ETFO members should refrain from doing any bargaining unit work – **on a paid or a voluntary basis** - that would normally be performed by CUPE members.

***How can I express my support and solidarity for striking CUPE members?***

There are many ways you can express your support while still fulfilling your professional duties. For example:

- Join CUPE members on the picket line before, after school, and/or during your lunch period.
- Wear purple at work in support of CUPE members.
- Engage on social media using the hashtag #IstandwithCUPE

- Write the Premier, Minister of Education and/or your local MPP and let them know that you support CUPE members' efforts to reach a fair collective agreement that supports students, schools and public education.
- Make sure CUPE members have what they need (beverages, food, treats, etc.) to show support and make their strike more comfortable.

**NOTE: Because ETFO is not in a legal strike position, ETFO members should not join the picket line during instructional time, preparation time or any other work-related time.**

OUR SCHOOLS,  
OUR FUTURE  
ETFO/NEPE



#ETFO2022

