



October 6, 2020

## COVID-19 FAQ #16 Responding to COVID-19

In Update #16 on COVID-19 related issues, you will find information related to: WSIB claims; masks and equipment; collective agreement entitlements; and Fair Dealing Guidelines.

**Need a refresher on ETFO's most recent COVID-19 update?**

[View a version of FAQ update #15.](#)

**Stay informed about your health and safety at work, visit [etfohealthandsafety.ca](https://etfohealthandsafety.ca).**

## Frequently Asked Questions

**I've tested positive for COVID-19. Along with self-isolating, do I also need to file a WSIB claim?**

If members believe they may have contracted COVID-19 at work, it is important to file a WSIB file claim as soon as possible and keep a copy for your records. Members should:

- Be sure to notify their employer using the school board's formal workplace injury reporting system (keep a copy of this as well as the forms below);
- Complete a [WSIB Form 6](#); and

- Inform their doctor that this may be a workplace injury so that they complete a WSIB Form 8.

Locals can support members throughout this process. While the nature of some people's work may put them at greater risk of contracting the virus, any claims received by the WSIB will be adjudicated on a case-by-case basis, taking into consideration the facts and circumstances. For more information, see the [WSIB's Adjudicative Approach Document: Novel coronavirus \(COVID-19\) Claims](#).

### **Should I file a WSIB claim if I think I have been exposed to COVID-19 at work but do not have any symptoms?**

No. Members should instead file a WSIB [exposure incident form](#) and keep a copy for their records. If an illness arises, WSIB will be able to process the claim faster.

### **What happens if I need to self-isolate and don't have the physical space to do so?**

Toronto received federal funding to open a [voluntary isolation centre](#) for individuals who have been infected with COVID-19 and are unable to self-isolate due to their living arrangements. Toronto members who test positive would be referred to a Community Disease Investigator for assessment and possible referral. Members in other parts of the province should consult their [local public health unit](#) to seek general information about self-isolating. Research shows that the pandemic has impacted different communities based on race, class and other factors due to systemic and structural disparities faced by such communities and exacerbated during the crises.

### **I am being asked to wear equipment (i.e. face shields, safety vests, Kevlar) that has been used by other people. Do I have a right to my own equipment or is there a safe way that equipment can be shared?**

Staff should not be expected to share items. Supplies should be purchased for each staff and occasional teacher/replacement staff for each placement. If sharing is required, a risk assessment needs to be done to determine if the risk of contracting COVID-19 outweighs any safety that may be provided by the item and a safe protocol for ensuring items are disinfected between users.

**I heard that some school boards are providing medical masks with a concerning ingredient, ethylene oxide. How do I find out if ethylene oxide is used in the masks provided to our school board?**

Ethylene oxide is a sterilizing agent used during the manufacturing process of sterilized masks. While it can be carcinogenic, the manufacturers report that there are no harmful residual ethylene oxide levels remaining on the finished mask under testing required by Health Canada. If the box says that the masks are sterile, check to see if ethylene oxide is listed as an ingredient. Since sterile masks are not required in our workplaces, non-sterile masks are preferable to eliminate any unnecessary exposure to carcinogens even if it is a low level. Members who have been provided with a sterilized mask and have a concern should report it to the principal. For further assistance, members should contact their local ETFO office or Joint Health and Safety Committee (JHSC) representative.

If a member has concerns with any mask being worn, such as rashes, sore throat or headaches, inform the principal and complete the school board's injury/illness reporting form. Advice may also be sought from the member's family physician.

**I am being asked to wear a clear mask to assist with communications for a student who is hard of hearing. Does this mask provide the same protection as a medical grade mask?**

Some brands may be Health Canada and FDA approved however there are questions about a medical mask version as a substitute to a medical mask, especially due to large gaps in the sides of the mask. As such they should not be considered a medical mask and should not be used widely but only when necessary to accommodate students such as those who are deaf and have a strong reliance on lip reading. School boards should do risk assessments and write guidelines indicating when clear masks should be used and what additional protocols need to be put in place when wearing them. The clear mask should not be worn by members for protection when working within two metres of others.

Since these masks are sturdier and more expensive than other disposable masks, some school boards are asking staff to clean, disinfect and reuse the mask. There should not be an expectation to reuse this mask on a second day as they are clearly marked single use.

### **Is the new COVID-19 School Screening Tool different from the government's COVID-19 self-assessment tool?**

The provincial self-assessment tool originally indicated that people should self-isolate if they have been in close contact with someone who is sick with COVID-19 symptoms.

In the latest [COVID-19 school screening tool](#) for schools and child care, that advice has been changed to require those individuals to self-monitor. Changes are based on evolving evidence and the series of questions in the tool is meant to clarify which criteria, symptoms or combinations of symptoms would require someone to self-isolate and/or be tested for COVID-19.

It also states that, "Using this tool is optional and is not tracked or enforced. If your school board or public health unit has another screening process, you can use that instead."

The tool also indicates that any medical questions should be directed to a health care provider or public health unit, and that any public health unit advice would overrule the advice in the screening tool.

### **A person in my school tested positive for COVID-19. Why can't I know their identity so I can determine if I may have been in close contact with them?**

According to the [Information and Privacy Commission of Ontario](#) (IPC), for reasons of privacy and confidentiality, the names of persons who have tested positive for COVID-19 cannot be disclosed.

As per the IPC, members have a right to know if they have been exposed to the virus so they can take steps to self-isolate or protect themselves and their family or social groups. The principal is required to maintain accurate records of staff, students and visitors including class cohort(s), classroom and

bus seating charts, before- and after-school programs and extra-curricular activities (if applicable). On receipt of this information, the public health unit will assist with contact tracing to determine who in the school is at high-risk exposure from direct contact with the individual who tested positive, and will contact any member to inform them that they have been in close contact with an individual who tested positive.

This contact tracing does not allow for possible high-risk contact that may have taken place in different locations of the school such as the hallway, bookroom, photocopier room or playground. That is why it is important to maintain a two-metre physical distance and wear masks. If a member has had any significant or lengthy contact with an individual without physical distancing and/or without masks, that would not have been reflected in their regular schedule, members should inform their principal to make a record of it for reference if contact tracing becomes necessary.

**I am working in a remote learning assignment and have been asked by my principal to create my own schedule. Is that permissible?**

No. Under the *Education Act* and its regulations, the principal is responsible for providing educators with their schedules that adhere to the Act and the collective agreement. This ensures that the collective agreement is honoured and detrimental practices do not get established.

**My principal told our staff that, under the *Education Act* and because of COVID-19, we are required to stay 15 minutes beyond the end of instructional day to ensure for the safe dismissal of students, even if we are not scheduled for supervision at that time. Is this true?**

No. There is no requirement in the *Education Act* for members to stay at school beyond the instructional day/work day, except for emergencies and where they have been assigned regularly scheduled supervisory duties as outlined in the collective agreement. Currently, the presence of COVID-19 has no impact on members' collective agreement entitlements related to the provision of supervisory duties and/or the length of the work day as that would have a disproportionately negative impact on members with sole-parenting/caregiver responsibilities. If asked

or directed to stay in excess of the safe dismissal of students, members should contact their local office.

**I thought I was to teach 225 minutes in my remote learning assignment, but my schedule has me responsible for students for 300 minutes. Is that accurate?**

The government's "Policy and Program Memorandum 164 – Requirements for Remote Learning" states that the number of synchronous instructional minutes will be 180 minutes for Kindergarten and 225 minutes for grades 1-8 students. In addition, the schedule/timetable would include asynchronous learning minutes that, in combination with the synchronous learning time, would total up to a 300-minute instructional day; similar to the length of a day in a classroom setting. As outlined in teacher collective agreements, the maximum length of the instructional day is 300 minutes, which needs to be pro-rated based on the teachers Full-Time Equivalent (FTE) status. A member's schedule also needs to factor in a 40-minute, uninterrupted lunch and the preparation time provisions outlined in the local collective agreement. A member should not be scheduled to be responsible for students for 300 minutes per day, on a regular basis. Members should contact their local office if they have questions about their schedule.

**I am a special education teacher assigned to teach an in-person congregated classroom of special needs students. Can I be asked to simultaneously teach students virtually?**

ETFO believes this is unmanageable and does not provide special needs students with the intensive support they require to succeed. ETFO is advocating at local and provincial levels for increased staffing to support all students and provide appropriate teaching and learning environments. Teachers are required to comply with direction from their school board to avoid potential discipline but they should contact their local or PRS for further advice and support.

**As a centrally assigned teacher, can I be placed in a special education class?**

Staffing processes differ by school board. A board may place teachers in special education classrooms but it must consider the

required qualifications in special education when making these decisions. Members who are concerned about their current in-class or virtual special education placement should contact their local office for additional advice and support.

**I am very stressed about completing report cards due to the impact of COVID-19 on my teaching and assessment practices. What will be expected of me regarding curriculum outcomes and reporting guidelines this fall?**

The fall reporting period is not business as usual due to the many variables that have affected instruction and assessment. Teachers should not feel pressured to have covered the curriculum or gathered the amount of assessment they would normally have collected in the past. Teachers will use the limited data they have to share progress/initial observations with parents or guardians at this time.

**Do copyright laws and the Fair Dealing Guidelines apply to online teaching and face-to-face learning during a pandemic?**

Yes. There are no provisions in the Copyright Act and no judicial decisions altering the law on fair dealing in Canada during a pandemic.

Teachers can read books aloud to students even if that class is online. They cannot record themselves reading a book aloud and share the video on a password-protected platform such as Google Classroom or Brightspace. That requires permission from the copyright owner as it would a reproduction of the book. A portion of the book could be read and recorded, however the excerpt must be within the limits (a chapter of a book, for example). Subsequent chapters cannot be recorded and shared so that the entire book is reproduced over time.

Many read alouds that appear to have appropriate permission are freely available on YouTube channels. These can be linked or embedded into a password-protected learning management system post that is limited to your students. [Here](#) is an example. Please note that Access Copyright's 'Read Aloud Canadian Books Program' is only available to British Columbia teachers.

Consumables that are intended for one-time use such as workbooks, in which a student records answers, cannot be shared. A reproducible that is not intended for one-time use can be reproduced for educational use. If you create your own template, then it can be shared.

Along with checking with colleagues such as the Teacher-Librarian, information about copyright can be found at [Fair Dealing Guidelines](#). As well, [The Fair Dealing Decision Tool](#) was created to help teachers determine whether their use of a copyright-protected work is fair dealing.

**For other information, please check ETFO's dedicated webpage at [etfo.ca/link/covid19](https://etfo.ca/link/covid19).**

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