



Elementary Teachers' Federation of Ontario (ETFO)

Fédération des enseignantes et des enseignants
de l'élémentaire de l'Ontario (FEEO)

136 Isabella Street, Toronto, ON M4Y 0B5
Tel: 416-962-3836 Toll Free: 1-888-838-3836 etfo.ca

MEMORANDUM

TO: Local Presidents
Executive Members (For Information)

FROM: Tracie Edward, Coordinator, Health and Safety Services
Elizabeth Mitchell, Executive Assistant, Health and Safety Services

DATE: September 27, 2022

RE: **2022-2023 ETFO COVID Information and Advice for Local Leaders and Health and Safety Representatives**

Please share this memorandum with your local executives and Joint Health and Safety Committee (JHSC) representatives. ETFO Secure links included in this memorandum are accessible to local presidents and health and safety representatives who have permission to access ETFO Secure. Please contact Sharon Stewart for assistance gaining access (ssewart@etfo.org, 416-962-3836, 1-888-838-3836, extension 2287).

Background

On August 5, 2022, the Ministry of Education sent a memorandum to the education system, *2022-23 Health and Safety Measures in Schools* (see Appendix A). It highlighted that the precautions in schools are unchanged from the [end of the 2021-2022 school year](#). On August 31, 2022, the Chief Medical Officer of Health, Dr. Kieran Moore, announced that there was no longer a mandatory five-day isolation period for those who tested positive for COVID.

At the Provincial Level

The basic precautionary principles in dealing with COVID remain the same. For reference, the *Guides for ETFO Local Leaders & Health and Safety Reps* and their supplements for both 2020-2021 and 2021-2022 created by ETFO HSS staff have been compiled into searchable documents available in the [COVID-19 Health and Safety section of ETFO Secure](#). Signing into this section with username and password is required.

Information has also been shared through other channels including Presnet posts, ETFO Health and Safety conferences, the COVID-19 FAQ section in ETFO newsletters published during the 2020-2021 and 2021-2022 years, and on etfohealthandsafety.ca.

The Ministry of Education had previously advised their labour partners that joint committees and working groups would not be meeting while labour negotiations are ongoing, but the

Provincial Working Group on Health and Safety (PWGHS) was scheduled to meet briefly on September 9, 2022, without prejudice or precedent basis “to address any new issues relating to the COVID-19 pandemic.” ETFO and other unions used this opportunity to advocate for better protections and the continuation of PWGHS meetings to deal with all health and safety issues.

At the Local Level

Local leaders can use the provisions of the *Occupational Health and Safety Act (OHSA)* to advocate at the board level for improvements. Three fundamental principles that should be highlighted in advocacy efforts are:

- **The Precautionary Principle:** The employer has the responsibility under 25(2) (h) of the OHSA to “take every precaution reasonable in the circumstances for the protection of a worker”.
- **The Supremacy of the Act:** The OHSA must be adhered to in addition to the advice from the local public health units and, if there is a conflict, refer to Section 2(2) of the OHSA which states: “Despite anything in any general or special Act, the provisions of this Act and the regulations prevail.”
- **The Power of the JHSC:** In both multi-site and site-based JHSCs, under Section 9(18) of the OHSA, powers are conferred on the representatives of workers to identify hazards and make recommendations.

Advocacy Checklist for Locals

- Ensure the JHSC and unions are receiving occupational illness reports.
- Confirm that the ventilation report is on the public board website and detailed assessments have been shared with the JHSC.
- Make formal recommendations at the JHSC or use other labour relations venues to address health and safety concerns.
- Make information available to members on their health and safety rights, including making complaints to the MOL or refusing unsafe work.
- Call provincial ETFO Health and Safety Services for support with complaints and work refusals.
- Send MOL field visit reports immediately to Health and Safety Services staff at the provincial ETFO office since appeals must be filed within 30 days.
- Raise awareness of mental health impacts with members and boards.
- Continue lobbying efforts.

Illness Reports

Ensure the JHSC and unions are receiving occupational illness reports within four days as required by Section 52(2) of the OHSA and the new [Ontario Regulation 420/21: Notices and Reports Under Sections 51 to 51.3 of the Act – Fatalities, Critical Injuries, Occupational Illnesses and Other Incidents](#). The school board may be using the [new electronic form available here](#).

Remind members that if they may have been exposed to COVID-19 at work, the [WSIB exposure form](#) should be submitted. If a worker tests positive and it is possibly related to the workplace, the school board's Online Incident Report must be completed. For further assistance with leaves or WSIB claims, members should contact PRS.

Ventilation Reports

The August 5, 2022 memorandum to school boards indicated that "School boards are expected to continue to implement ventilation best practice measures as outlined in [2021: B14 School Ventilation](#)." The B14 memo indicates that "School boards are required to ensure ventilation systems in all schools are inspected and in good working order prior to the start of the school year and continue inspection and maintenance throughout the year."

The [Standardized Ventilation Measures Report](#) for this school year must be easy for the public to access on the board's website. These reports invariably have checked off that the ventilation has been "assessed" in every school.

The JHSC is entitled to the results of any assessment, and more details than what is contained in that overview. Additionally, Section 9(11) of the OHS Act requires the JHSC to be consulted and a representative to be invited to be present at the beginning of testing. The Ministry of Labour (MOL) considers ventilation records and assessments as reports "respecting occupational health and safety" according to Section 25(2)(l) of the OHS Act. Ensure all relevant records be provided to the JHSC to ensure maintenance is being completed and that assessments show the ventilation system is working effectively.

There must be HEPA units in all occupied kindergarten classrooms, in all learning spaces without mechanical ventilation, and in mechanically ventilated learning spaces without MERV-13 level filters. Please note Public Health Ontario has updated its Frequently Asked Questions document on [Use of Portable Air Cleaners and Transmission of COVID-19](#) and their [FOCUS ON Heating, Ventilation and Air Conditioning \(HVAC\) Systems in Buildings and COVID-19](#).

Continue to recommend that metrics such as CO2 levels and/or measures of air changes per hour be used to identify classrooms where ventilation may be a concern and remedial action should be taken, as outlined by the [OHCOW Classroom Ventilation Tool](#).

JHSC Recommendations

The internal responsibility system requires that everyone in a workplace plays a role in occupational health and safety. Except in the case of immediately dangerous situations, hazards should be reported to supervisors and if needed, discussed at the JHSC. If consensus can't be reached at the JHSC, worker representatives can make formal recommendations which require a written response from the employer. To support recommendations, gather documentation such as copies of emails, photos, and reports. Ensure you can clearly articulate evidence of the concern and the specific violations of the *Occupational Health and Safety Act* and/or public health guidelines.

Support with the Ministry of Labour

Members can exercise their rights under the OHS Act by making a complaint to the MOL or

refusing unsafe work.

The worker with the most information about the concern who is directly involved at the worksite and/or the JHSC representative may be the best person to make a complaint to the MOL. The complaint can be called in to 1-877-202-0008 or use the [online form](#) to submit the complaint.

There are resources at etfohealthandsafety.ca/workers-rights/ to help members understand their right to refuse unsafe work. Presidents and the health and safety leaders they designate can access a [comprehensive guide](#) to providing support during work refusals on ETFO Secure.

Psychological Impact

It is important to recognize the psychological impact of the pandemic on our members and advocate for the prevention of further mental injuries. The research by Occupational Health Clinics for Ontario Workers (OHCOW) and the Institute for Work and Health (IWH) has published two research papers based on the survey of 5000 ETFO members at the end of 2020:

[*The psychosocial work environment among educators during the COVID-19 pandemic*](#) has been published in *Occupational Medicine*, an international peer-reviewed journal published by Oxford University Press.

[*Perceived adequacy of infection control practices and symptoms of anxiety amongst in-person elementary school educators in Ontario*](#) has been published online by the *Journal of Occupational and Environmental Medicine*.

Lobbying Efforts

Over the last few years, ETFO locals have sometimes found success through persistent lobbying. Consider writing a letter to the public health units and MPPs outlining concerns and requesting improvements to the precautions. Request a meeting or a phone call to discuss. With the upcoming municipal elections, school board trustees may be interested in making COVID safety precautions a campaign issue.

Advice to Members

Members continue to trust their union to provide them with information about occupational health and safety hazards, including COVID-19. When members call with concerns, the best advice continues to be:

- monitor the situation in their community ([Public Health Ontario COVID-19 Data Tool](#));
- report any concerns about ventilation and HEPA filter units;
- keep windows open and go outside as much as possible;
- wear the best mask possible and maintain physical distancing;
- talk to your health care provider about updated vaccinations and boosters;
- make use of the rapid tests available and report positive results and/or symptoms to your school board;
continue to use the screening tool and stay home with symptoms;
- report any concerns about student absences to the principal;

- continue to ask questions and advocate for more COVID precautions; and
- report any safety concerns resulting from staffing shortages.

Useful Reference Links

- [OHCOW COVID-19](#)
- [WHSC COVID-19 Resources](#)
- [OFL Follow the Science](#)
- [Canadian Aerosol Transmission Coalition](#)
- [Commit to C.A.R.E.](#)

For support with any questions or concerns, please contact Health and Safety Services staff assigned to your local (Tracie Edward at tedward@etfo.org or Elizabeth Mitchell at emitchell@etfo.org).

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