



OLRB Action by Affiliates SPEAKING NOTES FOR LOCAL PRESIDENTS

August 31, 2020

Key Statement:

ETFO and the other education affiliates have taken this legal action because the government's return to school plan has failed to meet legal health and safety obligations and the Ministry of Labour has been non-responsive on the issues we have raised.

- ETFO has filed a formal appeal with the Ontario Labour Relations Board because the Ministry of Labour has failed to adequately respond to our requests for appropriate health and safety standards in publicly funded schools.
- Appeals are also being filed by OECTA, OSSTF and AEFO.
- ETFO's appeal to the OLRB argues that the Ministry of Education's "Guide to Re-opening Ontario's Schools" does not take every reasonable precaution to protect workers, as required by Section 25(2)(h) of the *Occupational Health and Safety Act*.
- Representatives of the unions met with Ontario's Minister of Labour and Chief Prevention Officer on August 24. They raised a number of concerns regarding the Ministry of Education's failure to put in place all reasonable precautions for a safe return to school.
- Following the meeting, the unions issued a request to the Minister of Labour that orders be made requiring the Ministry of Education to set standards around physical distancing, cohorting, ventilation, and transportation. The Ministry of Labour was also requested to review these orders monthly.
- The Ministry's response amounted to nothing. The Ministry did not respond at all to our request for orders. Further, it glazed over the seriousness of the issues raised by ETFO and the other affiliates.

- The actions we are seeking are in line with those that have been put in place in workplaces and other public spaces throughout the province.
- The measures, especially those that would help facilitate two metres of physical distancing, are consistent with the advice given regularly by the Premier, Ontario's Chief Medical Officer of Health and many other health experts.
- The government's claim about its reliance on "layers of prevention" does not follow widely accepted standards and practices around workplace health and safety, based on the "hierarchy of controls" from the US National Institute for Occupational Safety and Health (NIOSH).
- While the government says personal protective equipment is a key part of its strategy, PPE is only one of many control measures, and is the least effective according to the U.S. Institute.
- Other measures, such as adaptations to the physical space, including improved ventilation, or changes to policies and procedures, are more likely to reduce exposure to the hazard.
- The government is attempting to deflect blame for their inadequate school reopening plan by creating division among Ontarians and blaming unions.
- We have a responsibility to protect our fellow teachers and education workers, and we know we have the support of many parents, students, health experts and others.
- Schools and classrooms are unique workplaces, with upwards of 30 people sharing small spaces. Smaller class sizes would help make schools safer.
- Teachers and education workers should expect at least the same standards and precautionary measures that have been put in place in stores, offices and other spaces across the province.