

**To:** ETFO Thames Valley Teacher Local Members

**From:** Craig Smith, President, ETFO Thames Valley Teacher Local (ETFO TVTL)

**Date:** September 11, 2020

**Regarding:** Update re Appeal to the OLRB (Shared with Local Presidents)

Presidents,

As you know, ETFO, together with the other three affiliates filed an appeal to the Ontario Labour Relations Board following meetings and communications with the Minister of Labour in late August. The affiliates appealed the refusal of the Minister to invite inspectors to our meeting and the failure of the inspectorate to respond to the affiliates' request that they issue orders setting minimum health and safety standards to protect our members and students on the return to school.

The OLRB chair, Bernie Fishbein, convened a case management meeting on Wednesday, September 9. The lawyers from both the Ministry of Education and the Ministry of Labour immediately raised a technical preliminary objection that there was no "order" made or refused by an "inspector" and therefore there was nothing to appeal from and the Labour Board had no jurisdiction to hear the matter. While Affiliate counsel vigorously argued that the Crown was seeking to avoid the crucial issues they had raised, Mr Fishbein decided to hear this jurisdiction issue first. The parties then agreed on a schedule to exchange statements on evidence and the hearing on the jurisdiction issue is scheduled to resume on September 22<sup>nd</sup> and 23<sup>rd</sup>.

The parties also worked out a further schedule for the exchange of statements by experts and any additional evidence in order to begin the hearing on the appeal itself on October 5, in the event that the Labour Board dismisses the technical argument and allows the case to proceed. We will update you as more information becomes available.

Sharon O'Halloran  
General Secretary

For more information regarding this *summary* please contact the ETFO Local office by phone at 519-474-3150 or by email at [etfotvtl@etfothamesvalley.com](mailto:etfotvtl@etfothamesvalley.com).