

To: ETFO Thames Valley Teacher Local Members
From: Craig Smith, President, ETFO Thames Valley Teacher Local (ETFO TVTL)
Date: September 9, 2021
Regarding: Weekly Update (1)

Vaccination Protocol

Ontario's Chief Medical Officer of Health (CMOH) has issued orders under **Section 22** of the **Health Protection and Promotion Act** that require district school boards to establish COVID-19 vaccination protocols. A link to a copy of the CMOH's Section 22 Order accompanies this **Communiqué**.

The Government of Ontario's COVID-19 vaccination policy requires those working in publicly funded school boards to disclose their COVID-19 vaccine status to their employer by September 7, 2021. ETFO has reviewed the government's policy with legal counsel to determine whether it violates Teachers' rights or school boards' obligations to comply with legislation (including privacy legislation, human rights legislation, Charter obligations, etc.) or is in breach of ETFO collective agreements. That review concluded that school boards can require Teachers to disclose this information. Boards must ensure that vaccine status information is protected from unauthorized disclosure, and that it is only used for the purpose for which it has been collected.

ETFO recognizes that Teachers may have questions about the provincial government's policy and how it is being implemented by school boards. ETFO is closely monitoring this implementation to ensure Teachers' rights are respected and boards are applying the government's policy in compliance with their legislative and collective agreement obligations.

ETFO will continue to update Teachers as this issue evolves.

Vaccine Protocol Implementation

ETFO legal counsel advises that school boards **can** require Teachers to disclose vaccination status, and require testing for those who are not vaccinated.

In Thames Valley, Teachers have until Friday September 10 at 4:30 p.m. to submit confidentially to Abilities and Wellness Services (AWS) their vaccination attestation through the employee portal.

This information will be held in confidence by AWS, in accordance with **Collective Agreement Article L37.10, Medical Information**, and following past practices of long-standing.

Teachers who are unvaccinated are required to be tested twice per week and provide, confidentially, to AWS proof of negative test results. The employer will soon provide Teachers with specific information regarding testing.

Rights and Responsibilities

Collective Agreement Article L5.01, Management Rights, states the following:

The Parties recognize the right and obligation of the Board to exercise its management rights and functions including the right and obligation of the Board to manage the affairs of the Board in all respects and to carry out such responsibilities of the Board which are not specifically abridged or amended or limited by the terms of the Agreement and are in compliance with the prevailing statutes and regulations.

Collective Agreement Article L2.02, Scope and Recognition, states the Board recognizes that ETFO represents Teachers in all matters pertaining to the negotiation and administration of the Agreement.

The Board has the right to manage its affairs, but must do so within established rules.

ETFO's job is to make sure the Board and its agents follow those rules.

Where the Board and its agents do not follow the rules ETFO reserves the right to file grievances on behalf of all Teachers at any time.

Communication Protocol

Teachers are reminded that the communication protocol **commences** on Friday, September 10 at 6:00 p.m. and **ends** on Sunday September 12 at 6:00 p.m.

ETFO Direction to Teachers

- Elementary Teachers are directed to uphold and adhere to all provisions of the Collective Agreement.
- It is the expectation of ETFO TVTL that the TVDSB, and its agents, will uphold and adhere to the provisions of the Collective Agreement.
- Questions about the interpretation of the Collective Agreement should be directed to the ETFO Local office.
- Log all absences into TVARRIS using the appropriate code and follow past practice as per the provisions of the Collective Agreement.
- Violations of the Collective Agreement must be reported to the ETFO Local office immediately.
- Use professional judgement at all times and observe professional boundaries.

General Reminders

- Focus on core teaching duties.
- Do not do the work of other bargaining units or employee groups.
- Where possible, avoid unnecessary busy work.
- Report and document inappropriate parent behaviour to the principal immediately for follow up.
- Be aware that Teacher participation in **any** TVDSB event schedule outside the instructional day, or during unassigned time (recess/lunch/nutrition breaks), is **strictly voluntary**.

- ETFO TVTL Teachers should expect that all verbal directions from principals/vice-principals be put in writing upon request to ensure clarity, consistency and accountability.
- Teachers should determine whether principals/vice-principals are asking or telling them to undertake assigned duties. If the Teacher is being asked, then participation in the activity is **strictly voluntary**. A Teacher's decision **not** to participate **must** be respected.
- Teachers should comply with direction if told to undertake activities that are reasonable, lawful, and in compliance with the provisions of the Collective Agreement.
- Teachers should question all direction that is unreasonable, unlawful, or in violation of the provisions of the Collective Agreement.
- ETFO TVTL Teachers **must** be free to question safely all directions given by the Board and its agents without fear of retribution, reprisal, or differential treatment.
- Professional Judgement is embedded in the Collective Agreement. It cannot be enforced if it is not exercised.
- Teachers are reminded that "expected" does **not** mean "mandatory."
- Teachers are further reminded that their health and the safety of Students is paramount. Questions regarding Health and Safety must first be brought to the attention of the site supervisor (principal) as per the Occupational Health and Safety Act. ETFO TVTL will continue to provide immediate support and guidance to Members in all matters relating to Health and Safety.

It is the duty of the Local to:

- Defend the **Collective Agreement** and the rights of Teachers under it.
- Ensure that the provisions of the **Occupational Health and Safety Act** are vigorously enforced.
- Bring to the attention of TVDSB ongoing Teacher concerns, with the expectation that these concerns will be taken seriously and resolved quickly.
- Communicate with Teachers in a clear, concise, and timely manner.

For more information regarding this *Communiqué*, please contact the Local office by phone at 519-474-3150 or by email at etfotvtl@etfothamesvalley.com.

c. *ETFO TVTL Released Officers*
Terry Card, President, ETFO Thames Valley Occasional Teacher Local
Elizabeth Kettle, ETFO Provincial CB Staff Officer
Linda Nicholls, Human Resources Superintendent