



CUPE
EDUCATION
WORKERS

Town hall call: recap

THE POWER OF PUBLIC EDUCATION

January 19, 2021

Bulletin for CUPE Local Presidents – COVID update

On January 11, OSBCU held a town hall call for school board local presidents. This bulletin has a summary of what was discussed and guidance on some areas of concern.

We began the call by recognizing the hard work that everyone is doing during tough and anxious times. Our members and leaders are dealing with last-minute announcements, flip-flop decisions and directions that appear to completely disrespect the role of education workers.

But our members always have our thanks for their strength and dedication. We want to assure them that OSBCU is always advocating for better treatment for members on all these fronts.

Recent wins

- **Emergency Childcare:** OSBCU fought for and won access to emergency childcare for education workers now that most learning has been moved to virtual. Education workers who are supporting onsite learning – including custodial and maintenance staff – are included.
- **Priority for COVID vaccination:** On January 13, the government announced that it would be providing the vaccine to teachers in Phase 2 of the immunization rollout. OSBCU couldn't get confirmation from the ministry that education workers would be included. We reached out to allies, our members were all over social media, and the government miraculously saw the light before the night was out. It's been confirmed that education workers will be prioritized for vaccination in Phase 2.

Calls with the Ministry of Education

As of December 21, the ministry is including OSBCU on calls they hold with the school board directors and council chairs. This has allowed us to see in a much larger picture the direction provided and the concerns brought forward by the school boards.



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It is within these venues, as well as through announcements by the government, that we have learned of the government's plans. Here is a recap:

1. The Province of Ontario has introduced the second emergency shutdown. This is not the lockdown of March 2020. The ministry, through consultation with their experts (who do not include education worker unions), has developed this plan and the result is a lot of confusion and anxiety for our members. At this time there is no list of folks who are deemed necessary or are allowed to work in comparison to the spring. In that light, all our members could be required to report to work. On January 14, we put a list of demands to the ministry, and one of them was to clarify which workers are required to be in schools and which should be adhering to the emergency shutdown order.
2. At the time of the call, schools in southern Ontario were closed; now schools across the province are closed, with the exception of special education services. Schools are not closed as we saw in the spring: education continues virtually and requires hundreds of minutes of synchronous learning daily. This is a huge difference from the spring. This also makes it imperative that our members have all the tools they need to do this and are participating fully. Not participating could lead to discipline – again much different than March of 2020.
3. Most schools in Northern Ontario are open. Since the minister's announcement, we have learned that regional public health units in Kenora and Sault Ste. Marie have ordered their secondary schools closed. This is within the scope of their duty and the duty of any public health unit in Ontario.
4. School boards were required to make provisions for in-person support for students with special education needs who cannot be accommodated through remote learning. While the intent of this was quite narrow, it is playing out in the field far differently. We have confirmed with the ministry that while the intent was to ensure the least amount of people on site, the school boards have the discretion to change this.
5. Custodial and maintenance workers will be on site. Boards may choose to change hours to accommodate elevated cleaning standards and accommodations within the scope of your collective agreement.

Emergency shutdown – what it means for CUPE members

Below are some of the questions and concerns that OSBCU has addressed:

- **If schools are closed, are all members required to report?**

The ministry has provided a minimum threshold of who needs to access education in person. It appears that school boards have gone beyond the threshold to meet the needs of their communities. The ministry said that even if it doesn't meet the intent of the direction, each school board has local autonomy to carry out the work. An example is the masking protocol: the ministry threshold was grade 4-12, but some school boards chose to make it Kindergarten to Grade 12. This is important for us to know so that we know who needs to address our concerns.



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- **Why are students with special needs allowed to access learning in person while others are not?**

The answer goes back to a letter sent to the Minister of Education from the Ontario Human Rights Commission in July of 2020. The OHRC talks about instances in the spring of 2020 when school closures created barriers to learning for students with disabilities. This letter has been shared with local presidents or you can click [here](#) to read it. The OHRC made it clear that the ministry and school boards must establish plans to address the needs for the 2020-2021 school year.

- **Why isn't CUPE/OSBCU calling for a full closure and for all education to be virtual?**

The answer to this has many components and all of them need to be considered:

- There has been **no guarantee of job and/or income security**: In the spring, when the government made the decision to close, it wrote directives that secured all wages and positions for permanent members. To date the government is saying schools are open, so wages continue. Our concern is that, if there is a closure, boards could look to recoup costs associated with the pandemic. And if our work is redundant, our jobs could be on the line. We have already seen some job losses, and although the job security language exists, boards are trying to use the “unforeseen circumstances” as justification for layoffs.
 - **CUPE/OSBCU does not represent just one job class**: The demands that we make for one job class may affect others. It is important that we look at this from a board and provincial perspective.
 - **Public opinion**: We have been fortunate to have parent groups who have advocated for our members. Last week OSBCU pulled together our allies to ask what they needed. While they share our concerns about COVID transmission in schools, they are worried about students who are struggling virtually. Nor do we want to give the government ammunition: it would be all too easy for the government to say that, although it was doing everything to ensure education for all students, the unions were putting up roadblocks.
 - **Human rights requirements**: in the OHRC's [letter](#) (see above), it was made clear that the unions share a legal responsibility with the government and school boards to ensure equal treatment in education services for students with disabilities and other groups protected by Ontario's Human Rights Code. We have to meet our obligations under the Code, while ensuring the health and safety of our members.
- **Doesn't the *Education Act* stop workers like education assistants from managing classes in the absence of a teacher?**

That's another question with a lot of possible answers and our thanks to Jackie Esmonde, legal representative for OSBCU, who prepared the attached summary. It explains the provisions of the *Education Act* and how it applies to teachers and education workers.



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Next steps

OSBCU has a number of suggested actions for local presidents and school board members:

- 1) Continue the advocacy work that we have been doing. Inclusion for childcare was the direct result of a coordinated effort by OSBCU at the various tables. We also focused on one piece – access for those required to be on site – to achieve results. Next we will be focusing on improved health and safety protocols for our members who need to be on site, ventilation and reduction of people on site.
- 2) Continue working with our allies, both community and union, calling for the creation of a group that includes education workers, teachers and parents and that has a focus on a safe, sustainable and fully funded reopening of our schools.
- 3) A relaunch of the health and safety videos by OSBCU and CUPE Ontario, to educate and ensure members and committee members are aware of their rights and are prepared to act on them.
- 4) Distribution of a letter provided by OSBCU that can be signed by allies and sent to school board directors, trustees and MPPs to highlight the work that our members are performing during the pandemic and call for the creation of the table mentioned above.
- 5) Curate stories of members from the front lines to highlight the work that our members do, because they are the cornerstone of the education system and the economy.
- 6) Prepare bargaining plans that take into account what we are currently experiencing. Leverage the reality that our members' work has become vital throughout the pandemic, just as we have said we are all along.

Please ensure that you are able to contact and connect with your membership and share information as it is received.

Should you have any questions, please contact me.

In solidarity,



Laura Walton
OSBCU President

Email: lwalton@osbcu.ca

MU:gb
cope491



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