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Provincial government vaccination and disclosure programs for schools – FAQ

On Monday, August 16, the Ford government announced a vaccination program for the child care and education sectors and the next day, it announced a disclosure program for everyone in schools.

In a memo on Wednesday, August 18, the Minister of Education stated that the Ministry “intends to introduce a policy” on vaccination and disclosure, and that has since been confirmed.

OSBCU has flagged with the ministry some inconsistencies between what it has told us and what it had made public. We will follow up with you as more information becomes clearer; however, here is some of the information that has been confirmed:

- The immunization policy will be for all schools, both private and public, as well as licensed child care centres.
- All school boards are required to implement an immunization policy; this is being linked to the COVID-19 guidance document.
- The policy will require school boards to ensure that employees, student placements, student transportation drivers and school visitors complete the following:
 - provide proof of full vaccination against COVID-19
 - OR**
 - provide a formal/official documented medical reason for not being vaccinated against COVID-19
 - OR**
 - participate in an educational program as approved by the Ministry of Education.
- Those who are not immunized, including those who have medical reasons for not being vaccinated, will be required to complete regular testing as directed in provincial guidance (currently that is 1 to 3 times a week depending on case numbers).
- This policy will become a regulation under the Education Act, meaning that this is not guidance but rather a directive.

- Public health units and school boards are asked to host school focused clinics which are aimed at education workers, students, and families.

To help locals respond to questions from their members, we have written up answers to some frequently asked questions:

- **What is OSBCU's opinion of these programs?**

OSBCU broadly welcomes both programs; we have always supported vaccination and testing. But we have also stated that vaccines alone will not keep us safe and that we need a wider program of measures that include vaccines, masking, ventilation, smaller class sizes, and increased staffing to carry out the additional work the measures will entail.

OSBCU also recognizes COVID's fourth wave will likely hit the education sector hard, just as the first three waves were felt most in health care and long-term care. This is a direct result of the fact that a large portion of our students will not be eligible for vaccination.

- **Does OSBCU intend to bring a legal challenge to the government's requirement for a vaccination and testing policy?**

OSBCU has not yet seen the text of the regulation, so it is too early to comment on all possible legal questions arising. However, the OSBCU sees vaccination and testing as important tools in the fight against COVID-19. It is clear the government will not require employers to implement mandatory vaccination, but rather testing for those who choose not to be vaccinated. Mandatory testing has been upheld by the Ontario Labour Relations Board and by multiple arbitrators as a reasonable measure for employers to use as part of a COVID-19 prevention program.

- **Whom will the programs affect?**

The child care and education sectors; in schools, they will apply to anyone who enters a school building – students, workers, parents, contractors, and visitors. (We are waiting to hear how these last will be treated.)

- **What do the programs require?**

The government clearly wants to encourage as many workers as possible to be vaccinated. However, it will not require employers to make vaccination mandatory. The disclosure program will ask people to reveal their vaccination status. If someone is not vaccinated or declines to disclose their status, they must attend an education session about vaccines and undergo regular COVID testing. Those with medical exemptions from vaccination are not required to attend the education session but will be required to undergo regular testing.

- **How will boards verify proof of vaccination?**

Everyone will be asked to show copies of their vaccination receipts.

- **Which students will be vaccinated?**

For now, all students in Grades 7 and above, but it will be expanded to students aged 5 and up when they are eligible for vaccination.

- **What questions has OSBCU asked?**

We are waiting to hear how many tests per week workers who refuse vaccination or disclosure must undergo; whether school boards will receive directives or guidance around the programs; who will deliver the education sessions; testing frequency; who will conduct tests; how privacy will be ensured; who is collecting and tracking the information and how will it be stored.

We also have questions about how itinerant staff will be handled, how does the programs pertain to community use of schools, how employers will deal with those who cannot or wish not to be tested or vaccinated, and how they will ensure accommodations.

- **What testing will be done?**

Although we have not seen the government's program, the logistics and frequency of testing and the testing kits that will be used, we believe program for Rapid Antigen testing in school boards will be guided by the Provincial Antigen Screening Program.

- **Who will do the additional work?**

OSBCU has flagged to the Ministry of Education that additional staffing, especially among clerical workers and school secretaries, will be required.

- **Who will vaccinate students and staff in schools?**

Local public health units will be in schools for vaccination.

- **Will visitors to schools be subject to the same requirements?**

The Ministry said all visitors will be included, and OSBCU is confirming that this covers contractors, nutrition program workers and volunteers, occupational health, spectators for sport and other events, and whether this means there can be no visitors in schools until the programs are launched and whether the Ministry has accounted for the additional staffing that will be required.

- **What happens if I work in a school and don't want to be either vaccinated or regularly tested?**

For employees who choose not to be vaccinated, regular testing will be mandatory.

- **What if I am medically unable to take a COVID-19 test?**

An employee who is medically unable to take a COVID-19 test, or who is otherwise unable to test on the basis of a ground set out in the Human Rights Code, would have to go through the proper process to request an accommodation. Documentation to show the basis for the exemption request would be required. If a need for accommodation was substantiated, the employer would have to accommodate an employee to the point of undue hardship. What that looks like in any particular instance would be based on an individualized analysis of the employee's restrictions, duties, and workplace.

OSBCU will ask school board members to work with their local executives and their employer to determine possible accommodations where warranted. However, we should keep in mind that, although regular testing is new for education workers, there is a great deal of precedent around testing. In long-term care and health sectors, testing has been a longstanding practice for both visitors and staff. It has only been on proof of vaccination that our brothers and sisters in these sectors have been able to cease testing.

- **What were the results of OSBCU's vaccination poll?**

Members who responded were strongly in favour of mandatory COVID-19 vaccination for all education workers in worksites.

- **What actions should CUPE education locals take?**

Address your board's policies as soon as possible in your labour management meetings. Any grievances about vaccination and disclosure policies will be filed by locals, not centrally by OSBCU.

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