

Memo #1

Date: September 9, 2021

To: Executive/Members

Re: **Welcome Back; COVID Attestation Update**

Welcome Back

I would like to take this opportunity to welcome back all the Catholic Elementary Teachers of Simcoe Muskoka. I hope that everyone was able to have restful and enjoyable summer break, as it looks like the 2021-22 school year will be another “different year”.

It is important that we focus on our wellness and mental wellbeing because the stress and anxiety that we will be dealing with – along with the usual stress and anxiety we experience as teachers – can be difficult to deal with, and it is important that we take care of ourselves. Please know you can reach out to the Unit Office if you need assistance.

COVID Attestation Update

This year has brought some new procedures and policies from the Ministry of Education (MoE) requiring school boards to have their employees complete. These requirements – like Policy/Program Memorandum (PPM)164 that deals with Remote Learning and the time requirements for synchronous and asynchronous teaching – falls outside of our Collective Agreement, and as such OECTA cannot file a grievance or alters its contents.

Our school board is following the direction from the MoE around deadlines for completing the attestation – September 7th. There are some Boards that have extended that deadline, unfortunately our Board was not one of them, despite requesting them to provide more time. However, they do realize the timing was poor, and are not sending reminder notifications immediately after the 7th.

We have been in discussions with the Board since the announcement was made, and one of our suggestions was that the Attestation should include one more option: non-disclosure of vaccination status. We have heard from some teacher that were concerned about disclosing such personal information – whether they were fully vaccinated or not.

Today the Board has announced they will be adding the non-disclosure option. Therefore, if you have not completed your COVID Attestation, you may now wish to make that decision now knowing another option has been added. Please note that declaring you wish not to disclose your vaccination status, does not preclude you from taking part in the Vaccination Educational Session, regular (twice/week) rapid antigen testing, and to complete your daily COVID screening.

We have heard from some teachers that are concerned about the following:

Privacy:

The school board has established – as directed by the MoE – a COVID Disclosure Policy, and it states:

Information regarding the vaccination status of Employees/Contractors is private and confidential. Information collected in accordance with this administrative practice will be stored in secure systems/files that are only accessible to internal SMCDSB staff on a strict need-to-know basis. SMCDSB will maintain and limit access to Personally Identifiable Information in accordance with [Board Policy Number PS-14: Personal Information Management and Breach Protocol](#) and relevant privacy regulations.

Therefore, the Board has established and documented practice to store personal and private information. This practice is not new, and violation of this practice would be dealt with in a swift and direct way by OECTA.

It must be stressed that the Occupational Health and Safety Act trumps Personal Information Protection and Electronics Document Act (PIPEDA). It is the duty of the school board to ensure the health and safety of all workers. To be concise: Safety Trumps Privacy.

Daily COVID Screening:

The Board has altered the Daily COVID Screening to begin this year, as it was changed/altered numerous times last year based on direction from the Ministry of Health, local Public Health Units, and the Ministry of Education to include:

Are you fully vaccinated against COVID-19?

OR

Have you tested positive for COVID-19 in the last 90 days and since been cleared?

Fully vaccinated means it has been 14 days or more since your final dose of either a two-dose or a one-dose vaccine series.

This is in line with the provincial online screening tool.

We have reviewed this with OECTA Provincial, who has reviewed with OECTA legal, and we cannot challenge the language the Board is using on their Daily COVID Screening.

However, we have discussed with the Board what information the school principal would receive after completing the Daily COVID Screening. We have been assured that whether yes or no is checked on the first question, so long as the Daily COVID Screening is completed, the only information that is received is completed or not completed. No other details are provided.

Information from the Daily COVID Screening are sent to the local Health Unit – who have their own stringent privacy protocols – and the documentation is destroyed after 28 days. The information is only necessary for contact tracing purposes.

Medical and Religious Exemptions:

Medical exemptions must come from a medical practitioner, and it is subject to the Board's review and acceptance. Therefore, simply providing such documentation does not guarantee a medical exemption will be granted.

Our Board – and no Catholic Board to our knowledge – has provided a Religious Exemption to be vaccinated. The Canadian Conference of Catholic Bishops has stated they are in favour of vaccinations, and as such they have not provided direction to their priests to provide such direction.

More Information on Testing:

It has been expressed that all staff – and perhaps students for that matter – be subject to daily or twice/week testing. OECTA agrees, however the Ministry of Education and Health do not feel that is necessary, despite OECTAs constant push to improve Health and Safety for all staff and students.

Currently, what is known is that those that are required to have regular COVID testing – using Rapid Antigen Testing – that it will be twice per week. Our Board – unlike some others – is not mandating those that are required to have such testing to begin the process immediately. They are waiting for more

information on how to provide the testing kits, etc.

The Board will provide such direction when they are aware of the details. For now, it is advised that all teachers continue to complete the Daily COVID Screening, and if they are directed to stay home, to follow Board direction to notify your principal and the Disability Management Office (Gord van Cleef) of the direction from the Daily COVID Screening.

Some have asked about false positives. This is tricky, as once someone is identified as being positive, they are “quarantined” for 14 days. (These days would not come of a member’s sick day allotment, as we have Quarantine language in our Collective Agreement). It is advised that anyone required to participate in the twice/week testing, that receives a positive COVID response, to proceed to a testing/screening clinic to obtain a more reliable COVID test.

Possible Ramifications of Non-Compliance:

OECTA has stated they are in favour of mandatory vaccinations for all education workers, as a further layer of protection for all; however, it is understood that a certain percentage of teachers may be hesitant or seeking further information/clarification.

It has been made clear to us from OECTA Provincial that the Board could place discipline on teachers/staff that do not complete the COVID Attestation, fail to complete their Daily COVID Screening and/or comply with the Vaccination Educational Session and regular testing.

Our Board has not provided OECTA Simcoe Muskoka any information regarding what forms of discipline, if any, they may issue.

Representation:

OECTA members who face administrative suspension and/or disciplinary action will be represented by the Association in accordance with its policies and procedures.

OECTA cannot alter the requirements placed on school boards regarding COVID Attestation, Daily COVID Screening, or the Vaccination Educational Session and testing. However, we have and will continue to discuss with the Board possible alternatives – such as providing a non-disclosure option – to the implementation of Ministry requirements.

If you have any concerns, please contact the Unit office at 705-733-9625 or 1 800 558 4815