

August 27, 2020 - No. 56

**The Fight for Safe Reopening of Schools in Ontario**  
**Education Unions Say Reopening Plan**  
**Fails to Meet Legal Health and**  
**Safety Requirements**



Rally at Queen's Park for safe schools, August 12, 2020.

- **Education Workers United Hold Forum to Discuss Safe Return to Schools**
- **Toronto School Board Objects to Administering an Unsafe Plan**
- **Halton School Board Decries Province's Contradictory Directives**
- **Trustees and Principals Speak Out**
- **Medical and Scientific Professionals Weigh In**
- **Windsor-Essex Virtual Open Forum Discusses Reopening of Schools**
- **Petition to Reduce Class Sizes to Keep Communities Safe**

## The Fight for Safe Reopening of Schools in Ontario

# Education Unions Say Reopening Plan Fails to Meet Legal Health and Safety Requirements



Parents and Education workers set up Ford's "COVID classroom" on Queen's Park Lawn, August 12, 2020.

Ontario's four main education unions take the position that the Ministry of Education has violated the Ontario *Occupational Health and Safety Act* by failing to implement health and safety measures that "take every reasonable precaution necessary" to protect the health and safety of their members working in elementary and secondary schools, school authorities and staff at other public educational institutions in Ontario. The legal challenge was issued in an August 13 letter to the Minister of Education and the Minister of Labour signed by the Association des enseignantes et des enseignants franco-ontariens (AEFO), the Elementary Teachers' Federation of Ontario (ETFO), the Ontario English Catholic Teachers' Association (OECTA) and the Ontario Secondary School Teachers' Federation (OSSTF).

In their letter, the unions say that given the absence of scientific consensus or certainty on significant aspects of COVID-19, the government has a duty to apply the precautionary principle to protect the health and safety of their members, and request an immediate meeting with representatives of the government and the Ministry of Labour's health and safety inspectorate. They assert that the government's Guide to Reopening Ontario's Schools is in fact a Direction to school boards, and that in directing school boards' plans the government now has responsibilities as the employer under the *Occupational Health and Safety Act*. Furthermore, the unions argue that they have a duty to raise this matter as they have not been properly consulted in the development of the government's Direction to school boards. Specifically they identify the following areas of concern which they argue constitute the government's violation of the Act:



- the refusal to require physical distancing in elementary schools, which would require reduced class sizes
- not ensuring minimum measurable standards for ventilation in schools
- failure to establish a mask wearing policy for children under 10
- failure to follow guidelines for cohorting by allowing up to 100 students in secondary schools to be in contact
- failure to provide adequate screening measures for students
- failure to provide adequate safeguards for student transportation on buses.

The letter states that by re-opening schools without appropriate measures in place that address these critical issues and others, the Ministry has placed the health and safety of their members, students and the entire school community "in significant and imminent danger." The unions are demanding that the government therefore amend its Direction to include measures that address these "significant deficiencies" before school reopens on September 8. Any failure to make the necessary changes will represent a serious danger or hazard to the health and safety of teachers and education workers, the unions say. This language specifically is in line with the conditions required for a worker to refuse to perform unsafe work.

The unions point out that since the spring of 2020 they have attempted to engage with the Ministry of Education in meaningful discussion about plans to reopen schools and have been ignored. As a result, they say they have no alternative but to invoke the protections of the *Occupational Health and Safety Act* to affirm the rights of their members.

The unions state that they would be prepared to go directly before the Ontario Labour Relations Board before schools are reopened in September to obtain a final determination on whether the government's Guide complies with its obligations under the legislation "to take every reasonable precaution" to ensure that schools are a safe workplace for teachers and education workers. The letter can be seen [here](#).

(Photos: R. Small, OSSTF)




---

## **Education Workers United Hold Forum to Discuss Safe Return to Schools**

**Thursday, August 27 -- 7:00 - 8:30 pm**

Education Workers United is holding an open online forum under the theme "Organizing a Safe September for All " to discuss the safe return to schools.

They have issued the following call for the forum:

"Education Workers! On August 9th, over 300 Ontario education workers came together to plan what we need for a #SafeSeptember. Since then our campaign has exploded! With only a few weeks until school starts, there is still much more to do -- Join us:

"At this forum, you will:

"Hear from a variety of education workers about significant safety issues

"Learn about tools and resources to help you and your coworkers take action

"Hear from a labour lawyer about your right to refuse unsafe work

"When we organize with our co-workers and our communities to build our power, we can force this government to fund a #SafeSeptember."

To sign in to follow Ontario Education Workers United, [click here](#).



---

## Toronto School Board Objects to Administering an Unsafe Plan



The Toronto District School Board (TDSB), Canada's largest school board, put forward two proposals to the Ontario government for re-opening, both of which have been rejected. Both plans would have reduced class sizes in elementary schools which under the government's current plan are set to be the same as under normal conditions. Reducing class sizes is a key demand for ensuring physical distancing is possible, as recommended by medical experts, which thus far the government has ignored for elementary-aged children.

The TDSB's plans had students being dismissed earlier than normal, which would have permitted students to be with their homeroom teacher the full day and then would have freed up rotary teachers to take homeroom classes instead of going from class to class, increasing the number of classes in a school and therefore reducing class sizes. Their first plan requested a \$200 million investment in order to hire the staff required to ensure physical distancing would be possible. Their second plan proposed to use some government funding and some school board reserves as well as moving teachers who were seconded to other assignments back into the classroom. However the TDSB indicated that this plan would still not meet the required 15-20 students in a class to ensure physical distancing.

The government rejected both plans, claiming the reason it was unwilling to put forward the funds required was because the plans did not maximize the time students spent in class. It said it would not accept plans which would see earlier dismissals. In other words, the government wants to keep students in school as long as is possible rather than ensuring that class sizes are small and that teachers and education workers are able to deliver the education and supports students require. This means that its aim is to turn education into the housing of students in an unsafe environment to free up parents to work, rather than to open schools in a manner which affirms the right of the youth to education in the conditions of a pandemic.

*(Photo: J. Campbell)*



## Halton School Board Decries Province's Contradictory Directives

On August 21 the Halton District School Board (HDSB) issued a public letter to Education Minister Stephen Lecce. The Board addressed the Minister's return to school announcement on August 13 in which he said that the Province's Chief Medical Officer of Health had signed off on the current return to school direction maintaining existing class sizes in elementary schools. But in the same speech, Lecce stated that school boards have the "choice" to implement greater distancing between students and smaller class sizes.



"This is highly confusing and puts our board in a very difficult position," said the HDSB. "The announcement created an expectation that would be nearly impossible to meet, particularly before September 8."

"In Halton, over 1,200 new teachers would be required to lower elementary class sizes to 15, and additional space would need to be sourced and outfitted, transportation arranged, etc. In addition to a multitude of logistical challenges, and a lack of rental spaces in areas of need, it is anticipated that the cost to do so would be well in excess of the amount our board could access from reserves."

The Board also noted that it had planned to have a model that fit the government's requirement for 50

per cent of in-class time based on 2.5 days of in-class instruction per week, which it had no indication would be a problem. Then, when asked about that model at a press conference, the minister said the government wanted students to spend at least half of every instructional day in school, or alternatively one week of full days in school followed by a week of remote learning, which caused confusion and forced the school board's planners to pause and seek clarification and eventually modify their plan.

Addressing a government announcement that it would invest \$50 million to upgrade and address HVAC systems across the province to ensure proper ventilation in schools, the Halton Board pointed out that the cost to retrofit just one older secondary school with a partial air conditioning system has historically been in excess of \$1 million.

In conclusion, expressing their frustration the HDSB said: "Minister, you have spoken many times about working together. It is very challenging when these announcements come with no advance notice, and Boards hear about them at the same time as thousands of concerned citizens of Ontario who, in turn, expect school boards to have answers. These announcements may trigger complex revision processes that often require additional direction from the Ministry which may or may not come in short order. You have also mentioned "scaling up" a number of times, inferring that other announcements could be coming. Systems and people are under great pressure. At this time, staff need to focus on implementing plans for return to school in just over two weeks."

*(Graphic: Ontario Parents' Action Network)*

---

## Trustees and Principals Speak Out

Trustees in various boards have been speaking out and are rejecting being placed in a situation of administering an unsafe plan. They are trying within their roles to speak out at board meetings; however they note that their role is strictly to approve budgets and that operational matters are directed by the Ministry. In spite of this they have been passing motions to call on the government to change direction and properly fund class size reductions and other measures necessary for a safe return to school.

The Ontario Principals' Council has also gone on the record calling for lower class sizes to ensure physical distancing in elementary schools, as well as a delayed or staggered start to the new year to ensure schools can slowly reopen, and expedited testing for potential COVID-19 cases.[1]

Besides "allowing" school boards to dip into their own reserves to lower class sizes, the government has thus far only said that it will permit schools to stagger students' return to school over up to two weeks and says it has a plan for rapid testing of high school students. However this does not mean that school boards are being allowed to delay the start of school to implement new plans. Some boards requested a delay and this was rejected. Instead, it appears that the government is allowing boards to delay face-to-face start-up but requires that online learning begin on September 8.

### Note

1. [Ontario Principals' Council Statement on Reopening Schools](#)

---

## Medical and Scientific Professionals Weigh In



Local public health units are also speaking out. For example, the Medical Officer of Health in Windsor-Essex who has experience with the consequences of large COVID outbreaks in agri-food operations in the area has said that he continues to recommend physical distancing of at least two metres in schools. This sets up a situation in which the government's plan which does not require or provide the means for physical distancing will violate the recommendations of local health units, leading to a clash of authorities when workers or parents identify the lack of physical distancing as a

health hazard.

In a letter addressed to Ontario's Chief Medical Officer of Health the Registered Nurses' Association of Ontario is also publicly appealing to the government to mandate physical distancing and smaller class sizes, proper ventilation and masking for all school children, saying the opening of schools should be postponed, if necessary, until all the conditions are in place for a safe reopening.

Meanwhile a study led by researchers from the University of Waterloo used a mathematical model to explore ways class sizes and student-to-teacher ratios can influence the number of infections and in-class time lost in schools and daycare centres. The study, which has yet to be peer reviewed, predicts based on its models that the current class sizes in elementary (which are generally between 20 and 30 students) will result in many more students becoming infected and many more days of closed classes than would class sizes of 15 or less because of the need to quarantine contacts of infected individuals for 14 days. This study suggests that by keeping elementary class sizes high the government is in fact setting things up for minimizing rather than maximizing in-school time for students based on exposing higher numbers of students and staff to the risk of infection -- not to mention their families who will also have to quarantine. This would presumably have repercussions in the economy as well.

Instead of addressing these legitimate concerns and demands from so many quarters, the Ontario government has decided to deflect from its abdication of its social responsibility to protect all members of the society by trying to blame "the teachers' unions" for the chaos and turmoil its own unsafe reopening plan is giving rise to. This makes clear that it is the teachers and education workers and their unions, parents, students, administrators, medical and scientific experts and other collectives of the people who are refusing to conciliate with the government's failure to do its duty that are playing the decisive role by speaking out and taking action to put forward their own proposals for what a safe reopening of schools requires.

*(With files from UWaterloo.ca)*



---

## Windsor-Essex Virtual Open Forum Discusses Reopening of Schools

On August 9, Education is a Right Podcast organized a virtual Open Forum for educators, students, parents, and other concerned community members in the region of Windsor-Essex to discuss plans for the reopening of schools. The forum was called in the context of the Board of Trustees of the Greater Essex County District School Board (GECDSB) holding a special meeting August 11 to approve their local plan based on the provincial government's guidelines that neither impose nor fund minimum physical distancing standards in elementary schools.

It was held while Windsor-Essex continued to have community transmission and outbreaks of COVID-19 in a number of workplaces despite moving into Stage 3 reopening. Stage 3 calls for observing public health guidelines and physical



distancing requirements. It was noted that the government's school reopening plan makes this impossible where full attendance is required in all elementary schools. This added an extra layer of concern over reopening plans as opening schools where there is community transmission represents a danger, not just to students and staff but to the entire community.

Participants in the forum included students, elementary and secondary teachers, both permanent and occasional, support staff from a variety of areas including speech and language, educational assistants and counselors, as well as concerned community members and parents. They decided that a summary of the discussion would be provided to inform others about concerns and everyone was encouraged to contact their trustees before August 11 when the public school board was to meet to receive its plan for reopening. The summary that was produced was e-mailed to all trustees in advance of the meeting.

In addition, everyone was encouraged to contact the local public health authority to express their concerns and demand that schools not open unless proper physical distancing is funded, especially in the elementary panel, and to sign and share a petition to that effect addressed to the local Medical Officer of Health.

Go to the Linked document titled -- *Summary of the Discussion*.



---

## Petition to Reduce Class Sizes to Keep Communities Safe



*As of August 27, over 242,000 people have signed the following online petition to Ontario Minister of Education Stephen Lecce and Premier Doug Ford started by a Toronto teacher.[1] The petition reads:*

The Ontario government's 'plan' for reopening schools essentially amounts, in most elementary and middle school grades, to sending 30 students and a teacher back into a room for 6 hours/day with poor to no ventilation and probably only enough space for 30 cm of distancing between desks. This is shameful and demonstrates a reckless and disturbing lack of care for the health and safety of our children, teachers, school staff, and communities.

We have evidence from countries and regions that went back to school in the spring to show that it CAN be done safely, without a surge in cases. The evidence suggests that the way to do this (along with other measures) is SMALL CLASS SIZES. Denmark, Norway, Finland, Germany, Greece, Belgium, France, Switzerland, and British Columbia offer examples of this.

*(The petition lists various newspaper's articles which highlight that evidence suggests that smaller class sizes are key to safe return to schools)*

Meanwhile, Israel offers an example of a country that went back to school with full-sized classes, and had disastrous results, going from well below 100 cases a day to over 1500 daily (see articles linked above). (Note: some point out that it is difficult to blame this increase entirely on schools reopening, since bars and other public spaces reopened at the same time. It is worth pointing out that in Ontario, schools are also set to open within several weeks of bars and other public spaces).

Is this government counting on this plan achieving smaller class sizes because parents with the means to do so will pull their children out of school for at-home or private options (thereby undermining our public education system)? In communities that are hardest-hit by COVID already due to socio-economic inequities, most parents will not have the resources to keep their children at home or to turn to private options. Meanwhile, Ontario families with the greatest privilege and, generally speaking, the most power to advocate for a properly funded education system, will opt out of a system that fails to protect them.

This is not acceptable.

The most up-to-date report from Sick Kids on reopening Ontario schools stresses that the government MUST prioritize reducing class sizes. ("[COVID-19: Guidance for School Reopening](#),")

- Addressing structural deficiencies, such as large class sizes, small classrooms and poor ventilation, must be part of any plan to reopen schools" (pg. 2).

- Smaller class sizes should be a priority strategy as it will aid in physical distancing and reduce potential spread from any index case. Decisions should take into account the available classroom space in addition to the number of exposures that would occur should a student or staff test positive. Where needed, the use of non-traditional spaces should be explored to accommodate smaller classes in order to allow daily school attendance. This may necessitate additional teacher/educational resources" (pg. 10).

The evidence suggests that with smaller class sizes, we might actually have a shot at remaining in school full-time this year. Even for a government that doesn't want to spend its dollars on the public good -- wouldn't it be cheaper to spend the \$3.2 billion now or whatever it will take and avoid the enormous costs to the healthcare system and the economy when this absurd "plan" fails?

As parents, grandparents, students, teachers, school staff, and community members, we DEMAND a back-to-school plan that we can trust to give us a chance at staying in school this year. Families must not be forced to choose between risking their safety and opting out of our publicly-funded education system.

## Notes

1. To sign the petition, [click here](#)