

Top 10+ COVID WSH Questions

- Submitted by Julie Braaksma, co-chair WS&H committee

These questions were compiled from the MTS WSH Seminar held November 7, 2020 and subsequently shared with participants. Answers are accurate at time of sharing.

1. a) **Even though the provincial guidelines state that 1m of distancing is the minimum requirement in classrooms, my school has told me that as long as there is "space" between the desks that is fine. Is this true?**

There are multiple references in government documents to 1 metre being the minimum (not 'whenever possible').

page 12 "Physical distancing within the cohort is required to the greatest extent possible, including a minimum of one-metre separation between students in the cohort when seated at desks or tables." (Restoring Safe Schools)

page 3: "How far apart will students be sitting from one another at school?"

Public health recommends two metres of physical distancing. When this is not possible, students will remain within cohorts to reduce exposure to others. Cohorts will distance themselves at least four metres from other groups to limit exposure. In these instances, there must be at least one metre between students when seated at desks or tables." (Welcoming Our Students Back: Restoring Safe Schools, Parent/Guardian and Educator Frequently Asked Questions)

- b) **I don't feel comfortable bringing this forward to my principal or filing a WSH report because... (I know this has been the directive from senior admin. and it isn't the principal's fault, I don't feel comfortable talking to my admin, I'm worried my admin will punish me for questioning them...)**

It is always advisable to have this discussion with your principal. Contact your local President or a Staff Officer if your concerns are not resolved. The Province also has communication structures in place for any member of the public to report concerns.

2. **If a teacher is required by public health to self-isolate, what is MTS doing to ensure these days are paid but not from our sick day allotment?**

Sick days should be used only when a teacher is actually sick. If a teacher is isolating, but is not actually sick, arrangements should be made for them to work from home. Contact a Staff Officer if this is not the case.

3. Cleaning, disinfecting, sanitizing – expectations seem to change every week as to who can do/should do what?

General cleaning duties are not, and have never been, an expectation of teachers under the Public Schools Act. For teachers to do this work is unsafe, inappropriate, and impinges on their primary duty of teaching children. It may also put them in the position of having to clean during what should be instructional time, or during preparation or lunch; these are clear violations of their collective agreement rights.

The Manitoba School Boards Association published “School Re-Entry Protocols: A Reference Guide for Schools” which states:

“It is strongly recommended that custodial cleaning chemicals are not shared with teaching staff or other non-custodial staff as they are not properly trained in chemical use (WHMIS) and may not fully understand the hazards associated with a specific chemical and why it has to be used a certain way” (page 6).

Teachers should only clean their personal space and equipment (desk, laptop, phone, personal items, etc). This is in line with MSBA’s recommendation: “It is strongly recommended that staff clean their own personal spaces and equipment after use. This will allow the school custodians to focus on cleaning high touch areas, classrooms, and common areas as well as conducting their regular daily cleaning routines of the school” (page 4).

The Division should supply teachers with the products necessary to clean their personal workspaces; there should be no out-of-pocket expense. This also ensures that cleaning products are in line with Divisional expectations.

4. Safety concerns of chemicals and long term effects. Is it safe for me (and/or students) to be using the spray on sanitizer?

Teachers are not to use any chemical requiring specialized training, as per the MSBA guideline: “When teaching staff or others are required to use cleaning chemicals, management should always choose non-toxic, safe, easy to use wipe or spray with short dwell times. This will reduce any errors in its use as well as any unwanted accidental exposures, allergic or sensitization reactions staff may encounter” (page 4).

If a teacher is directed to perform cleaning duties beyond their personal space and equipment, they should attempt to resolve the concern by discussing it first with their principal. If the matter is not resolved, they may contact their local President, or an MTS Staff Officer.

If a teacher has a reaction to any cleaning product, they should stop using it, and consult their doctor to see if they have a medical condition that prohibits them using the product.

If a teacher is directed to use chemicals for which they have not received appropriate safety information or training, they should notify their principal that they are invoking their Right to Refuse Dangerous Work under Section 43 of the Workplace Safety and Health Act, and contact an MTS Staff Officer.

5. In-class teaching/preparing homework packages for students at home – acceptable workload?

MTS Website Statement on Blended-learning

MTS will not accept a model in which teachers provide in-person and remote instruction simultaneously. In Code Orange, when temporary remote learning is offered as a choice for parents, the impact on teacher workload is intensified.

The Society is calling on school divisions to:

- *discontinue the ‘duplex model’ (splitting one classroom into two to allow for two-metres*
- *of physical distance. This model results in one teacher being responsible for two*
- *distinct sets of learners in two locations.)*
- *hire more teachers and EAs*
- *provide increased planning time to coordinate new learning and delivery formats*
- *provide increased planning time for teachers who are reassigned*
- *provide resources and professional learning opportunities*
- *provide assurance that cameras required for blended-learning, will only be used for instruction purposes and not as a means of monitoring employees*

The MTS Teacher Welfare Department has developed a template for teachers to track their workloads over a period of time (minimum of three days) to gather evidence of increased workloads. We have consulted with legal counsel and are prepared to file grievances on behalf of any teachers whose workload has become unreasonable. Contact a Teacher Welfare Staff Officer for further information.

6. How can we protect our students when we teach hands on courses such as Woods, Foods, etc.?

Follow Public Health directives, especially with relation to hand-washing, distancing, and mask use. Reference industry standards related to COVID. For example, https://www.ccohs.ca//images/products/pandemiccovid19/pdf/food_service.pdf MSBA’s document “School Re-entry Protocols” also has information specific to specialized courses like Human Ecology and Industrial Arts:

<https://www.mbschoolboards.ca/documents/services/School%20Re-entry%20Protocols.pdf>

7. Fogging concerns?

There are different brands of foggers and different chemicals that are used in each device. If you have concerns, ask to see the safety information (Safe Work Procedure, GHS, etc). There may be recommended wait times between fogging and entering a room. Certain individuals may be more sensitive to the product used than others.

8. If there is a confirmed positive in a school, should a hazard report be filled out?

If a hazard or unsafe work is witnessed, such as cleaning without PPE, WHMIS training, etc., report that to the committee or WSH as a complaint if it persists. The WSH Committee would need to follow up on an internal complaint.

In the event of a worker testing positive, there should be a reassessment of the risks under Part 36 “Chemical and Biological Substances” of the WSH Regulations. The initial assessment is conducted in consultation and is reassessed as things change. See provisions below:

36.2(1) An employer must assess all information that is practicably available to the employer respecting a chemical or biological substance present in the workplace to determine if the substance creates or may create a risk to the safety or health of a worker in the workplace. The assessment must take place in consultation with

- (a) the committee at the workplace;
- (b) the representative at the workplace; or
- (c) when there is no committee or representative, the workers at the workplace.

36.2(2) An employer must reassess a chemical or biological substance in accordance with the requirements of subsection (1) if

- (a) there is a change
 - (i) in conditions in the workplace, or
 - (ii) in the health or physical condition of a worker known to the employer; or
- (b) new information about the substance becomes available to the employer.

So for a workplace positive case, there does need to be a reassessment of the risk conducted in consultation with the committee or representative.

9. How are various divisions responding to the needs of members with immunocompromised family?

When a teacher requests a personal medical accommodation or a family accommodation (such as working from home), Divisions have been asking for appropriate documentation from a doctor to confirm the necessity for such an accommodation. The nature of information required from a doctor depends on the

reason for the accommodation (personal or family medical condition). Contact a TW Staff Officer to assist you in this process.

10. Will sick days used for quarantine if COVID-19 is contracted at work be re-credited to the member?

If the Collective Agreement contains an On-the-Job Injury clause, the sick days should definitely be reinstated. If there is no such clause, contact a Staff Officer for advice.

11. How many instances of protocol breach would be necessary for a site to be declared unsafe?

That would be at the discretion of Public Health or Workplace Safety and Health.

12. Do we have the right to refuse to work if we fear being contaminated with COVID-19?

“Right to refuse dangerous work

43(1) Subject to this section, a worker may refuse to work or do particular work at a workplace if he or she believes on reasonable grounds that the work constitutes a danger to his or her safety or health or to the safety or health of another worker or another person.”

It would depend on the specific circumstances. For example, if a school has implemented all protocols and the fear is generalized, there would not be a strong case for a work refusal.

However, if a school was not enforcing protocols (mask use, not sending home students with symptoms, etc), the teacher may have a more reasonable argument to feel that their health is being put in danger.

If a teacher is considering a Work Refusal, they should contact a TW Staff Officer.

13. Now that southern health region is code red are schools mandated to now have 2 metre physical distancing through use of remote/blended and cohorts? or does it remain a best effort to accommodate as able? My high school has classrooms that remain <1 metre apart.

Less than one metre is a clear violation of Public Health directives as noted above.

14. If MTS has detailed information on medical mask criteria, could you please share the information?

<https://www.canada.ca/en/public-health/services/publications/diseases-conditions/routine-practices-precautions-healthcare-associated-infections/part-d.html#D.V>

Approved Medical Devices (Health Canada)

<https://www.canada.ca/en/health-canada/services/drugs-health-products/covid19-industry/medical-devices/authorized/other.html>

WHO FAQs - <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/question-and-answers-hub/q-a-detail/q-a-on-covid-19-and-masks>

15. Question - is 2m distancing already a requirement in code orange?

"All K–12 schools will now move to the Restricted level (Orange).

- Schools must ensure two metres of physical distancing to the greatest extent possible, and adjust classroom space as necessary; excess furniture must be removed from classrooms to create additional space; other spaces within schools must be repurposed to accommodate more distancing (e.g., multipurpose rooms, shared spaces, common areas, and libraries)."*

https://manitoba.ca/asset_library/en/covid/response-management-K-12-restricted.pdf

16. If a member gets a positive Covid test can our employer tell the member that they are not allowed to share this with their colleagues? Told to wait for MB Health to contact people instead.

- Legal counsel is researching this. For now, if a member is directed not to share their own private health information, such as a positive COVID test, they should ask for that to be put in writing and contact a Staff Officer.
- 17. Is there any data on divisions that are providing a clothing allowance to PE members?**
- One division has agreed to share costs up to \$300 (teacher pays \$150, division pays \$150). Another local is looking at a similar arrangement, but hoping for more money.
- 18. Are we allowed to do serious investigations virtually, or are we required to do them in person? Or in person if it is a really 'serious' incident (which the government would probably already be doing).**
- As long as all aspects of the investigation are included, there is no prohibition on doing it remotely.