



ETFO CENTRAL BARGAINING BULLETIN

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CLARIFICATION ABOUT ETFO PHASE 3 STRIKE PROTOCOL

In addition to the Phase 1 Work-to-Rule (WTR) Strike Protocol begun on November 26, 2019, and the Phase 2 WTR Strike Protocol begun on December 10, 2019,

Effective Monday, January 13, 2020, all ETFO members* will:

- NOT** plan or participate in any assemblies, except to provide supervision to students;
- NOT** participate in extracurricular activities except for those that are scheduled within the regular school day;
- NOT** participate in field trips;
- NOT** arrive at work any earlier than 30 minutes before the start of the instructional day for students (or **for hourly paid ETFO members**, not arrive any more than 30 minutes before the start of the scheduled work day); and
- NOT** remain at the worksite later than 15 minutes after the end of the instructional day for students (or **for hourly paid ETFO members**, not remain later than 15 minutes after the end of the scheduled work day).

** ETFO members working in care and treatment facilities do not participate in Phase 1, Phase 2, or Phase 3 strike action and will continue with their regular duties. Those facilities are: Bloorview, Campbell Children's School, John McGivney Children's Centre, KidsAbility, Niagara Children's Centre and Ottawa Children's Treatment Centre.*

Here are answers to some of the most commonly asked questions about ETFO Phase 3 Strike Protocol.

Am I able to take students to extra-curricular activities that take place outside of my school?

No. All extracurricular activities must take place at the member's school and must take place during the school day as it has been defined. During Phase 3, members cannot participate or supervise students at events that take place at a different school or location.

Our school has an evening open house scheduled, can I participate during Phase 3?

No, ETFO members cannot participate or plan any activity that would take place outside of the restricted hours (i.e. 30 minutes before instructional day and 15 minutes after the instructional day) during Phase 3.

Can I take my students to the community rink for skating during Phase 3?

No. Skating trips are considered field trips and as such they become struck work now that the work-to-rule has progressed to Phase 3.

Can I invite a consultant/coordinator/facilitator/coach to work with me in my classroom during Phase 3?

Yes, individual members may request that a consultant/coordinator/facilitator/early years facilitator/coach work with them in their classroom during Phase 3.

FREQUENTLY ASKED QUESTIONS ABOUT ETFO PHASE 4 STRIKE PROTOCOL

In addition to the Phase 1 Work-to-Rule (WTR) Strike Protocol begun on November 26, 2019, the Phase 2 WTR Strike Protocol begun on December 10, 2019, and the Phase 3 WTR Strike Protocol begun on January 13, 2020.

Effective Monday, January 20, 2020, all ETFO members* will:

NOT participate in any District School Board or Ministry professional learning.

If no agreement is reached at the Teacher/Occasional Teacher and Education Worker Central Tables by January 17, 2020, effective January 20, 2020, ETFO locals will commence a full-withdrawal of services strike on a rotating basis.

** ETFO members working in care and treatment facilities do not participate in Phase 1, Phase 2, Phase 3 or Phase 4 strike action and will continue with their regular duties. Those facilities are: Bloorview, Campbell Children's School, John McGivney Children's Centre, KidsAbility, Niagara Children's Centre and Ottawa Children's Treatment Centre.*

Here are answers to some of the most commonly asked questions about ETFO Phase 4 Strike Protocol.

QUESTIONS ABOUT PICKETING

WHAT IS THE PURPOSE OF PICKETING?

The picket line is meant as a sign and symbol of union solidarity and as a barrier to the workplace. Our picket line is designed to send a message to the government and to the employer that we will not accept anything less than a deal at the bargaining table that:

- values our professionalism;
- respects our collective agreement entitlements; and
- supports Ontario's world-class public education system.

WHO PARTICIPATES?

Every active member is expected to participate in strike action for a period of three hours per strike day.

WHAT ARE THE DUTIES OF PICKET CAPTAINS?

Picket Captains are in charge of the orderly and safe operation of the picket line by, for example:

- maintaining the *Picket Registration List*;
- ensuring that the picket is conducted appropriately;
- dealing with problems and concerns;
- being the contact person with the local office; and
- being the on-site contact person with police, media, etc.

You will be able to identify your Picket Captains because they will be wearing red toques while picketing.

WHO IS DESIGNATED AS A PICKET CAPTAIN?

Picket Captains are usually school/worksite stewards. They may also be executive members of ETFO teacher, occasional teacher, DECE, ESP and PSP locals.

WHAT IS THE PICKET REGISTRATION LIST?

The *Picket Registration List* includes all ETFO members assigned to each picket location within the school board. The List may be organized by school/worksite or by strike location. You will be informed where and when to picket. You must arrive at the specified time and location and be prepared to picket for a period of three hours.

When you arrive at the strike location, check in with the Picket Captain and sign the *Picket Registration List*. At the end of your picket duty, you must also check in with the Picket Captain to confirm that you have completed your picket duty.

If a member does not check in with the Picket Captain and sign the *Picket Registration List*, it will be assumed that the member did not picket. The member would then be ineligible for strike pay and could be sanctioned by ETFO for failing to support collective bargaining initiatives.

WHAT ABOUT THE POLICE?

Your local has consulted with local police about the location, time, and purpose of the picket line. The police understand and respect that the picket line is part of a legal strike action. The police may provide on-site support to ensure traffic and pedestrian safety.

HOW DO WE PICKET?

The safety of picketers is of the utmost importance. Take care of each other. Be mindful of slip hazards during the picket. Stay well back from roadways. If you have concerns, talk to your Picket Captain. If there is an emergency, call 911 then inform the Picket Captain.

Picketers must respect public safety and cannot interfere with vehicle or pedestrian traffic, or endanger persons or property. Picketing does not include a procession or parade.

You may be given a picket sign at your picket location. If you prefer, you can use a sign that you have made so long as it is appropriate.

Picketers can:

- speak with individuals crossing the picket line in a civil and respectful way;
- engage people for a reasonable period of time (approximately one minute) to communicate your message about what you are doing and why you are doing it;
- walk around the designated picket area with a placard or sign;
- walk en masse in front of the access points to a property;
- make noise; and
- communicate with leaflets, buttons and pickets provided these materials are not defamatory.

Picketers cannot:

- block access to or egress from the picket location;
- block roadways;
- trespass on employer property or other private property;
- create a nuisance or engage in unsafe behaviour (e.g., no garbage can fires);
- engage in harassment or violent statements or behaviours;
- destroy or damage property;

- interrupt the lawful enjoyment of property;
- act unprofessionally; or
- obstruct the orders or instructions of a peace officer.

WHAT HAPPENS IF THERE IS INCLEMENT WEATHER ON OUR STRIKE DAY?

The picket would proceed as planned. In such circumstances, Picket Captains may receive information regarding safety provisions on the picket line, modified picket locations, etc. It is important that Picket Captains check their email on the morning of the picket for information sent by the local's strike planning team. Members should make every reasonable effort to arrive safely to their picket location. If this is not possible, they must contact their local to advise that they are unable to reach their required picket location and are seeking an exemption.

WHERE DO WE PARK?

Do not park on the property where you are picketing. Park legally. Consider carpooling or public transportation, if it's available.

WHAT ABOUT WASHROOM BREAKS?

Obviously, you cannot use the washroom in the building that is being picketed. Your Picket Captain will have identified a few locations in the area that can be used for quick comfort breaks (e.g., a public washroom, the home of a member who lives nearby, etc.).

Members going to use the facilities or going on a coffee run should check in with the Picket Captain when they leave and when they return.

CAN MEMBERS ON BOARD-APPROVED MEDICAL LEAVES/LONG-TERM DISABILITY PARTICIPATE IN STRIKE ACTION?

No. A member on a board-approved medical leave or long-term disability is not permitted to participate in any form of picket duty.

ARE PART-TIME MEMBERS REQUIRED TO DO PICKET DUTY IF THE DAY IS A DAY THEY NORMALLY HAVE OFF?

Part-time members who are not scheduled to work on the strike day are still encouraged to support the strike action by joining the picket line and they will receive strike pay. To receive strike pay on a day they are not normally working, a part-time member must verify with their Picket Captain, prior to their strike day, that their name is on the picket registration list.

IF A MEMBER IS SICK THE MORNING OF A STRIKE, WHAT SHOULD THEY DO?

If a member is sick the day of a strike, they should contact their local office and request an exemption so that they are not recorded as 'non-compliant.' The member will need to complete an exemption form and provide appropriate documentation.

WHAT IF A MEMBER HAS A MEDICAL APPOINTMENT ON THE DAY OF THE STRIKE?

The member should make every effort to change the appointment, if possible. If not, the member should picket during the portion of the day that does not include the medical appointment (or perform approved alternate duties, if assigned by the local, in lieu of picketing).

If a member has a previously booked appointment that does not allow them to picket during any part of the day, the member must make a request through their ETFO local for special consideration/exemption. The member must have appropriate documentation that would indicate they were unable to picket during the time scheduled for the picket. The member will not receive strike pay.

WHO CAN CROSS THE PICKET LINE?

By law, members of other bargaining units and workers who do not pay ETFO union dues must be allowed to cross the picket line. Parents and members of the public are also allowed to cross the picket line. Prior to people crossing the picket line, you should explain the essential issues of the strike to them. You may distribute leaflets and buttons to them.

ETFO members should NOT cross the picket line. If any ETFO member does cross the picket line, this information should be shared with the Picket Captain. The Picket Captain will report the matter to the local office as a potential violation of Article VI of the ETFO Constitution.

QUESTIONS ABOUT STRIKE PAY, PENSIONS, BENEFITS

WILL I RECEIVE STRIKE PAY?

Any active member who participates in an approved full withdrawal of services will receive strike pay as follows:

- \$75.00 per day starting on the first school day of the strike;
- \$100.00 per day starting on the sixth school day of a strike

Strike pay would also be available to eligible members who are affected by a lock-out. There are no deductions taken from strike pay. Strike pay is not taxable.

ARE DAILY OCCASIONAL TEACHERS, OCCASIONAL DECES, OR CASUAL ESP/PSP WORKERS REQUIRED TO DO PICKET DUTY IF THE STRIKE DAY IS A DAY THEY ARE NOT SCHEDULED TO WORK?

Daily Occasional Teachers, Occasional DECEs, and Casual ESP/PSP Workers who are represented by ETFO and who are not scheduled to work that day are encouraged to participate in picket duty on the strike day. If they are active members and support the strike action by joining the picket line they will receive strike pay. To receive strike pay on a day they are not normally working, a Daily Occasional Teacher, Occasional DECE, or Casual ESP/PSP Worker **must** check in with a Picket Captain at an approved strike location to ensure their name is on the picket registration list.

HOW WOULD A STRIKE AFFECT MY PENSION?

Your pension will NOT be adversely affected by a legal strike.

For ETFO teacher/OT members, there is a provision in the Ontario Teachers' Pension Plan (OTPP) that permits supplementary contributions to be made to protect salary credits for teachers/OTs engaged in a legal strike. For ETFO education worker members, there is a provision in the Ontario Municipal Employees Retirement System (OMERS) that permits supplementary contributions to be made to protect the credited service of members engaged in a legal strike.

ETFO will make any and all pension contributions in order to ensure that members' pensions are not adversely affected by a strike.

WHEN DOES ETFO MAKE PENSION ADJUSTMENT PAYMENTS TO OTPP ON BEHALF OF TEACHER AND OCCASIONAL TEACHER MEMBERS?

The only time that a pension adjustment is required is when the strike occurs during the member's best five years of earnings. When this happens, ETFO will make the pension payment to OTPP for the loss of salary.

When the member notifies OTPP of intent to retire, OTPP will send a letter to the member indicating the pension payment that is required due to the member's participation in a strike. A copy of that letter is also sent to ETFO. Upon receipt of that letter, ETFO will check its strike records to confirm the member supported the strike. ETFO then forwards the payment to OTPP, which ensures the member's pension is not reduced.

HOW DO PENSION CONTRIBUTIONS WORK FOR ETFO'S EDUCATION WORKER MEMBERS WHO CONTRIBUTE TO OMERS?

When a member of OMERS is engaged in a legal strike and fully withdraws their services, the services withdrawal is considered a leave period. When the member returns to work, the member has the "option" to buy back this leave period within a prescribed period of time.

For our education worker members, ETFO works with school boards to receive an invoice from each employer for all affected members, and then ETFO makes one lump sum payment to each school board to cover pension contributions.

DOES A STRIKE AFFECT MY INSURED BENEFITS?

In the event of a legal strike, your insured benefits will be covered by ETFO. There will be no lapse in coverage.

ARE BOARDS REQUIRED TO CONTINUE TO PAY SEB TOP-UP TO MEMBERS ON MATERNITY LEAVE DURING FULL WITHDRAWAL OF SERVICES?

Members receiving SEB would already be on a board-approved leave for pregnancy/parental purposes and would not be included in the strike action. Therefore, their SEB top-up should continue.

HOW DO I ENSURE THAT I RECEIVE STRIKE PAY?

If you are an active member, you will receive strike pay by:

- participating in approved strike action at the location you are designated to picket; and
- signing your Picket Captain's *Picket Registration List*.

OCCASIONAL MEMBERS AND FULL WITHDRAWAL OF SERVICES

HOW WILL A STRIKE AFFECT MY QUALIFYING PERIOD FOR A LONG-TERM OCCASIONAL ASSIGNMENT?

ETFO takes the position that participation in the strike will NOT be a break in service that would cause a member to have to start the qualifying period all over again. If the qualifying period was 10 instructional days it will remain 10 instructional days (the day of strike is NOT an instructional day).

WHAT IF AN OCCASIONAL MEMBER HAS NOT WORKED IN THE LAST 120 WORK DAYS? DOES THE MEMBER QUALIFY FOR STRIKE PAY?

If you have not been employed by a public school board as an occasional member for the last 120 work days you are not an active member of ETFO and are not required to participate in strike action. Consequently, you would not qualify for strike pay.

However, since you benefit from the provisions in the collective agreement when you are employed, you should seriously consider demonstrating your solidarity with colleagues by participating in picketing. Your support would be appreciated!

ALTERNATE DUTIES DURING FULL WITHDRAWAL OF SERVICES

WHAT ABOUT EXEMPTIONS FROM PICKET DUTY?

All members must participate in picket duty unless assigned to approved alternate duties or exempted for other reasons. Your local's strike planning team may provide an exemption from picket duty for an individual who has, for example, a medical condition.

A member who requires an exemption from picket duty must complete a special consideration exemption form and submit it along with the required documentation/letter to their ETFO local office. A member with an approved exemption from picket duties will be assigned to an alternate activity.

WHO APPROVES EXEMPTIONS FROM PICKET DUTY AND ALTERNATE DUTIES? IS IT THE PICKET CAPTAIN?

No, Picket Captains cannot approve exemptions or alternate duties. Only ETFO can approve exemptions/alternate duties.

HOW CAN I GET AN EXEMPTION FORM?

If you are a teacher member, contact your school steward. If you are an occasional teacher, DECE, or ESP/PSP member, contact your local office to obtain an exemption form.