

COVID-19 Pandemic Information Update

Provincial Voluntary Redeployment Strategy

The Ministry of Education has approached OSSTF/FEESO and other education unions about a government initiative that would allow for some staff to be redeployed, on a strictly voluntary basis, to agencies and facilities that are experiencing critical staffing needs. Those agencies and facilities could include long term care facilities, retirement homes, residential group homes for those with developmental disabilities, women's shelters, anti-human trafficking residential sites, youth justice residential facilities, and emergency homeless shelters.

Staff that may be considered for voluntary redeployment includes a variety of non-clinical support workers, such as custodial/maintenance personnel, child and youth workers, social workers, paraprofessionals, educational assistants, food service workers, occasional teachers, and casual employees.

At this point discussions between the government and OSSTF/FEESO have been centred around school board personnel, but this initiative will be discussed across the Broader Public Sector (BPS), including universities. OSSTF/FEESO will be involved in any discussions that apply to any of our members in that sector.

The Government will be issuing Emergency Orders under the Emergency Management and Civil Protection Act which will enable workplace parties to participate in and/or facilitate this redeployment initiative, as the case may be. OSSTF/FEESO's role in this initiative has been to cooperate with the Government by facilitating our members' awareness of these opportunities and key terms and conditions that apply to the opportunities, particularly around compensation and members' rights.

In addition, the OSSTF/FEESO has been involved in discussions with the Government, School Boards and other Unions about the agreements which will govern such redeployment. Template agreements have been designed to cover the terms and conditions of such deployment. Key features of the template agreements are that:

1. Members are under no obligation to consider, accept or continue in a redeployment position if they change their minds, and there shall be no discipline, reprisal or other adverse treatment because a member exercises a right to these choices;
2. The choice to seek and fill a redeployment position is strictly voluntary and made by the individual member.
3. OSSTF/FEESO *does not* have bargaining agent authority in the redeployment workplaces. It cannot enforce your workplace rights while you are working there, nor can it accept responsibility or incur liability for your choice to perform redeployment work there.
4. Redeployed members will be paid under their existing collective agreements with their regular employer, with respect to wages, dues, benefits, sick leave, WSIB, seniority and service and may be eligible for the Province's temporary pandemic pay and emergency childcare under the terms of the applicable Emergency Orders.
5. OSSTF/FEESO *does* have enforcement rights regarding compensation of redeployed members;
6. Redeployed members will receive specified training and equipment;
7. Redeployed members will be otherwise subject to the terms and conditions of employment in the redeployment workplace having regard to scheduling, assignments, breaks, and hours of work, position duties and similar matters. They will have available to them contact information for any union in that workplace which is responsible for the position they fill and that union has agreed to treat them as they would any other member of their bargaining unit;
8. The redeployment employer is responsible for the health and safety of redeployed members.

We anticipate that redeployment employers will be reaching out to School Boards to request their participation in this redeployment initiative. At that point, the School Boards will be approaching your local union representatives to discuss the initiative.

As a necessary step in making the redeployment initiative available to you as a member, your local union must enter into the template agreements with the School Board, the redeployment employer and that employer's union (if any) . We have forwarded the relevant documents to your bargaining unit President, including information on template agreements and how they may be used to facilitate this redeployment initiative. Please note that while the choice of whether to participate or not is the bargaining unit's, the template agreements (which have been reviewed by our legal counsel) may not be modified. Your bargaining unit will keep members updated on whether template agreements have been entered into and with whom.

Once template agreements have been entered into for your bargaining unit and positions, OSSTF/FEESO will provide further information on how to access the redeployment job opportunity system portal.

We have included below an FAQ on this initiative. We will continue to update this FAQ as needed.

Voluntary Redeployment FAQ

1. Why is voluntary redeployment being considered?
 - a. In some sectors there is an overwhelming need for additional staffing resources whereas in others, such as ours, as a result of organizational closures, some bargaining unit members can be redeployed without jeopardizing ongoing operations; and

- b. Some employees and bargaining agents have expressed a willingness to support their local communities during this time by considering temporary transfers to new workplaces.

To that end, the government is developing a provincial matching process in order to allow employees to voluntarily self-identify for temporary redeployment to other sectors, such as health care, long-term care, and others. We emphasize that this is an individual choice and that no one is required to consider redeployment or accept redeployment or continue in redeployment if they change their mind.

2. Is OSSTF/FEESO in agreement with the voluntary redeployment of workers?

OSSTF/FEESO was approached by Ministry of Education representatives to determine if we would agree to cooperate on a voluntary redeployment initiative. Once the government clarified that redeployment of workers would be purely voluntary, OSSTF/FEESO agreed to cooperate in providing information about this opportunity to our members.

3. If I decide to put my name forward for voluntary redeployment, can I change my mind without employment consequences like discipline?

Yes, redeployment is entirely voluntary. Any member chosen for redeployment shall be offered a temporary transfer to the location, site or facility experiencing the need for additional employees. A temporary redeployment may be terminated at any time by a temporarily redeployed member, by the employer to which that member has been redeployed, or by the member's regular employer. As much written notice as possible of this decision shall be provided to the other parties. There shall be no discipline or reprisal for a temporarily redeployed member who terminates the redeployment, and no member will be disciplined for refusing redeployment. Similarly, no grievance shall be initiated should the redeployment be terminated by either the employer to which the member has been redeployed or the member's regular employer.

4. Do my pay and working conditions follow me, and do my collective agreement provisions apply if I chose to redeploy to a new site?

For the duration of the temporary transfer, temporarily redeployed members shall remain employees of their regular employer and shall continue to be covered by the terms of their regular employer's collective agreement with respect their home position with the regular employer.

For the period of temporary redeployment they will be covered by the terms of their regular employer's collective agreement with respect to wages, dues, benefits, sick leave, WSIB, seniority and service, and the Province's temporary pandemic pay if filling an eligible position. Redeployed members may also be eligible for emergency childcare if eligible under the applicable Government Emergency Order.

The member's regular employer shall remain responsible for providing all compensation, benefits, and other employment entitlements to all temporarily redeployed members in accordance with their collective agreements. Disputes regarding these matters or arising from any circumstances surrounding a temporary redeployment itself shall be resolved through the grievance process collective agreement in place with the member's regular employer. Redeployed members will be otherwise subject to the terms and conditions of employment in the redeployment workplace having regard to scheduling, assignments, breaks, and hours of work. See questions 7 and 8 for more information about this.

5. How will I be paid?

The employer to which the member has been redeployed shall track and report hours and other payroll-related matters consistent with the regular employer's collective agreement and shall report those hours to the member's regular

employer on a biweekly basis. The member's regular employer will handle payroll for these redeployed members.

6. Will I be eligible to receive the Province's temporary pandemic pay?

Wages of a temporarily redeployed member shall include the Province's temporary pandemic pay announced on April 25, 2020, if the voluntary temporary redeployment worksite and the position of the member is eligible.

7. Who will supervise my work if I redeploy to a new employer?

In the course of performing the work, temporarily redeployed members will be under the direction and supervision of the employer to which they have been redeployed, in accordance with the policies, procedures, by-laws, and health and safety, privacy and security policies of that employer, including with respect to scheduling, assignments, breaks, and hours of work. If that employer has a union, the union shall act in the best interests of temporarily redeployed members, as it would for any member of its own bargaining unit. For example, any situation that the union may object to for its own members, the redeployed member can expect similar treatment.

8. If I do volunteer for redeployment, will I receive training and safety equipment?

As a condition of the voluntary redeployment, the employer to which a member has been redeployed must provide that member with the following:

- i. Appropriate safety equipment for the position and as may be recommended by the Chief Medical Officer of Health;
- ii. Appropriate Infection Control and Prevention (IPAC) training (including required health and safety training) and guidance during working hours, commensurate with the circumstances, classification and expected job duties;

- iii. Appropriate onboarding, orientation and training during working hours, including but not limited to familiarization with essential information such as policies and procedures on health and safety, job routines, location of supplies and equipment, fire and disaster plans, as well as employee obligations consistent with the job duties and classification, including but not limited to, work protocols and confidentiality obligations;
- iv. Contact information of temporarily redeployed member's supervisor and the workplace union representative if there is a union;
- v. Payment for the hours worked in training at the applicable rate.

9. Is there any risk to voluntary redeployment?

Yes, there are potential risks, one of which is the possibility of contracting the virus. The temporary redeployment strategy is an extraordinary measure in response to extraordinary circumstances, and it is not possible to anticipate all of the possible risks. If you volunteer for redeployment, you should do so with the clear knowledge that your redeployment could involve risks.

This is why the choice to seek and fill a redeployment position is strictly voluntary and made by the individual. While OSSTF/FEESO can act to ensure that that your compensation during a period of redeployment occurs in accordance with the redeployment agreements made between the parties, it does not have bargaining agent authority in the redeployment workplaces, it cannot enforce your rights in that workplace, and therefore cannot accept responsibility or incur liability for your choice to perform redeployment work there. You must carefully consider the risks to yourself and your family of such redeployment and weigh these against the benefits to your communities and income. In the end, the choice is yours.

10. If I have been laid-off, can I still put my name forward to be voluntarily redeployed?

- a. Ten (10) month employees who are typically laid off for the summer may volunteer to work beyond those ten (10) months. Should this occur these Temporarily Redeployed Employees will be paid their wages and receive all other entitlements (including but not limited to benefits, pension) in accordance with the applicable redeployment agreement.
- b. Daily Occasional teacher or Casual employees who are currently laid off due to COVID-19 circumstances may also volunteer for redeployment. Should this occur these Temporarily Redeployed Employees will return to the School board Employer's payroll and be paid based on the hours worked at the Receiving Employer.

11. Am I eligible for emergency childcare recently announced by the government if I am redeployed?

You are eligible according to the terms of the Government's Emergency Order in respect of emergency childcare. This means that the deployment workplace and position has to be included in the Government's Emergency Order in order for you to be eligible. You can ask for this information from the redeployment employer if you are considering redeployment or are filling a redeployment position.

12. How do I find out about and apply for the redeployment opportunities?

As a necessary step in making the redeployment initiative available to you as a member, your local union must enter into these template agreements with the School Board, the Receiving Employer and the Receiving Union (if any) in respect of your bargaining unit work and positions. We have forwarded the relevant documents to your bargaining unit President, including information on template agreements and how they may be used to facilitate this redeployment

initiative. Please note that template agreements may not be modified except with authorization of Provincial Office. We are asking your bargaining unit Presidents to keep members updated on whether template agreements have been entered into and with whom.

Once template agreements have been entered into for your bargaining unit and positions, OSSTF/FEESO will provide further information on how to access the redeployment job opportunity system portal.

13. If I am currently laid off and receiving benefits either under Employment Insurance or the Canada Emergency Response Benefit or other government income support program, can I participate in this redeployment initiative?

Yes, you are eligible to participate in this redeployment program, subject to the hiring process and redeployment employer's decision regarding your hire. However, if you are current receiving benefits from EI, CERB or another government income support program, you should contact Service Canada (or the relevant government program providing your benefits) to determine the impact, if any, on your benefits, entitlements and other requirements under the specific program, of participating in the redeployment initiative.

As the COVID-19 pandemic crisis continues to unfold, OSSTF/FEESO will be issuing frequent updates to provide members with as much pertinent information as possible.

Please frequently check the *myOSSTF* section of the OSSTF/FEESO website for updated information.