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Information for OSSTF/FEESO Members on our COVID H&S/Legal Strategy

To: Presidents and All Members

From: Kerri Ferguson, Associate General Secretary, Protective Services

For Information

As the COVID pandemic continues to evolve and change, we continue to adapt our response to address the challenges you face on a daily basis.

OSSTF/FEESO is working with Dr. Amy Greer, an expert in epidemiology and disease modelling, who is supporting our health and safety (H&S)/legal strategy along with external legal counsel and our in-house H&S team at provincial office. We are using scientific facts and data in working through our strategy. We are targeting the higher risk regions for increased lobbying of Public Health Units (PHU).

While it may seem like the efforts you have made to this point have not produced results; local processes, supported by individual member actions, are the foundation to our ongoing H&S/legal strategy.

To address the provincial situation, we must continue local processes such as grievances, individual member work refusals and member driven complaints to the Ministry of Labour, Training and Skills Development (MLTSD).

As a reminder, you have the right to refuse unsafe work under the *Occupational Health and Safety Act* (OHSA) Section 43, if you believe there are unsafe working conditions in your workplace.

Please see <https://www.osstf.on.ca/services/health-safety/information-bulletins/the-right-to-refuse-it-s-law-use-it.aspx> for further information on the process and consult your Branch President/Site Rep if you are considering undertaking a work refusal.

If you feel uncomfortable exercising your right to refuse, you can file a complaint anonymously with the MLTSD via phone at 1-877-202-0008 or online via this form <https://www.ontario.ca/page/filing-workplace-health-and-safety-complaint>.

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These complaints to the MLTSD have resulted in inspectors coming in for field visits, sometimes issuing orders to employers, and they are required to file report of their findings.

The Field Visit Reports (FVR) are a key piece in building support for our case both locally and provincially.

Again, please ensure you consult with the appropriate local leader(s), if you are considering filing a complaint to the MLTSD.

The more members, and locals, that raise the concerns for our members' health and safety, the more information we have to build our case for a future potential provincial response.

Provincial level responses remain possible, but they will need the foundation of local information and complaints in order to be persuasive to a court or provincial level adjudicator.

As part of the strategy, we have written to the superintendent, director and principal associations in an effort to minimize the fear of reprisal if members raise health and safety concerns. We have encouraged those organizations to communicate to their members that when OSSTF/FEESO members bring forward health and safety concerns, that support and meaningful engagement takes place to try to resolve the issues at the local level.

At a number of recent H&S information meetings we had with local leaders this past month, we shared some of the science and data from Dr. Greer.

Following those meetings, external legal counsel has drafted letter(s) that local leaders can use to reach out to the local PHUs, when appropriate, based on information that will provided on a weekly basis.

The efforts you make as individual members are playing a key role in our H&S/legal strategy and we ask that you continue to use your voices to raise the concerns you have and push for the required changes to make our work sites, schools and communities safer.

For further information, please contact Norm Westbury by email at norm.westbury@osstf.ca.

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