

President's Report



Dear colleagues,

Welcome back. As everyone knows, things have changed since June as a result of the decision of the Ministry of Education to open schools in Stage 2 of the pandemic response with a change to the attendance requirements. I know that many of you are very concerned about the safety of schools and the implementation of the new health and safety protocols. Many of you are wondering how you are going to protect those who are vulnerable within your bubble. I understand that these worries may somewhat eclipse your usual excitement around the September start-up.

Throughout the summer, teachers around the province, including those in the NDTA have dedicated countless hours advocating for reduced density in classrooms and a safe start-up. Some of the additional activities

that we were involved in was Summer Conference, a special rep assembly, and a health and safety training. I have much gratitude to our NDTA members who gave up some of their holidays to participate in these events.

Additionally, Doug and I engaged in numerous conversations and meetings with SD8 management and the BCTF. We all know the plan is not perfect. School districts had to work within the ministerial guidelines. School districts and schools who tried for stricter protocols than the Ministry had set out had to back track.

It is vital to ensure that health and safety protocols are adhered to in our classrooms and in our schools. It is also important, especially this year, that every school has an active

health and safety committee. Please make sure that your school has at least one teacher rep on this committee and please let me know if you take on this roll.

Ailis Lawrence and Murray Shunter are sharing the roll of NDTA Health and Safety chair and will represent us at district JSAC meetings and at BCTF trainings and events. Let them or the NDTA office know if you have any safety concerns that need to be dealt with at your school or brought to the district committee meetings.

One positive that came out of the pandemic was additional funding from the federal government earmarked for education. We are hoping this funding will be used for additional staffing to help decrease classroom density and to facilitate transitional learning for students with barriers to returning full-time.

Take care, we are all in this together.

Carla Wilson

Key Dates

Date Time	Event
Sept 15	Exec. Meeting
Sept 18	District pro-d
Sept 22	Board Meeting
Sept 24	Health & Safety Zones
Sept 30	Orange Shirt Day



Duty to Accommodate and COVID

The employer has a duty to not discriminate against an employee on the basis of a protected ground, such as a physical or mental disability or family status. As part of this prohibition on discrimination, the employer has a legal duty to accommodate employees to the point of undue hardship.

What Does This Mean?

The duty to accommodate in the workplace is a legal requirement and obligation of the employer (ex. the school district) to adjust rules, practices, and requirements to allow employees to participate fully. The employer has a duty to accommodate employees functional limitations¹, provided that the accommodation required does not cause undue hardship².

1 functional limitations: the limitations of needs associated with the disability and whether the person can perform the essential duties or requirements of the job. For example, a member with an anxiety disorder would not need to disclose this, but would need to provide information about what duties they are not able to perform.

2 undue hardship: this could include but is not limited to financial costs of the accommodation, potential interference with the rights of other employees or lack of cooperation of the member throughout the process.

What is the difference with duty to accommodate in schools from June return to the September return?

The employer always has a duty to accommodate. The process an employee would go through to acquire an accommodation prior to COVID

remains the same. In the previous school year, most requests for accommodations to work remotely were accepted because teachers had already been working from home. At that time, there was an understanding that teachers, as an accommodation, could continue this work because not all students returned to in class instruction. Given that the current ministerial guidelines are calling for a return to in class instruction, it is unclear if there will be work available for teachers to do from home. The employer is not under any obligation to create a new job to accommodate an employee. As such, an accommodation to work remotely may be unavailable to members this year. If teachers are unable to return to face to face teaching, the employer may accommodate them by putting them on a medical leave or an unpaid leave.

My accommodation request to work remotely was accepted in June. Does that automatically mean it will be accepted this time around?

No. The employer may argue undue hardship as outlined above. It is possible that the employer may find other safeguards or site adjustments to address the functional limitation outlined by your physician. The duty to accommodate does not mean the employer must provide the member's preferred option.

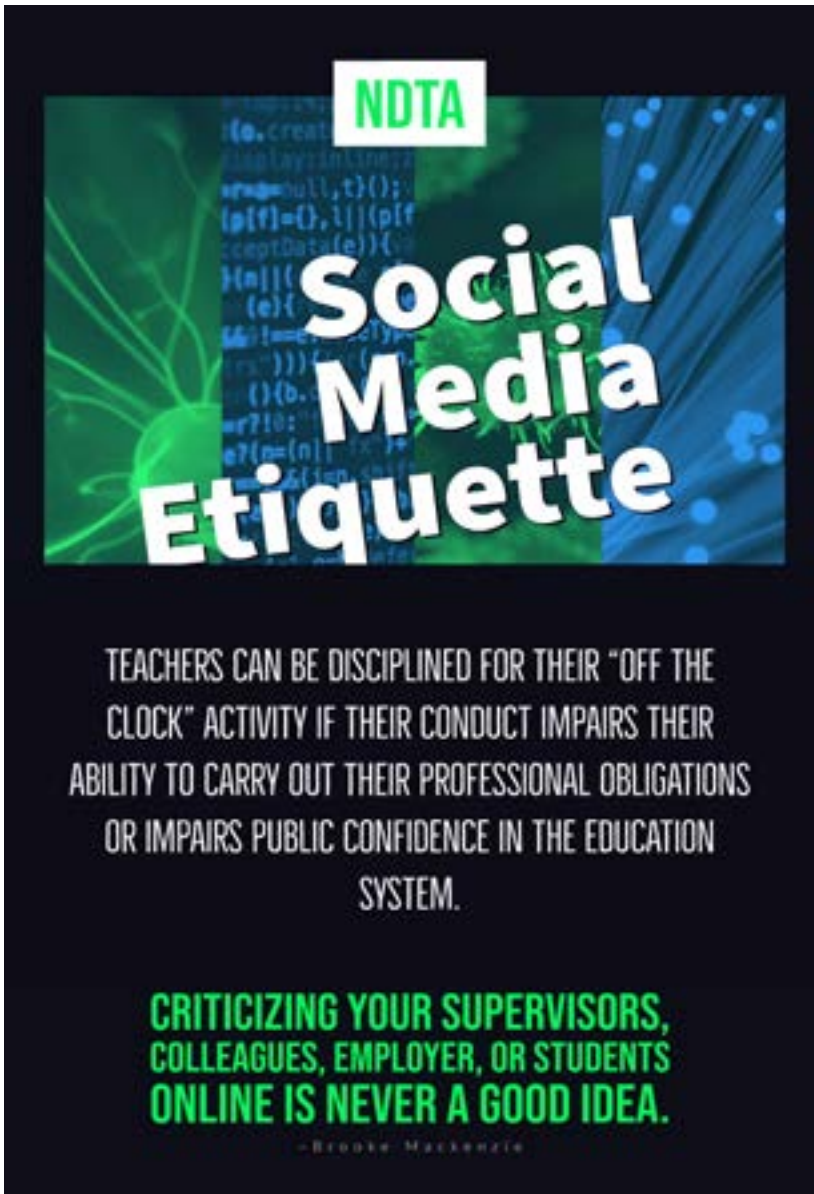
SIP and COVID

There has been increased concern over medical accommodations during the pandemic for good reason. It is important to note, however, that the BCTF Salary Indemnity Plan (SIP) can only provide benefits to those who become ill or injured, and as such, are unable to perform their normal employment duties. Members who can continue to work with appropriate accommodations, should seek to do so. Members CANNOT collect SIP on the basis that if they return to work, they "may" catch the virus or pass it onto someone else in their household. Additionally, SIP does not provide benefits for quarantine or self-isolation if the member does not have the infectious disease.

What if I get COVID?

The BCTF continues to be in negotiations with the province with regards to sick leave and COVID-19. It is the BCTF's position that self-isolation needs to be paid leave and should not affect one's bank of sick days. Teachers should not have to fund a provincial health measure that has been put in place to protect the public. If contact tracing determines that you have contracted COVID-19 while at work, you should be able to make a WorkSafe claim and be compensated through them. Updates will be provided as they become available.

Duty of Fidelity



NDTA

Social Media Etiquette

TEACHERS CAN BE DISCIPLINED FOR THEIR "OFF THE CLOCK" ACTIVITY IF THEIR CONDUCT IMPAIRS THEIR ABILITY TO CARRY OUT THEIR PROFESSIONAL OBLIGATIONS OR IMPAIRS PUBLIC CONFIDENCE IN THE EDUCATION SYSTEM.

CRITICIZING YOUR SUPERVISORS, COLLEAGUES, EMPLOYER, OR STUDENTS ONLINE IS NEVER A GOOD IDEA.

—Brooke Mackenzie

Teachers cannot publicly be directly critical of the school district in which they work. For example, if you said your school district was doing a bad job, or putting teachers and students at risk and the employer found out, you would likely face discipline and could potentially be fired. However, sharing thoughts on government decisions, actions, funding choices, and policy is okay. The government is not the employer.

At one time, venting in private settings would go largely unnoticed, but the Internet has obscured the boundaries between people's personal and professional lives. What we say online is very public. The employer has recently been paying more attention to what is being said about them on social media (Facebook, Twitter, Instagram). As such, please be mindful of your online conduct and be particularly careful of any applicable professional standards.

If you have valid criticisms, please bring them to the attention of the NDTA office. Local presidents have more freedom to be directly critical of the board and district because the board is not the employer of local presidents or other released officers.

Promotions for Teachers



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[Canadian legal Wills](#) is offering free wills for Canadian education workers until September 15th. This includes anyone employed within a school, including principals, teachers, educational assistants, office administrators and custodial staff. You will have a year in which to complete the will, but you must sign up before September 15th



THANK YOU, TEACHER.

SHOP NOW FOR 40% OFF

We are grateful for everything you do. As a token of our appreciation, receive 40% off your order at aghair.com with promo code THANKYOU-UTEACH at check out before Sept. 13