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WORKERS

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**MEMBERS'
BULLETIN**
May 19, 2020

Redeployment and CUPE education workers

Dear CUPE education workers:

As you will have heard, the Minister of Education announced a program of voluntary redeployment for Ontario's education workers.

Members of CUPE will have the opportunity to volunteer to help out in workplaces that are experiencing critical staffing needs because of the current pandemic. Through an online portal, you will be able to self-identify your skills, abilities, geographic location and availability and be matched with local employers that need their services.

If you are matched for temporary redeployment, you will remain employed by your school board and shall continue to be covered by the terms of their collective agreement, including compensation, benefits, service and seniority.

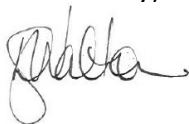
An agreement must be reached between the school board and the CUPE local in order for any member to be redeployed.

The decision to volunteer is very personal. Training and safety equipment will be provided to help ensure everyone's safety, but there is always a degree of risk. You can end your voluntary redeployment at anytime without repercussion of any kind. Anyone willing and able to be redeployed will receive a commendation letter from the province.

While many school board employees can be redeployed, the local school board's operational needs may not allow for redeployment, particularly with certain employees, such as those who provide IT support.

If you have any questions, do not hesitate to contact your local president or a member of your local executive.

In solidarity,



Laura Walton, OSBCU President

Q&A: redeployment for education workers

- 1. Will those who have been laid off, such as casual employees, be given the opportunity to be redeployed or will they be rehired by the school board in order to volunteer?**

Yes. Should a laid off or casual employee wish to participate in voluntary redeployment, the school board will bring them back on to payroll to facilitate the redeployment.

- 2. Could a ten (10) month employee continue to work at the redeployed employer beyond their ten (10) months?**

Yes, the school board would continue to compensate them with salary, benefits etc. throughout the additional period worked.

- 3. If someone wants to volunteer but has children at home, could they have access to emergency childcare?**

Yes.

- 4. Will temporarily redeployed employees be eligible for the pandemic premium pay if they are matched to an eligible institution (e.g. long-term care homes).**

Yes, pandemic premium pay will be provided to members performing the work covered by the pandemic premium pay order.

- 5. Who would cover a work refusal if the volunteer arrives at a site and feels it is unsafe?**

The Local Union and Local School Board should address this in their agreement, there should be a contact person at the receiving employer's worksite. There is no reprisal for an employee who refuses a voluntary assignment.

- 6. If school opens and a member has been working at a site with active COVID would they have to socially isolate for two weeks before returning to work at 100% of pay?**

This needs to be addressed in the Agreement between the Local and the Board.

- 7. Precarious workers (for example lunchroom supervisors) work 1.5 hours, can their hours be increased through this process?**

Yes.

- 8. WSIB – who is the employer?**

The school board is the employer; however an agreement is being reached between the boards and the Ministry to provide them with an indemnity for any added costs that could be incurred as a result of redeployment, such as WSIB, LTD etc.

9. Are we only going to be placed in unionized workplaces?

We don't know, but again an agreement can nevertheless be reached between the local union and local school board with a receiving employer in a non-unionized workplace.

10. Where does the employer/local relationship begin and end with any volunteers who desire to move forward?

The school board remains the employer for pay purposes, however working conditions are determined by the receiving employer. The agreement entered by the 4 parties should address these concerns.

11. Will Health and Safety be addressed, as this is a concern due to the lack of PPE in many of the sites?

Yes, the agreements should cover the need for proper PPE and training, you will note that these items are addressed in the template agreement.

12. Is there recourse to dispute resolution process and who with?

The dispute resolution process in the school board agreement applies as they continue to be the employer.

13. Is mileage being considered?

Mileage can be negotiated into an agreement between the local parties.

14. Will we know based on the Provincial Database- which members have signed up, where they will be working/hours/shifts etc.?

In order to come to an agreement regarding redeployment with a receiving employer and their union the Local should be advised where the employees are being redeployed to.

15. Will volunteers be able to work additional hours (overtime) provided they don't interfere with staff at the location?

Yes, the receiving employer will have to report those hours, including overtime to the school board so that the employee can be appropriately compensated.

16. Can the employer implement redeployment for employees who volunteer without an agreement with the Union?

No, the Order in Council requires the school board to reach an agreement with the Union prior to any redeployment.

Additional questions from local leaders

- **Are transportation consortiums included in voluntary redeployment?**

While the transportation consortiums may agree to be included, the Order, B-memo and template agreements only apply to the school boards.

- **Can they force us to go work in other sectors if not enough people volunteer?**

The emergency order pertains to volunteers only not mandatory redeployment. The order also requires an agreement with the Local for volunteers. A different order would be required to “force” redeployment and while it is unlikely that they will require mandatory redeployment we cannot guarantee that it would not occur.

- **If we have members in specific locations, can they choose where they’d be working?**

Through the online portal, members will enter their location, skills, availability, and they will be matched with employers. Members can choose to decline an offer, and there will be no reprisal for that.

- **If someone is assisting students with e-learning, can they volunteer for redeployment, and would that result in overtime pay?**

If your availability is over and above current working hours, you’d get more pay. However, you would want to ensure it’s in the agreement between you and the board.

- **For instructors (e.g., LINC, ESL) who are under a different pay rate/funding formula, do they have the same opportunity to deploy?**

Yes, because their employer is the school board.

- **Will school boards have more information about voluntary redeployment?**

The government has now issued the B-memo, so boards should be aware of the conditions around voluntary redeployment.

- **If I am paid 7 hours per day and if I work elsewhere, and only work 4 hours per day, do I get 4 hours pay or my original 7?**

Our understanding has been that any member who volunteers will have their wages protected. However, we are providing draft language to be inserted into Appendix 1 to address this and provide additional comfort to the Local and their members. Many members would also qualify for the pandemic pay

Employers need people to work full shifts, and there is more likely a chance of overtime than fewer hours for redeployed workers. We expect that shifts will be full days, but we

understand that members will not be paid less. If a 7-hour employee doing 4 hours of food service, they would still get a full 7 hours of pay. Redeployed workers are also eligible for pandemic premium pay as well.

- **Is there going to be information about applying to the emergency fund instead of EI sent to our members?**

Information has been previously sent out and is available on CUPE's website, cupe.ca.

- **Our board has a shutdown in the middle of summer. How does that impact members?**

The local can address this in their agreement with the school board.

- **Is redeployment still voluntary for laid-off employees?**

The B-Memo from the Ministry requires school boards to call back laid-off employees. It points out that the workers' pay will be provided through emergency measures funding, so no reason why they should refuse to bring someone back.

- **If laid-off employees get a call for redeployment, will they have to be redeployed?**

Once a member is selected for redeployment, that's when their re-employment with their school board begins again. But a member could choose to not take the first offer from a receiving employer; that is still voluntary. But the re-employment relationship doesn't start until the deployment starts.

- **If a laid-off casual accepts a redeployment, then later decides they don't want to continue, can they go back on layoff and get CERB again?**

Yes. You should also note that continue to qualify for CERB if you earn up to \$1000, but it's casuals who volunteer will have to keep in mind whether the hours they work under redeployment are low enough to keep them eligible for CERB. They must ask themselves whether they are guaranteed enough hours to ensure they earn more through redeployment.

- **If there's discipline at the "receiving employer," does that on the board's discipline record?**

CUPE fought the Ministry on this but failed to get an agreement. Locals can address this issue in the voluntary agreements they draw up with their boards, e.g. strike out the clauses about discipline from the agreement. If that is not successful, however, and a discipline is imposed at a deployed workplace, it will be eligible for a grievance.

- **For 10-month employees: do they have the ability NOT to voluntarily redeploy during the 10 months, but then volunteer only during the layoff period?**

It will depend if there are still employers who need people, and if the matching tool is still open. One suggestion would be to say that you were not available until end of June in the tool.

- **What hourly rate will apply if someone gets hurt/sick?**

The wage rate outlined in the collective agreement between the school board and the local will apply.

- **What if a local does not wish to enter into an agreement?**

The entire process is voluntary and a local is not mandated to enter into any agreement. However, should the local have laid off members that wish to be redeployed then they should seriously consider entering into an agreement.

- **What if a board does not wish to enter into an agreement?**

The Order in Council (Section 3) states boards "SHALL" take any reasonable measures to support the operators of convocated care centres. A board will be defying the regulations if they refuse to even discuss the agreement with the union.

- **For 10-month employees who are laid off in summer: should they apply for emergency funds rather than EI, or do they claim EI?**

We need to wait and see. Details about government programs have changed rapidly throughout the pandemic and it is impossible to predict at what stage Canada will be at in its recovery by July/August. When more certain information about the emergency benefits and EI is available, we will share it.

- **If a redeployed worker is hurt or injured or becomes infected with COVID-19, how will they be covered?**

Because their employer continues to be the school board, sick days are maintained and WSIB would go through the school board. If a member is hurt or sick, they will be paid the regular wage they would be paid on sick leave. Workers are only paid premiums, like the pandemic premium pay, on the days they work.

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