

ETFO MOU Task Force on Health and Safety Report and Recommendations

September 2014



September 15, 2014

Letter of Thanks from Task Force Co-Chairs

We appreciate the shared expertise and efforts of Task Force members and advisors in the development of this report. Each of these individuals has brought unique knowledge, skills and experience to the table. Most important, the Task Force members and advisors have shared a strong spirit of cooperation and mutual respect.

The Task Force recognized that the working environment for staff is the learning environment for students. Therefore the contribution made by this Task Force is in consideration of the wellness of everyone in our school community.

We thank the Task Force members and advisors for their collaborative and productive work on this important project.



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TABLE OF CONTENTS

<u>Section, Title</u>	<u>Page</u>
I Preamble	2
II Goal.....	2
III Six Health and Safety Issues	3
IV The Internal Responsibility System (IRS)	4
V Health and Safety Culture.....	4
VI Issues and Recommendations	5
1. Training	5
2. Workplace Violence and Serious Student Incidents.....	6
3. Lockdown Procedures.....	9
4. Environmental Concerns in School Communities.....	11
5. Joint Health and Safety Committee Effectiveness.....	14
6. A Provincial Level Structure for Working with Education Partners	16
VII Summary of Recommendations	17
VIII Glossary	20
IX Resources	22
Appendix	26

I: PREAMBLE

On June 23, 2013, the “*Memorandum of Understanding between the Government of Ontario and Elementary Teachers’ Federation of Ontario*” was ratified by the Elementary Teachers’ Federation of Ontario (ETFO) and the Ministry of Education (EDU). One of the conditions of this agreement was that a Task Force on Health and Safety would be established.

Accordingly, the inaugural meeting of the ETFO MOU Task Force on Health and Safety (Task Force) took place on Monday, January 13, 2014 when representatives from ETFO, the Ontario Public Supervisory Officers’ Association (OPSOA), and technical advisors from the Ministry of Education (EDU) and the Ministry of Labour (MOL) met at the ETFO provincial office.

This meeting established the foundation for the work of the Task Force, culminating in this final report with recommendations. It was agreed that:

- The overarching mandate of the Task Force was to examine the workplace health and safety issues confronting ETFO members and to provide information and make recommendations to help address these concerns.
- The Task Force criteria for identifying issues and making recommendations were based on: legislation, policy, procedures, guidelines, reports, data and other sources of information.
- The duration of the Task Force was initially set at four months (January – April 2014).

From the outset, the Task Force members were able to foster an environment characterized by open communication, mutual respect and an appreciation of their diverse backgrounds. The Task Force members, while representing different organizations, worked collaboratively in the preparation of this report and recommendations.

II: GOAL

The goal of the Task Force was to develop recommendations for school boards that:

- support the Internal Responsibility System (IRS), and
- promote a health and safety culture as a priority.

III: SIX HEALTH AND SAFETY ISSUES

The overarching mandate of the Task Force was to examine workplace health and safety issues confronting ETFO members and to provide information, and make recommendations to help address these concerns. The Task Force, in developing this report and recommendations explored the following six workplace health and safety issues:

1. Training

- Provision of required occupational health and safety information, instruction and training.

2. Workplace Violence and Serious Student Incidents

- Effective employer policies and programs for addressing workplace violence and serious student incidents as required under EDU and MOL legislation and policy.

3. Lockdown Procedures

- Lockdown procedures as a component of emergency procedures.

4. Environmental Concerns in School Communities

- Protection against exposure to asbestos.
- Ensure good indoor air quality.
- Protection against exposure to construction project hazards.

5. Joint Health and Safety Committee (JHSC) Effectiveness

- Revision of the Terms of Reference for multi-workplace JHSCs to amend and update content, as may be required.
- Effective monthly health and safety inspections by worker-selected JHSC representatives, or designated workers selected for Multi-Workplace JHSCs.
- Access to reports respecting occupational health and safety in the school board, (e.g. reports of illness and injury, results of industrial hygiene testing) as required under the *Occupational Health and Safety Act (OHSA)*.

6. A Provincial-Level Structure for Working with Education Partners

- The possibility of establishing a structure for ongoing work for education partners to support the Internal Responsibility System; a whole-school approach to health and safety; and a positive health and safety culture.

IV: THE INTERNAL RESPONSIBILITY SYSTEM (IRS)

The foundation of the Internal Responsibility System (IRS) is derived from the legal requirements of the *Occupational Health and Safety Act* where everyone has a legislated responsibility for workplace health and safety that is appropriate to their role and function as workers, supervisors and the employer. This participatory responsibility for health and safety is essential to an effective IRS. The IRS includes everyone employed at all levels of the school board, from the principal and staff in a school to the director at the board office.

An effective IRS requires senior management commitment; training and support for supervisors and workers; the implementation of best practice occupational health and safety policies and procedures; and open, supportive lines of communication. Workers have a responsibility to identify hazards and report these hazards to their supervisor who has a corresponding responsibility to respond.

An active Joint Health and Safety Committee (JHSC) that is able to perform its required duties under the *Occupational Health and Safety Act* also contributes to a strong IRS (see *Resources*).

V: HEALTH AND SAFETY CULTURE

The values, beliefs and principles of an organization can be broadly described as its organizational culture. Health and safety culture is a dimension of that organizational culture (see *Resources*).

Descriptions of health and safety culture, or more typically “safety culture,” tend to focus on workers and managers, for example: “workers and managers collaborate to use a continual improvement process to protect and promote the health, safety and well-being of workers and the sustainability of the workplace” (World Health Organization, 2010).

The school community includes many different people who work, learn and participate in the everyday activities of the school (e.g. students, staff, managers, supervisors, volunteers and visitors). A positive health and safety culture benefits all persons in the school community. The health and safety culture in school boards should encompass a whole school approach. A whole school approach is one where everyone is committed to a positive health and safety culture. This provides a framework for schools to be safe, secure, healthy and supportive working and learning environments.

The working environment for educators is the learning environment for students. The Task Force recognized that enhancing the health and safety of educators also benefits the health and safety of the school community.

VI: ISSUES AND RECOMMENDATIONS

Six health and safety issues frame the Task Force recommendations:

1. Training
2. Workplace Violence and Serious Student Incidents
3. Lockdown Procedures
4. Environmental Concerns in School Communities
5. Joint Health and Safety Committee (JHSC) Effectiveness
6. A Provincial-Level Structure for Working with Education Partners

1. TRAINING

Context

Strengthening health and safety training is recognized as essential to building a health and safety culture. Occupational health and safety information, instruction and training for employers, supervisors and workers are essential for the continued improvement of health and safety in school boards. Health and safety training on its own is not enough; it must be part of legislative compliance and partnered with active senior management commitment to health and safety as a priority (see *Resources*).

Health and safety information, instruction and training in the education sector must meet the legislated requirements under both the *Occupational Health and Safety Act* and the *Education Act*.

Ontario's *Occupational Health and Safety Act* requires an employer to provide information, instruction and supervision to a worker to protect the health and safety of a worker. The Regulations made under the *Occupational Health and Safety Act* prescribe more specific training requirements for example: Health and Safety Awareness Training for Supervisors and Workers; and Workplace Hazardous Materials Information System (WHMIS).

Ontario Regulation (O. Reg.) 297/13, *Health and Safety Awareness Training for Supervisors and Workers* came into force as of July 1, 2014. This regulation requires basic health and safety awareness training for supervisors and workers. School boards are required to provide this awareness training. The MOL has training materials such as e-learning modules, booklets and guides that employers may wish to use to assist them in meeting the requirements for this particular training. While it is not mandatory that school boards use these MOL resources, they are free, downloadable and match the requirements of O. Reg. 297/13 (see *Resources*).

Issue

Like other employers, school boards must carry out legislated worker health and safety training requirements. At present, many school boards deliver health and safety training when time can be allocated in demanding schedules and among competing priorities. Under such

circumstances, staff who are new hires, occasional, part-time or itinerant, may be less likely to receive the required health and safety training.

The quality and effectiveness of required health and safety training varies among school boards across the province. There is also a trend towards the use of computer-accessed health and safety training for independent completion. In some cases, online training may not be sufficient.

Risks to workers increase when there is a lack of information about health and safety or inadequate health and safety instruction and training. Principals and staff need a clear understanding of their responsibilities for reporting, investigating and dealing with occupational health and safety concerns and incidents.

Recommendations

- That school boards and/or the Ministry of Education establish a system-wide professional activity day as an annual event, to focus on health and safety.
- That school boards and/or the Ministry of Education develop, and then provide, legislated health and safety information, instruction and training, at a consistent standard, in school boards across the province.
- That school boards consider using the Ministry of Labour's training resource materials. For example, the e-learning modules, workbooks and guides that the ministry is providing for the basic awareness training requirements for supervisors and workers under O. Reg. 297/13.
- That the Ministries of Education and Labour explore opportunities for making basic occupational health and safety awareness a component of professional development in postsecondary programs.
- That school boards seek further opportunities to build health and safety knowledge and awareness into the content of regularly scheduled meetings, professional development and leadership development.

2. WORKPLACE VIOLENCE AND SERIOUS STUDENT INCIDENTS

Context

There are a number of requirements under the *Education Act* and the *Occupational Health and Safety Act* that apply to workplace violence (see *Resources*).

Occupational Health and Safety Act (OHS)

Under the *OHS*, "workplace violence" means,

- (a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,

- (b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- (c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

(Definitions, *OHSA*)

The *OHSA* sets out the employer's duties to address workplace violence. Employers must first assess the risks of workplace violence that arise from the nature, type and conditions of work. The results of the assessment or re-assessment of the risks of workplace violence must be shared with the JHSC or the worker representative and a copy must be provided if it is in writing. A reassessment of the risks of workplace violence must occur as often as necessary to ensure the related policy and program continue to protect the worker from workplace violence.

Based on the results of the assessment the employer has a duty to develop and implement a policy and a program, and provide information and instruction about them to workers. In schools and school boards, where there are more than five workers, these policies must be in writing and conspicuously posted.

The workplace violence program must:

- Include measures and procedures for controlling risks identified in the assessment of risks as likely to expose a worker to physical injury;
- Include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
- Include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor; and
- Set out how the employer will investigate and deal with incidents and complaints of workplace violence.

Employers and supervisors must provide workers with information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour. However, this duty is limited and applies only when the worker can be expected to encounter the violent person in the course of his or her work; and the risk of workplace violence is likely to expose the worker to physical injury. Employers and supervisors must also not disclose more information than is reasonably necessary for the protection of a worker from physical injury.

Employers also must take every precaution reasonable in the circumstances to protect workers from domestic violence that would likely expose a worker to physical injury in the workplace, if the employer is aware or ought to be aware that the domestic violence may occur in the workplace.

There are guidance materials available on the Ministry of Labour's website to help employers comply with their legal obligations and to help workers understand their rights about workplace

violence The Ministry of Labour's website also provides links to resources from other organizations with specific expertise – for example, domestic violence resources and support organizations. Ontario's health and safety associations have additional resources available for employers in specific sectors and types of workplaces (see *Resources*).

Education Act and Policy and Program Memoranda (PPM)

The *Education Act* stipulates that school board employees who work directly with students must respond to any student behaviour that is likely to have a negative impact on the school climate. Responding may include identifying the behaviour, asking the students to stop the inappropriate behaviour, and/ or asking the students to change their behaviour (*Education Act*, subsection 300.4).

A serious student incident is an activity for which a student may be suspended or expelled, as defined under Sections 306 or 310 in the *Education Act*, or according to board policy. All serious student incidents must be reported to the school principal as soon as reasonably possible, and no later than the end of the school day (*Education Act*, subsection 300.2).

Reporting and responding requirements are made under the *Education Act*, and are outlined in policy: PPM 144 (*Bullying Prevention and Intervention*), PPM 145 (*Progressive Discipline and Promoting Positive Student Behaviour*) and PPM 120 (*Reporting Violent Incidents to the Ministry of Education*) (see *Resources*).

Ontario Regulation 472/07, *Behaviour, Discipline and Safety of Pupils* provides the exemption that school board employees are not required to respond to incidents when, in their opinion, responding would cause immediate physical harm to themselves, a student or another person.

In accordance with PPM 144 and 145, such reports must be confirmed in writing using the *Safe Schools Incident Reporting Form – Part I*. The principal must investigate the incident and provide the board employee with a written acknowledgement, using the *Safe Schools Incident Reporting Form – Part II*. As described in PPM 144 and PPM 145, the principal's response must include confirmation that the incident report was received and indicate the status and/or results of the principal's investigation.

For the purposes of PPM 120 (*Reporting Violent Incidents to the Ministry of Education*) the term "violent incident" is limited to seven serious occurrences:

- possessing a weapon, including possessing a firearm
- physical assault causing bodily harm requiring medical attention
- sexual assault
- robbery
- using a weapon to cause or to threaten bodily harm to another person
- extortion
- hate and/or bias-motivated occurrences.

Any violent incident described in PPM 120 that occurs on school premises during school-run programs must be reported to the Ministry of Education, whether the violent incident was committed by a student of the school or by any other person.

If a staff person has reported a serious student incident using the *Safe Schools Incident Reporting Form* and the principal has determined that the incident is a violent incident as described in PPM 120, then the box in section 6 of the reporting form must be checked.

School boards report data on the number of violent incidents annually to the Ministry of Education. There is not a separate Ministry of Education form required for reporting violent incidents as described in PPM 120. Boards are required to report the total number of violent incidents on an annual basis to the Ministry of Education through the *Ontario School Information System (OnSIS)*.

The *Provincial Model for a Local Police/School Board Protocol* outlines serious incidents that require mandatory reporting to the police (see *Resources*). The protocol also outlines incidents where police notification is discretionary.

Issue

Sometimes, an event can be both a serious student incident (e.g., violent incident as described in PPM 120), and workplace violence as defined in the *Occupational Health and Safety Act*, and there is a need to clarify:

- how, when and to whom to report these events;
- what is required of principals to investigate and deal with these incidents; and
- how and when mitigating factors may be applied (PPM 145, O.Reg 472/07).

Recommendations

- That provincial guidance and resource materials regarding requirements of workplace violence and serious student incidents, specific to the school community, be developed to support compliance with the *Occupational Health and Safety Act* and *Education Act*.
- That a professional development opportunity be provided that incorporates the delivery of these guidance and resource materials.

3. LOCKDOWN PROCEDURES

Context

School boards have emergency procedures to address a broad range of major incidents including for example: medical events, environmental hazards and serious incidents relating to violence. These procedures reflect a core set of effective practices that may be applied to individual school communities.

A lockdown occurs in response to a major incident or threat of school violence within the school, or in relation to the school. The Task Force limited its focus on emergency procedures to

lockdown effectiveness, and in particular that all staff (e.g. permanent, part-time, occasional and itinerant) have the ability to independently lock and unlock their classroom doors.

The Ministry of Education has embedded a lockdown policy within the *Provincial Model for a Local Police/School Board Protocol: the Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario* (see *Resources*). This policy was developed to assist elementary and secondary schools to ensure their lockdown plans meet basic requirements, and to ensure a degree of consistency in school boards across the province.

An effective lockdown during an emergency is more likely to be achieved when all adults who have students in their care are effectively trained. A gap in training could be a critical failure during an actual lockdown emergency.

The ability and the means for all staff to individually lock and unlock a classroom door to protect staff and students during an actual emergency is a vital component of the lockdown procedure.

Issue

During the Task Force, ETFO conducted an informal survey of 32 occasional teacher local presidents. Seventy percent of respondents stated that their school boards do not consistently provide keys to occasional teachers. In addition, several respondents noted that the lack of health and safety training, including training on lockdown procedures, is also a concern. Some respondents identified leading practices for assuring that occasional teachers have the means to independently lock and unlock classrooms. These included, for example: superintendents who champions the issue; and consistent, practical methods for managing the keys.

Emergency preparedness is an essential component of safe and healthy schools. Background emergency planning and preparation can contribute to lifesaving outcomes in actual events. Consultation with all stakeholder groups is an essential component of emergency preparedness.

Recommendations

- That the *Provincial Model for a Police/School Board Protocol* and the *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario* include the provision that principals must also have a system in place to provide all staff with the means to lock and unlock their classrooms independently, as part of effective practice.
- That the implementation of the *Provincial Model for a Police/School Board Protocol* and the *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario* include training opportunities for supervisory officers, principals and staff.

- That school boards implement the requirements of the *Provincial Model for a Police/School Board Protocol* and the *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario* at all board sites, and ensure that programs operating on leased facilities have effective lockdown procedures.
- That school boards support high engagement and leadership at the roll out of the revised *Provincial Model for a Police/School Board Protocol* and the *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario*, including the provision of training for superintendents, principals and staff, as well as supports for risk re-assessments at sites and implementation of new requirements.
- That when school boards are creating or renewing their policies and procedures on lockdown, the practice of providing the means to secure classroom doors for all staff, including for example occasional, itinerant and part-time staff, be discussed for potential inclusion in those policies and procedures.
- That the school board's facility renewal process includes an audit related to lockdown, focusing on school safety issues such as door function, public address system and the means for all staff to independently lock and unlock classrooms.

4. ENVIRONMENTAL CONCERNS IN SCHOOL COMMUNITIES

Context

Environmental concerns such as poor indoor air quality; the risks of airborne asbestos exposure; and construction activities can affect the health, safety and well-being of students and staff. When these environmental concerns are controlled or eliminated, everyone in the school community can benefit.

Some legislation that applies to the school community:

- *Occupational Health and Safety Act*
- *Education Act*
- *Health Prevention and Promotion Act*
- *Building Code Act, 1992* (and O.Reg. 332/12, *Building Code*, made under this Act)
- *Environmental Protection Act.*

Regulations under the *Occupational Health and Safety Act* have specific requirements for the control of hazardous agents that could cause environmental concerns in the school community, for example:

- *Construction Projects* (O. Reg. 213/91)
- *Control of Exposure to Biological or Chemical Agents* (O. Reg. 833)
- *Designated Substances* (O. Reg. 490/09)

- *Designated Substances – Asbestos on Construction Projects and in Buildings and Repair Operations* (O. Reg. 278/05)
- *Workplace Hazardous Materials Information System (WHMIS)* (O. Reg. 860).

The Ministry of Labour provides extensive guidelines to help the workplace parties understand some of their obligations (see *Resources*), for example:

- *A Guide to the Occupational Health and Safety Act* (October 2012)
- *A Guide to the Regulation Respecting Asbestos on Construction Projects and in Buildings and Repair Operations* (May 2011)
- *Lead on Construction Projects* (April 2011)
- *Silica on Construction Projects* (April 2011)
- *Workplace Hazardous Materials Information System (WHMIS): A Guide to the Legislation* (June 2009).

Asbestos

Issue

Asbestos in aging school buildings remains a leading health and safety concern for ETFO members. Asbestos is a known carcinogen. Although typically characterized as a disease of construction or industrial workers, asbestos-related disease has also been confirmed as work-related in a limited number of cases involving education workers.

Asbestos concerns specific to the school setting may include the following:

- Lack of information, instruction and procedures about the location and condition of asbestos in schools (e.g. ceiling tiles, textured ceilings, pipe insulation).
- Activities in the school may inadvertently disturb asbestos containing materials thereby releasing airborne asbestos fibres.
- Lack of implementing required precautions to prevent the disturbance of asbestos may not be in place when maintenance, small contractor work and construction occur.

The Ministry of Labour has an extensive guideline for meeting the requirements of O. Reg. 278/05, *A Guide to the Regulation Respecting Asbestos on Construction Projects and in Buildings and Repair Operations* (see *Resources*).

Recommendations

- That the Ministry of Labour and the Ministry of Education work together with stakeholders to develop a provincial asbestos guidance document specifically for school boards to manage and mitigate the risks of airborne asbestos exposure in schools. This guidance document should be written to reflect the unique school environment and its activities.

Indoor Air Quality

Issue

Poor indoor air quality may have an impact on the respiratory health of staff and students in school communities. Indoor air-quality factors include, for example: carbon dioxide levels, mould, dust, radon, poor humidity and temperature (see *Resources*).

The heating, ventilation and air conditioning (HVAC) system (if present) in a school building may not be in optimal operating condition due to factors such as age, poor maintenance or limited fresh air exchange.

The direct relationship between indoor air quality and occupant productivity is well known. Those with medical conditions such as asthma are particularly vulnerable to poor indoor air quality.

Recommendations

- That the Ministry of Labour and the Ministry of Education work together with stakeholders to develop a provincial guidance document regarding indoor air quality management in school board buildings

Construction

Issue

Construction projects at school sites need effective management to protect the health and safety of the building occupants. The *Occupational Health and Safety Act* and the *Regulation for Construction Projects* (O.Reg. 213/91) address the health and safety of workers (see *Resources*).

Under the *Occupational Health and Safety Act*, the definition of “construction” is extensive, including for example: maintenance, repair, painting, demolition, erection and installation. It also includes exterior work such as grading and digging.

On some construction projects, students and staff may not be separated from exposure to construction-related hazards (e.g. equipment, loud noise, dust, fumes), which could affect their health, safety and well-being.

Recommendations

- That the Ministry of Education require all school boards to include occupant health and safety in the scope of work for tender of a construction project.
- That school boards ensure that a key person is assigned the accountability and responsibility to effectively work with the constructor, facilities services and custodial staff, to mitigate hazards that may be related to construction in the school community.

5. JOINT HEALTH AND SAFETY COMMITTEE EFFECTIVENESS

Context

The role and responsibilities of the joint health and safety committee (JHSC) are explicitly stated in *Part II, Section 9* of Ontario's *Occupational Health and Safety Act (OHSA)*.

A JHSC is composed of worker and employer representatives. The JHSC holds regular meetings, conducts regular workplace inspections and makes written recommendations to the employer for the improvement of the health and safety of workers.

In the school boards there are three possible structures for meeting the requirements of a JHSC:

- Single workplace (school) JHSCs (*Occupational Health and Safety Act*, subsection 9(2));
- Multi-workplace JHSCs permitted by a Ministers Order (*Occupational Health and Safety Act*, subsection 9(3.1) and subsection 9(5)): a single committee established for more than one workplace; or
- Teachers-only multi-workplace JHSCs (*Occupational Health and Safety Act*, subsection 9(2)) *Teachers Regulation 857* paragraph 2 of section 3): one JHSC for all of its teachers.

For more information, please refer to the following Ministry of Labour guidance documents (see *Resources*):

- *A Guide for Joint Health and Safety Committees and Health and Safety Representatives in the Workplace*;
- *Multi-workplace Joint Health and Safety Committee Guidance*.

JHSC Terms of Reference

A Multi-workplace JHSC (MJHSC) requires a written document referred to as a 'Terms of Reference.' The Terms of Reference must outline the proposed structure, composition and function of the MJHSC; be co-signed by the workplace parties; and be submitted to the Ministry of Labour Regional Director as part of a request for establishing a MJHSC. If approved, the Regional Director will issue a Minister's Order granting the MJHSC.

The MJHSC Terms of Reference must be reflective of the workplace practices and the workplaces that are covered under the Order granted by the Ministry of Labour.

Revisions should be conducted with reference to the Ministry of Labour guidance document. Any significant changes in a Terms of Reference for a MJHSC would require Ministry of Labour review and approval.

Monthly health and safety inspections

The *Occupational Health and Safety Act* requires that monthly health and safety inspections be conducted in the school by a worker member of the JHSC or, in situations where a MJHSC has been established, inspections can also be conducted by the designated worker.

Access to required health and safety information

The JHSC must have access to health and safety information as required under the *Occupational Health and Safety Act* such as reports of illness and injury, or the results of industrial hygiene testing. Senior management plays a vital role in enhancing health and safety in the school community by ensuring that the JHSC receives the required health and safety information in a timely manner.

Issue

Some school boards have ineffective and outdated Terms of Reference for Multi-workplace JHSCs.

In some instances, there may be a lack of time for designated worker representatives to conduct monthly health and safety inspections. There is a lack of consistency among school boards with respect to the employer's duty under the *Occupational Health and Safety Act* to provide the JHSC with required health and safety information such as reports of occupational illness and/or injury, or the results of industrial hygiene testing.

Recommendations

- That the Multi-workplace JHSC conducts at least an annual review of their Terms of Reference. The updated Terms of Reference for the Multi-workplace JHSC should be jointly submitted to the Ministry of Labour Regional Director for review and approval when necessary.
- That school boards ensure time is allocated for designated worker JHSC representatives, or Multi-workplace JHSC designated workers, to conduct required monthly health and safety inspections.
- That an assessment tool be developed for school boards and JHSC members to jointly assess their compliance with the requirements under the *Occupational Health and Safety Act* and review the effectiveness of the JHSC for the purpose of continuous improvement.

6. A PROVINCIAL STRUCTURE FOR WORKING WITH EDUCATION PARTNERS

Context

The school community is a working environment for staff and a learning environment for students.

Building a shared understanding about system-wide problems, solutions and successes is best accomplished via a provincial structure.

All education partners recognize the inherent value of safer and healthier school communities.

Issue

Establishing and maintaining a safe teaching and learning environment requires time and on-going attention.

There is an absence of a structure and/ or process to address system-wide school-based health and safety issues at the provincial level.

Recommendations

- That the government build on the collaborative, productive work of the Task Force, and consider an ongoing provincial-level advisory structure to support the Internal Responsibility System, a whole-school approach and a positive health and safety culture for all occupants in Ontario's publicly-funded schools.
- That the Ministry of Education engage in dialogue with stakeholders representing educators, staff and administrators to determine the need for such a structure and potential composition, roles and responsibilities and Terms of Reference. Any structure should facilitate health and safety excellence and complement and not usurp existing local structures and the legal obligations and mandates of parties under the *Occupational Health and Safety Act* and the *Education Act*.

VIII: SUMMARY OF RECOMMENDATIONS

1. TRAINING

- That school boards and/or the Ministry of Education establish a system-wide professional activity day as an annual event, to focus on health and safety.
- That school boards and/or the Ministry of Education develop, and then provide, legislated health and safety information, instruction and training, at a consistent standard, in school boards across the province.
- That school boards consider using the Ministry of Labour’s training resource materials. For example, the e-learning modules, workbooks and guides that the ministry is providing for the basic awareness training requirements for supervisors and workers under O. Reg. 297/13.
- That the Ministries of Education and Labour explore opportunities for making basic occupational health and safety awareness a component of professional development in postsecondary programs.
- That school boards seek further opportunities to build health and safety knowledge and awareness into the content of regularly scheduled meetings, professional development and leadership development.

2. WORKPLACE VIOLENCE AND SERIOUS STUDENT INCIDENTS

- That provincial guidance and resource materials regarding requirements of workplace violence and serious student incidents, specific to the school community, be developed to support compliance with the *Occupational Health and Safety Act* and *Education Act*.
- That a professional development opportunity be provided that incorporates the delivery of these guidance and resource materials.

3. LOCKDOWN PROCEDURES

- That the *Provincial Model for a Police/School Board Protocol* and the *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario* include the provision that principals must also have a system in place to provide all staff with the means to lock and unlock their classrooms independently, as part of effective practice.

- That the implementation of the *Provincial Model for a Police/School Board Protocol* and the *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario* include training opportunities for supervisory officers, principals and staff.
- That school boards implement the requirements of the *Provincial Model for a Police/School Board Protocol* and the *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario* at all board sites, and ensure that programs operating on leased facilities have effective lockdown procedures.
- That school boards support high engagement and leadership at the anticipated roll out of the revised *Provincial Model for a Police/School Board Protocol* and the *Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario*, including the provision of training for superintendents, principals and staff, as well as supports for risk re-assessments at sites and implementation of new requirements.
- That when school boards are creating or renewing their policies and procedures on lockdown, the practice of providing the means to secure classroom doors for all staff, including for example occasional, itinerant and part-time staff, be discussed for potential inclusion in those policies and procedures.
- That the school board's facility renewal process includes an audit related to lockdown, focusing on school safety issues such as door function, public address system and the means for all staff to independently lock and unlock classrooms.

4. ENVIRONMENTAL CONCERNS IN SCHOOL COMMUNITIES

- That the Ministry of Labour and the Ministry of Education work together with stakeholders to develop a provincial asbestos guidance document specifically for school boards to manage and mitigate the risks of airborne asbestos exposure in schools. This guidance document should be written to reflect the unique school environment and its activities.
- That the Ministry of Labour and the Ministry of Education work together with stakeholders to develop a provincial guidance document regarding indoor air quality management in school board buildings
- That the Ministry of Education require all school boards to include occupant health and safety in the scope of work for tender of a construction project.

- That school boards ensure that a key person is assigned the accountability and responsibility to effectively work with the constructor, facilities services and custodial staff, to mitigate hazards that may be related to construction in the school community.

5. JOINT HEALTH AND SAFETY COMMITTEE EFFECTIVENESS

- That the Multi-workplace JHSC conducts at least an annual review of their Terms of Reference. The updated Terms of Reference for the Multi-workplace JHSC should be jointly submitted to the Ministry of Labour Regional Director for review and approval when necessary.
- That school boards ensure time is allocated for designated worker JHSC representatives, or Multi-workplace JHSC designated workers, to conduct required monthly health and safety inspections.
- That an assessment tool be developed for school boards and JHSC members to jointly assess their compliance with the requirements under the *Occupational Health and Safety Act* and review the effectiveness of the JHSC for the purpose of continuous improvement.

6. A PROVINCIAL STRUCTURE FOR WORKING WITH EDUCATION PARTNERS

- That the government build on the collaborative, productive work of the Task Force, and consider an ongoing provincial-level advisory structure to support the Internal Responsibility System, a whole-school approach and a positive health and safety culture for all occupants in Ontario's publicly-funded schools.
- That the Ministry of Education engage in dialogue with stakeholders representing educators, staff and administrators to determine the need for such a structure and potential composition, roles and responsibilities and Terms of Reference. Any structure should facilitate health and safety excellence and complement and not usurp existing local structures and the legal obligations and mandates of parties under the *Occupational Health and Safety Act* and the *Education Act*.

VIII: GLOSSARY

“construction” includes erection, alteration, repair, dismantling, demolition, structural maintenance, painting, land clearing, earth moving, grading, excavating, trenching, digging, boring, drilling, blasting, or concreting, the installation of any machinery or plant, and any work or undertaking in connection with a project but does not include any work or undertaking underground in a mine (Section 1, *OHS*A)

“designated worker” is a worker who does not have managerial functions or duties and who is not a member of the Multi-workplace JHSC (MJHSC), but has been designated by the worker members of the JHSC, as provided under subsection 9(3.2) of the *OHS*A, to conduct workplace inspections and assist in the investigation of a work refusal (Ministry of Labour)

“employer” means a person who employs one or more workers or contracts for the services of one or more workers and includes a contractor or subcontractor who performs work or supplies services and a contractor or subcontractor who undertakes with an owner, constructor, contractor or subcontractor to perform work or supply services (Section 1 *OHS*A)

“exposure” means exposure by inhalation, ingestion, skin absorption or skin contact (Section 1, Regulation 833, Control of Exposure to Biological or Chemical Agents)

“multi-workplace joint health and safety committee”(MJHSC) is a single joint health and safety committee (JHSC), established and maintained for more than one workplace, each of which would normally require its own JHSC. The use of a MJHSC must be permitted by a Minister’s Order (Ministry of Labour)

“project” means a construction project, whether public or private including,

- a. the construction of a building, bridge, structure, industrial establishment, mining plant, shaft, tunnel, caisson, trench, excavation, highway, railway, parking lot, cofferdam, conduit, sewer, water main, service connection, telegraph, telephone or electrical cable, pipe line, duct or well, or any combination therefor,
- b. the moving of a building or structure, and
- c. any work or undertaking, or any lands or appurtenances used in connection with construction (Section 1, *OHS*A)

“supervisor” means a person who has charge of a workplace or authority over a worker (Section 1, *OHS*A). In school boards the supervisor can include for example, superintendents, principals, plant supervisors, supervisors at the board office.

“worker” means a person who performs work or supplies services for monetary compensation but does not include an inmate of a correctional institution or like institution or facility who participates inside the institution or facility in a work project or rehabilitation program (Section 1, *OHS*A)

“workplace” means any land, premises, location or thing at, upon, in or near which a worker works (Section 1, *OHSA*)

“workplace harassment” means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome (Section 1, *OHSA*)

“workplace violence” means,

- a. the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- b. an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- c. a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker (Section 1, *OHSA*)

IX: RESOURCES

The Internal Responsibility System (IRS)

The Internal Responsibility System – A workplace partnership

Ontario Ministry of Labour, 2012

http://www.labour.gov.on.ca/english/hs/pubs/ohsa/ohsag_irs.php

A Guide to the Occupational Health and Safety Act

Ontario Ministry of Labour, 2012

<http://www.labour.gov.on.ca/english/hs/pubs/ohsa/index.php>

Health and Safety Culture

WHO Healthy Workplace – Framework and Model: Background and Supporting Literature and Practices

Joan Burton, World Health Organization, 2010

http://www.who.int/occupational_health/healthy_workplace_framework.pdf

Ontario's Integrated Health and Safety Strategy

Ontario Ministry of Labour, 2013

<http://www.labour.gov.on.ca/english/hs/strategy.php>

Training

CODE Health and Safety in Schools Project

Council of Ontario Directors of Education (CODE)

http://www.ontariodirectors.ca/health_and_safety.html

Health and Safety Awareness Training for Workers and Supervisors

Ontario Ministry of Labour, 2014

<http://www.labour.gov.on.ca/english/hs/training/>

Workplace Violence and Serious Student Incidents

Caring and Safe Schools in Ontario

Ontario Ministry of Education, 2010

http://www.edu.gov.on.ca/eng/general/elemsec/speced/caring_safe_school.pdf

PPM 120, Reporting Violent Incidents to the Ministry of Education,

Ontario Ministry of Education, May 16, 2011

<http://www.edu.gov.on.ca/extra/eng/ppm/ppm.html>

PPM 144, Bullying Prevention and Intervention

Ontario Ministry of Education, December 5, 2012

<http://www.edu.gov.on.ca/extra/eng/ppm/ppm.html>

PPM 145, Progressive Discipline and Promoting Positive Student Behaviour

Ontario Ministry of Education, December 5, 2012

<http://www.edu.gov.on.ca/extra/eng/ppm/ppm.html>

Workplace Violence and Harassment: Understanding the Law

Ontario Ministry of Labour, 2010

<http://www.labour.gov.on.ca/english/hs/pubs/wpvh/>

Developing Workplace Violence and Harassment Policies and Programs: What Employers Need to Know

Ontario Ministry of Labour, 2010

http://www.labour.gov.on.ca/english/hs/pubs/wvps_guide/index.php

Developing Workplace Violence and Harassment Policies and Programs: A Toolbox

Ontario Ministry of Labour, 2010

http://www.labour.gov.on.ca/english/hs/pubs/wvps_toolbox/

Workplace Violence Publications and Reports

Ontario Women's Directorate

http://www.women.gov.on.ca/owd_new/english/resources/publications/ohsco/

Make it Our Business – Domestic Violence in the Workplace

Centre for Research and Education on Violence Against Women and Children

University of Western

<http://www.makeitourbusiness.com/>

Lockdown Procedures

Provincial Model for a Local Police/School Board Protocol

Ontario Ministry of Education, 2011

<http://www.edu.gov.on.ca/eng/document/brochure/protocol/protocol.html>

The Provincial Policy for Developing and Maintaining Lockdown Procedures for Elementary and Secondary Schools in Ontario. "Appendix B" in Provincial Model for a Local Police/School Board Protocol

Ontario Ministry of Education, 2011

<http://www.edu.gov.on.ca/eng/document/brochure/protocol/protocol.html>

Environmental Concerns in School Communities

Indoor Air Quality – Tools for Schools Action Kit for Canadian Schools

Health Canada, 2003

http://www.hc-sc.gc.ca/ewh-semt/pubs/air/tools_school-outils_ecoles/index-eng.php

A Guide to the Occupational Health and Safety Act

Ontario Ministry of Labour, 2012

<http://www.labour.gov.on.ca/english/hs/pubs/ohsa/index.php>

A Guide to the Regulation Respecting Asbestos on Construction Projects and in Buildings and Repair Operations

Ontario Ministry of Labour, 2011

http://www.labour.gov.on.ca/english/hs/pdf/asbestos_guide.pdf

Lead on Construction Projects

Ontario Ministry of Labour, 2011

<http://www.labour.gov.on.ca/english/hs/pubs/lead/>

Silica on Construction Projects

Ontario Ministry of Labour, 2011

<http://www.labour.gov.on.ca/english/hs/pubs/silica/>

Workplace Hazardous Materials Information System (WHMIS): A Guide to the Legislation

Ontario Ministry of Labour, 2009

<http://www.labour.gov.on.ca/english/hs/pubs/whmis/>

Asbestos Management Plan in DETE Facilities

Department of Education and Training (DETE)

Queensland Government, Australia, 2012

<http://ppr.det.qld.gov.au/corp/infrastructure/facilities/Pages/Management-of-Asbestos-Containing-Material-in-DETE-Facilities.aspx>

Asbestos-containing Materials (ACMs) in Workplaces. Practical Guidelines on ACM Management and Abatement

Health and Safety Authority (HSU)

United Kingdom, 2012

http://www.hsa.ie/eng/Publications_and_Forms/Publications/Chemical_and_Hazardous_Substances/Asbestos_Guidelines.pdf

Sensible Steps to Healthier School Environments

United States Environmental Protection Agency (EPA), 2012

<http://nepis.epa.gov/EPA/html/DLwait.htm?url=/Exe/ZyPDF.cgi?Dockey=P100EQOE.PDF>

Healthy School Environments

United States Environmental Protection Agency (EPA)

<http://www.epa.gov/schools/>

Joint Health and Safety Committees

A Guide for Joint Health and Safety Committees and Health and Safety Representatives in the Workplace

Ontario Ministry of Labour

<http://www.labour.gov.on.ca/english/hs/pubs/jhsc/>

Multi-workplace Joint Health and Safety Committee Guidance

Ontario Ministry of Labour

http://www.labour.gov.on.ca/english/hs/pubs/jhsc_multiwork/index.php

An Introduction to the Joint Health and Safety Committee (JHSC)

Public Service Health and Safety Association. Toronto, Ontario

<http://www.pshsa.ca/wp-content/uploads/2013/01/IntroJHSC.pdf>

X: APPENDIX

APPENDIX A

Terms of Reference – ETFO MOU Task Force on Health and Safety

TERMS OF REFERENCE

ETFO MOU Task Force on Health and Safety

February 2014

TABLE OF CONTENTS

I.	BACKGROUND	2
II.	MANDATE OF THE TASK FORCE	2
III.	SCOPE	2
IV.	DELIVERABLES	3
V.	MEMBERSHIP	3
VI.	CO-CHAIR SELECTION	3
VII.	MEMBERS AND ADVISORS	3
VIII.	DUTIES OF MEMBERS AND ADVISORS	5
IX.	CONSULTATION AND RESOURCES	5
X.	PROCESS	6
XI.	REMUNERATION	6
	APPENDIX A	7

TERMS OF REFERENCE

ETFO MOU Task Force on Health and Safety

I. BACKGROUND

On June 23, 2013, ETFO ratified the Memorandum of Understanding with the Ministry of Education, “Memorandum of Understanding between the Government of Ontario and Elementary Teachers’ Federation of Ontario.” One of the conditions of this agreement was that a Health and Safety Task Force would be established with a specific mandate (see Appendix A).

II. MANDATE OF THE TASK FORCE

The overarching mandate of the Task Force is to examine workplace health and safety issues confronting ETFO members and provide advice, information, and make recommendations during the life of the Task Force to help address these concerns.

III. SCOPE

The Task Force will review and address system-level health and safety concerns impacting ETFO members, specifically educators in Ontario. The task force criteria for identifying issues will be based upon criteria. The criteria will include:

- legislation,
- policy,
- procedures
- guidelines,
- reports,
- data, and
- other forms of information.

The broad goals of the Task Force are developing recommendations that:

- Promote a health and safety culture as a priority in the school community and the school boards
- Support the Internal Responsibility System in school boards.

The Task Force recommendations will not address:

- Specific situations or issues related to ongoing investigations, legal proceedings or a specific MOL inspection of a workplace.
- Specific issues related to the administration of schools/school boards (e.g. funding, provision of services or programs, human resources, etc.)

- Specific labour relations or employment standards issues (e.g. hours of work, overtime, emergency leave, labour-management relationships, collective agreements, grievances, on-going disputes, etc.)
- Issues covered by the *Workplace Safety and Insurance Act* or addressed by the Workplace Safety and Insurance Board with regards to compensation.

IV. DELIVERABLES

The Task Force will complete a Report including Recommendations reflecting the mandate of the Task Force. This Report will be presented to the Minister of Education and the Minister of Labour.

V. MEMBERSHIP

The committee shall include an equal number of representatives from ETFO and the Ontario Public Supervisory Officers' Association (OPSOA). The committee as a whole shall include representatives from ETFO, OPSOA and advisors from the Ministry of Education and the Ministry of Labour.

VI. CO-CHAIR SELECTION

ETFO and OPSOA representatives will each select one co-chair. The two Co-Chairs will govern the group's work, meetings and decision-making.

VII. MEMBERS AND ADVISORS

Members – Ontario Public Supervisory Officers' Association (OPSOA)

Kevin Cutler
Superintendent
Trillium Lakelands District School Board

Yaw Obeng (Co-chair)
Superintendent
Halton District School Board

Sharon Pyke
Superintendent
Greater Essex County District School Board

Members – Elementary Teachers' Federation of Ontario (ETFO)

Susan Ansara
Executive Assistant
Collective Bargaining

Lorna Larmour
Executive Assistant
Professional Relations Services

Valence Young (Co-chair)
Executive Assistant
Health and Safety

Advisors – Ministry of Education

Brian Blakeley
Director
Education Labour Relations Operations Branch

Lauren Canzius
Education Labour Relations Officer
Education Labour Relations Operations Branch

Marg Connor (Co-ordinator)
Assistant Deputy Minister (Acting)
Leadership and Learning Environment Division

Linda Lazda
Policy/Program Analyst, Healthy Schools Unit
Safe Schools and Student Well-Being Branch
Leadership and Learning Environment Division

Barry Scanlon
Education Labour Relations Officer
Education Labour Relations Operations Branch

Advisors – Ministry of Labour

Ministry of Labour
Sue Boychuk
Provincial Lead, Young Worker Health and Safety
Project Manager
Stakeholder and Partner Relations Branch
Prevention Office

Fiona Macpate
Provincial Specialist
Industrial Health and Safety Program
Occupational Health and Safety Branch
Operations Division

Ann Misetich
Manager
Program Development
Health and Safety Policy Branch
Policy Division

Vivien Wharton-Szatan
Provincial Coordinator
Industrial Health and Safety Program
Occupational Health and Safety Branch
Operations Division

VIII. DUTIES OF MEMBERS AND ADVISORS

Task Force members will engage these principles while addressing their mandate:

Communication

The Task Force members will strive to foster an environment characterized by open communication, mutual respect, and an appreciation of the diverse backgrounds of the members of the committee. Task Force members will ensure that they incorporate the views and the contribution of all members when formulating recommendations.

Collaboration

The Task Force members, while representing different organizations, will work collaboratively in the preparation of their advice and recommendations according to the mandate of the MOU.

Transparency

Subject to the following paragraph (confidentiality), the Task Force members will undertake to keep their organizations informed on the status of the Task Force's activities. Each member will determine the best means by which to gather and share information with groups they represent

Confidentiality

The Co-Chairs will identify for members when a confidential matter is being discussed or when confidential information is being shared with them. It is expected that in those situations members will maintain confidentiality.

The EDU Co-ordinators and Advisors will:

- Provide administrative support such as arranging the logistics for the meetings, distributing information, etc.
- Act as a technical resource to the Task Force.
- Provide information or clarification on issues that may directly impact or pertain to the Ministry of Education.

The MOL Advisors will:

- Act as a technical resource to the Task Force.
- Provide information or clarification on issues that may directly impact or pertain to the Ministry of Labour.

IX. CONSULTATION AND RESOURCES

Consultation

Representatives from government, organizations and other individuals may attend or support the Task Force, at the invitation of co-chairs, as may be required in the role of subject matter experts.

Resources

There are a number of documents, legislation, policy, procedures, guidelines, reports and data and other materials that are highly relevant to the work of the Task Force.

X. PROCESS

- a) The duration of the Task Force is approximately four months.
- b) Meetings will be scheduled every month for the duration of the Task Force or more frequently as decided.
- c) The Task Force will be co-chaired by representatives selected by ETFO and OPSOA.
- d) The Task Force will allow alternates when necessary. A member of the Task Force may designate an alternate from his or her organization to attend the meeting on behalf of the member and participate in committee discussions and decision-making. The member must contact the co-chairs prior to the meeting to advise them that an alternate will attend the meeting and the reason why an alternate is required.
- e) Matters for inclusion on the agenda will be submitted to the co-chairs; co-chairs may also include matters on the agenda.
- f) Agenda items are to be forwarded to co-chairs within seven days of the meeting date wherever possible.
- g) The agenda for each meeting will be set and circulated four days prior to the meeting.

- h) Items not on the agenda may be discussed at the meeting only with the approval of at least one co-chair.
- i) The minimum quorum for Task Force meetings to proceed will be at least two ETFO members and at least two OPSOA members in attendance. At least one co-chair is required to conduct the meeting.
- j) The Task Force will function according to a consensus-based decision making model. Where consensus cannot be achieved, matters will be reported with an explanation in the Minutes, and if required, noted in the Task Force Report and Recommendations.
- k) The Task Force will complete a Report with Recommendations reflecting the mandate of the MOU. This Report will be presented to the Ministers of Education and Labour, and the Presidents of OPSOA and ETFO.

XI. REMUNERATION

Each member organization shall be responsible for the costs associated with participating on the task force.

APPENDIX A

The provision to establish the Task Force on Health and Safety is described in the Memorandum of Understanding (MOU) between the Government of Ontario and Elementary Teachers' Federation of Ontario, June 2013.

Health and Safety

The parties agree that a health and safety task force shall be established by the government no later than June 30, 2013, with representation from ETFO, school boards, Ministry of Education and Ministry of Labour.

The task force will examine workplace health and safety issues confronting members of ETFO and provide advice, information, and make recommendations no later than December 31, 2013, including the possibility of establishing a Section 21 committee for the education sector as per the Occupational Health and Safety Act.

Where a task force recommendation has sector wide implications, consultation with other parties will be required.

Health and Safety, *Memorandum of Understanding between the Government of Ontario and Elementary Teachers' Federation of Ontario*, June 12, 2013, page 23.



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