

COVID-19 FAQ #27 Responding to COVID-19 Special Issue for Special Education Staff

FAQ #27 includes health and safety information specific to special education.

Frequently Asked Questions

Will special education staff be consulted in developing the list of students who require in-person instruction?

Special education staff are to be consulted in developing the list of students who require in-person instruction. If this did not happen before reopening, boards would have made an initial assessment, subject to input from staff upon return. Consider the students' strengths and needs, and determine if they can be accommodated with some kind of virtual programming.

If you are a special education staff member and have not yet been consulted, please contact your Elementary Teachers' Federation of Ontario (ETFO) local.

I'm currently delivering in-person learning and support to students with special education needs. What can I do to address concerns I have about my safety?

Carefully review your classroom set-up, and your school board's COVID-19 protocols to determine the specifics of your concerns. You can also:

- Review whether virtual learning is viable for particular students;
- Review and update safety plans with the in-school team to maximize all of the layers of COVID-19 safety precautions, including crisis response;
- Request increased staff-to-student ratios and ensure ratios of trained staff as indicated in safety plans are maintained;
- Review training specific to COVID-19 protocols in a special education setting to ensure everyone has been appropriately trained in the safety plan; and
- Take recommendations on how to improve safety to your principal, including:
 - higher-grade personal protective equipment (PPE) (such as, but not limited to respirators like N95s, medical-grade goggles, medical-grade gowns) for all educators working in person;
 - enhanced and more frequent cleaning protocols for in-person classrooms;
 - carbon dioxide monitors for each classroom that is open at this time to alert staff to take actions such as enhancing ventilation by opening windows or informing maintenance staff to adjust ventilation settings;

- portable air purification units in all in-person classrooms, even in classrooms with adequate ventilation on a temporary basis;
- evidence of completion of a COVID-19 screener for every student learning in person presented to school personnel upon morning entry or prior to boarding the school bus; and
- smaller class sizes for better physical distancing.

You can also ask your principal for a risk assessment for your classroom to review space, ventilation, plexiglass, etc. Here is a [COVID-19 Risk Assessment for Schools Resource](#) from the Public Sector Health and Safety Association. If possible, risk assessments should be done in collaboration with the Joint Health and Safety Committee.

You can also refer to ETFO's tip sheet for further information on [Your Rights and Your Employer's Duties](#), and to this [Public Health Ontario checklist for schools](#).

Can I refuse to work because I feel it is unsafe?

All workers have the individual right to refuse work that they have "reason to believe" is "likely to endanger" their health and safety or that of other workers, which is the criteria for the right to refuse unsafe work as defined in the *Occupational Health and Safety Act*, S. 43(3). They can also refuse if the unsafe conditions are a result of the employer not taking all reasonable precautions for the protection of workers, such as not following protocols set by public health authorities or not providing proper training.

Teachers, specifically, have a limited right to refuse unsafe work. They cannot leave students in imminent jeopardy.

If you are considering engaging in a work refusal, you can contact your ETFO local or your health and safety representative for advice. You are protected against reprisals for exercising your rights under the *Occupational Health and Safety Act*.

Take the concern directly to your principal and let them know that if it can't be resolved, you are considering a work refusal. It is possible that they will immediately resolve the concern, but if they can't or don't, you can proceed with the work refusal. Your health and safety representative should be a part of the process from this point. It's possible that a resolution can be found during this first stage, but if not, the Ministry of Labour (MOL) will be called.

When the MOL has investigated, it has often resulted in orders (i.e., directives to employers) that can be used to improve safety everywhere. Work refusals have also resulted in the immediate resolution of some concerns and have added to the growing calls for safer schools.

For more information, refer to the [COVID-19 Checklist for ETFO Members](#), ETFO's [Your Rights and Your Employer's Duties](#) tip sheet, and the Ontario Federation of Labour's (OFL) [health and safety rights guide for education workers](#).

What are my rights if I feel my workplace is unsafe?

To help members understand their rights, ETFO has worked with the OFL and other education unions to create [A COVID-19 Health and Safety Rights Guide for Education Workers](#). The guide provides information about the work refusal process, and how to report workplace exposures and cases of COVID-19 to the Workplace Safety and Insurance Board (WSIB).

Should I be wearing an N95?

Face-fitting respirators like N95s were originally reserved for health care workers. Due to higher community risk levels, ETFO and the OFL are currently advocating that employers provide **all essential workers** with N95s to protect from airborne transmission. Currently, the Ministry of Education requires they be provided for staff within two metres of aerosol-generating medical procedures (AGMP), but aerosols are produced by normal daily activities. Coughing, sneezing, shouting, singing, even breathing and talking, all produce aerosols.

PPE must be provided by the employer, and N95s require fit testing and training to adequately protect workers. If you feel that you need an N95 to be safe, you must insist that your employer provide it. The employer cannot allow workers to wear PPE that the employer has not provided.

What is ETFO doing to help keep us safe at work?

ETFO is gravely concerned about the Ford government's decision to open schools to students with high special education needs and educators during this third wave, while a Stay-at-Home Order is in place. While we understand school boards' obligations to ensure that every child has the right to be educated, we remain concerned for the safety and well-being of members who have not yet had access to a vaccination or who are in the two-week period after vaccination.

Both locally and provincially, ETFO continues to advocate strongly for better safety measures, like smaller class sizes, improvements to ventilation, asymptomatic testing, and paid sick leave for all workers. For example, the ETFO General Secretary (GS), along with other Affiliate GSs, attend regularly scheduled meetings with the Deputy Minister and Ministry of Education staff to raise concerns and seek solutions. ETFO staff also participate in provincial working groups to ensure decision-makers hear your concerns, and ETFO actively engages with government, school boards, Members of Provincial Parliament, and public health units to ensure they understand what needs to happen to make schools safer for in-person learning during the pandemic.

For other information, please check [ETFO's dedicated COVID-19 webpage](#).