



MAY 21, 2020

Dear Colleague,

Thank you for your patience as we continue to work with both the Vancouver School Board and at the Provincial level with the Ministries of Education and Health to clarify processes for the return to in-class instruction on June 1.

As you know, on June 1 there will be a partial return of students to worksites, with grades 8-12 students having the option of up to 20% in-class attendance. The Board is working on a plan in conjunction with site-based Admin. It is important that site-based Health & Safety reps are involved in these discussions and that Staff Committees are meeting to discuss plans as well.

Combined with this requirement is a very clear outline in the provincial documents that teacher workload cannot increase with a return to in-class instruction, and that remote learning must continue to be available for students whose parents opt not to return to school.

While both provincial and local health and safety protocols are being put in place to ensure that schools are safe workplaces, there are some members whose vulnerabilities mean that even the most fastidiously cleaned and managed workplace still presents too great of a risk. These are teachers who belong to vulnerable categories.

Given the voluntary return to school, and the fact that there is a current need for remote learning to continue, the VSTA and the BCTF have taken the position that vulnerable members should be accommodated to continue to work remotely, rather than returning to in-class instruction.

From the Provincial [COVID-19 Health and Safety Guidelines for K-12 Setting](#):

“As the law currently provides, teachers who are immune-compromised, have underlying conditions that put them at greater risk, recovering from or receiving cancer treatment, age 60 or older, will be accommodated”.

The groups named above are entitled to a workplace accommodation under the law, given supporting medical documentation.

There are other groups, such as pregnant members, members with vulnerable family members, or caregivers of vulnerable individuals, or members who are currently responsible for childcare, who MAY be entitled to a workplace accommodation, given supporting medical documentation.

Specifics for the above are as follows:

Pregnancy

Pregnancy is not considered a vulnerable category because there is no evidence that pregnancy has either an adverse impact on individuals with COVID 19, nor is there evidence that COVID 19 has a differential impact on pregnant individuals or the fetus. If you are pregnant and seeking an accommodation, it will be important to talk to your doctor for a note. These applications will be dealt with by the Board on a case-by-case basis.

Family Member Vulnerability / Caregiver

If you live with someone who has a vulnerability or care for someone who has a vulnerability, you will need to have supporting medical documentation (a note from your doctor) indicating that your specific family / caregiver situation generates a severe enough risk that an accommodation is required. These applications will be dealt with by the Board on a case-by-case basis.

Childcare

As of June 1, all teachers and school staff will qualify for the Essential Service Worker Childcare currently being provided in schools. If you have children with significant special needs whose regular caregiver is unavailable due to COVID 19, or you have pre-school aged children whose regular daycare or caregiver is unavailable due to COVID 19, then you can apply for an accommodation. These applications will be dealt with by the Board on a case-by-case basis. It would not be usual for parents who opted to keep their children at home when daycare was available would be considered for an accommodation.

Regular Sick Leave

If you are sick with a cold or other illness that prevents your ability to report to work, this is not a workplace accommodation, and you should use SFE as per usual. Members have access to their sick leave and the BCTF is working with provincial partners to seek additional sick days for public sector workers.

While VSTA will continue to advocate for members in each of these categories, it is important to understand that accommodations are driven by an employer's Duty to Accommodate up to the point of undue hardship, which is part of a medical leave process, and application needs to be made to leaves@vsb.bc.ca

The best way to ensure VSTA's support is to copy treena@vsta.ca on your email to VSB leaves. Treena Goolieff is our local Health and Wellness representative and is experienced in working with medical and workplace accommodations.

Having completed the Workforce Availability Survey does not constitute an application for an accommodation or a leave. You need to complete the step above if you are seeking an accommodation.

Please remember that although you need to submit medical documentation to support your accommodation request, you still have a right to medical privacy. This means that you do not have to disclose a medical diagnosis, prognosis, or specific treatment to the employer in order to apply for and receive an accommodation.

Remember also that in the days ahead, there will be more information coming available about the health and safety protocols that will be in place in schools and the practices that will be put in place to protect district staff and students, as these may have an impact on your ability to report to school in June.

Please also remember that the BCTF has a number of programs available to support members including the Health and Wellness program to which members can self-refer for additional support with medical accommodation or return to work after medical leaves. More information can be found here: <https://bctf.ca/wellness/>

BCTF Townhall Meeting

The BCTF is also holding a telephone town hall on Thursday, May 21 at 7:00 pm to update members on the expansion of in-school instruction. You can call in at 1-877-229-8493 and enter code 119463 or wait for a call between 6:55 and 7:05 pm.