



REPORT TO

SPECIAL BOARD

## CONSIDERATIONS FOR CLOSURE OF SCHOOLS DUE TO CUPE LABOUR ACTIONS

"By the seventh day God had finished the **work** he had been doing; so on the seventh day he rested from all his **work**." Genesis 2:2

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October 3, 2019	October 4, 2019	<a href="#">Click here to enter a date.</a>

Rory McGuckin, Director of Education  
Dan Koenig, Associate Director  
Lloyd Noronha, Associate Director

### INFORMATION REPORT

**Vision:**

*At Toronto Catholic we transform the world through witness, faith, innovation and action.*

**Mission:**

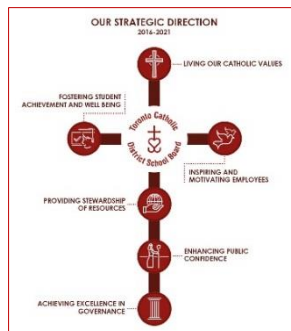
*The Toronto Catholic District School Board is an inclusive learning community uniting home, parish and school and rooted in the love of Christ.*

*We educate students to grow in grace and knowledge to lead lives of faith, hope and charity.*

Rory McGuckin  
Director of Education

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Associate Director  
of Academic Affairs

L. Noronha  
Associate Director of Facilities,  
Business and Community  
Development, and  
Chief Financial Officer



## **A. EXECUTIVE SUMMARY**

This report summarizes the decision to close TCDSB schools to students during the CUPE strike that is set to commence on Monday, October 7, 2019. It also provides an overview of staff's contingency plans during the strike.

*The cumulative staff time required to prepare this report was 8 hours*

## **B. PURPOSE**

1. There is a need to close TCDSB schools to students during the full CUPE strike. The decision to close schools is based on an assessment of health and safety considerations related to the needs of all our students.

## **C. BACKGROUND**

1. **September 30, 2019** – Across the province, CUPE engaged in a strike action defined by Work to Rule / partial withdrawal of services as part of their labour action against all school boards in the province of Ontario. It was clear in TCDSB schools that CUPE members withdrew from performing some of their core duties.
2. **October 2, 2019** - CUPE informed OCSTA that its members will initiate strike action (a full withdrawal of services) starting Monday, October 7, 2019 if no agreement is reached by end of day October 6, 2019. For the duration of the strike, no CUPE workers will be available at any school in the province of Ontario. For TCDSB this includes custodial and clerical staff, education support staff such as Educational Assistants (EAs) and Child and Youth Workers (CYWs), and International Language Instructors.
3. **October 3, 2019** - After consultation with other Ontario Directors of Education, the Toronto District School Board, TCDSB staff who are a part of different Labour Disruption Committees, the Chair of the Board, and in consideration of the need to communicate with parents, the decision to close schools was made today.

## D. EVIDENCE/RESEARCH/ANALYSIS

There are a number of issues that were considered pertaining to the health and safety of students, as well as the maintenance and security of TCDSB buildings before determining the need to close schools due to the strike action initiated by all CUPE staff.

1. **The health and safety for many of our special needs students would be compromised based on the withdrawal of services by our support staff.** The TCDSB has substantial numbers of special needs students that require significant attention and care from our support staff in order for them to attend school on a daily basis. The lack of support staff and the inability to deploy other unionized employee groups (TECT and TSU members, Psychologists, Social Workers, Administrators, etc.) would potentially put these children at risk.
2. Our Intensive Support Program (ISP) classes support students with the highest needs and contain a high number of CUPE employees (EAs and CYWs) who work on a 1:1 basis with students. There are **118 CYWs** and **278 EAs** who support these students.

In addition, 134 students require harnessing for transportation on busses.

3. The Human Rights Commission has published a document indicating that students with special needs cannot be excluded from attending school because of a strike. The Board would face numerous human rights challenges if there was an attempt to keep schools open but exclude these students.
4. We also utilize unionized health service agencies (ie. nurses) that are contracted by the Board, and they would not want to cross a picket line to continue providing service to our students. All special needs students have a right to attend school. Boards cannot keep schools open for all students and then exclude special needs students from attending school as this could lead to a possible human rights complaint.
5. **The ability of staff to maintain and clean our schools and create a safe environment without CUPE staff would be challenging.** Schools not having custodial staff will result in many health and safety concerns. Washrooms, cafeterias, classrooms, schoolyards, parking lots and other areas of the school facility, will not be kept up to the regular standards of cleanliness

and present issues of health and safety for students and staff. Issues like picking up syringes that are found in the schoolyard, running the taps in schools to avoid higher levels of lead in water, general security of the facility, opening and closing schools at the start and end of the school day will be challenging if schools are to remain open.

6. **The safe arrival program that monitors student attendance will be compromised with the lack of CUPE secretarial staff.** During a regular school day, parents will phone or use the safe arrival app to inform the school that their child will be absent. Attendance is taken by the teacher and sent to the office to confirm the absence of any student not in class. The compliance check by the secretary allows certainty that students are accounted for when they do not show up in the teacher's class. The lack of secretarial staff will thereby transfer another significant safety responsibility to the principal. The principal would have to monitor attendance of all students and ensure that all students have been accounted for.
7. **Transportation of students would have been affected due to the initiation of picket lines at schools by CUPE members and reduced busses.** Currently the TDSB has some of their own buses to transport students that are driven by CUPE staff. TCDSB students are on those particular routes driven by CUPE members and those routes will not be serviced in a strike situation. For example, the following schools would have reduced or no transportation: St. Barbara, Our Lady Our of Grace, St. Margaret, St. Robert, St. Antoine, and St. Pascal Baylon. Most of the TSTG office staff located at the consortium offices are also CUPE members so the response time and re-routing of buses will also be delayed due to the shortage of available staff. Students may also have difficulty getting into the school on time based on buses being delayed due to the establishment of a picket line. Some transportation consortiums in the province have already cancelled buses due to the expressed safety concerns of transporting students during a labour strike.
8. **If schools were to remain open we would be trying to maintain service to our students with approximately 3,070 fewer CUPE staff present in our schools and our administrative offices.** All of our facilities would have a reduced service factor for all stakeholders based on the total number of CUPE staff that would be out on strike. Some of these considerations are listed above in this report.

9. **The Ministry has signalled that it will not oppose a Board's decision to close schools.** In a teleconference with the Council of Directors of Ontario (CODE), we were informed that the Ministry has expressed their thanks to Boards and their staff for coping with the current labour action, and understands the significant impact that a full withdrawal of services, especially district school boards like TCDSB that have a significant number of CUPE employees.
10. **When schools are closed to students, it is the expectation that all non-striking staff will report to duty.** There may be picket lines established at different work locations and staff will have to be conscious of their own health and safety when proceeding through a picket line. There will be protocol established and all non-striking staff will be provided with the outline of expectations and procedures for reporting to work during a strike.
11. **Efforts have been made to establish minimal levels of child care options.** All Third Party Licensed Child Care Operators are being offered permission to continue operations on a modified day basis (8:00am to 4:45pm), but with the caveat that they will be responsible for maintaining (day-to-day cleaning) of their spaces. Those same licensed Child Care Operators who currently run Before and After School programs are also being offered the option of running fully day programs much the same as they would on Professional Development days. Operators must notify the Board by mid-morning of October 4, 2019. At the time of drafting this report, uptake has been favourable. Communications on this will be released to the school communities by the end of the day October 4<sup>th</sup>. Staff have also been in discussion with the City of Toronto Parks and Recreation Department regarding the potential for them to add daytime programming as a child care option. The City has indicated that should the strike last longer than a 2 week period that they would consider beginning programming options.
12. **Several communication plans are in action.** Communications staff have been constantly engaged in all decision-making discussions so that real time communications can be released to various stakeholders. Further communications to parents, Principals, Business Leaders, Child Care Operators, Permit Holders and the media have or will be prepared as more information becomes available.

## **E. CONCLUDING STATEMENT**

This report is for the consideration of the Board.