



December 3, 2019

Greetings Members,

The OSSTF (secondary teachers, CYWs, PSSPs) have announced a one-day strike starting tomorrow, December 4, 2019. This means that some, but not all, programs may be closed, and that Toronto Education Workers/Local 4400 Members who normally work with OSSTF Members may be required to cross picket lines or perform work normally done by them.

You may have seen notices from the OSBCU suggesting that Toronto Education Workers/Local 4400 Members should not cross picket lines or perform struck work. As a result of those notices, the Labour Board is holding a hearing to determine whether CUPE has called for an illegal strike. Those hearings are ongoing.

You may also have been told that ETFO Members are refusing to perform struck work. ETFO is in a legal strike position, and is therefore entitled to do that. Toronto Education Workers/Local 4400 has ratified a Collective Agreement, and therefore is prohibited from engaging in any concerted action to stop work.

Toronto Education Workers/Local 4400 does not endorse an illegal job action. Although our Collective Agreements prohibit the assignment of struck work to our Members, it is very important that Members do not refuse any assigned duties unless they are unsafe. If you are assigned the work of OSSTF Members, you should contact the Union to file a grievance, but you should not refuse those duties. The Labour Board has held that refusing these duties could constitute an unlawful strike, even where the assignment violates the Collective Agreement. If you are assigned OSSTF work, you can tell your supervisor that the assignment violates Article F.2 of the Collective Agreement, but you should not refuse to do the work.

If you are assigned work that you believe is unsafe, you may be able to refuse to do it under the Occupational Health and Safety Act. If you believe that you or a co-worker would be placed in immediate danger, you may refuse duty under s. 43(3) of the OHS Act. If you choose to do so, you must advise your supervisor of the safety concern, and immediately contact your Union Steward or Steward Co-Ordinator. This is the only work that you can lawfully refuse to do during the OSSTF strike.

Toronto Education Workers/Local 4400 will file grievances if struck work is assigned to its Members, and we will seek appropriate relief through the grievance procedure.

*John Weatherup*

President

Toronto Education Workers/Local 4400

1482 Bathurst Street, Suite 200

Toronto ON M5P 3H1

Phone: (416) 393-0440 Ext. 223

Fax: (416) 393-0456