



Office of the Director of Education
5050 Yonge Street, Toronto, Ontario M2N 5N8

October 26, 2021
VIA EMAIL

Mr. John Weatherup
President of CUPE Local 4400
200-1482 Bathurst St.
Toronto, On.
M5P 3H1

Dear Mr. Weatherup:

Re: COVID-19 Mandatory Vaccination Procedure for Employees, Trustees and Other Individuals (PR734)

Thank you for your letter dated October 19, 2021 with regard to TDSB's *COVID-19 Vaccination Procedure for Employees, Trustees and Other Individuals (PR734)*.

We appreciate the concerns that have been raised by a small number of staff about PR734 and understand they have chosen not to comply with the COVID-19 health and safety measures it contains for various reasons. However, we respectfully disagree with your position on addressing non-compliance with the procedure.

PR734 was developed in response to the Ontario Chief Medical Officer's instruction under the *Re-opening Ontario-(A Flexible Response to COVID-19) Act, 2021*, Ministry of Education direction, and a Board of Trustees' resolution, collectively intended to provide for a safe working and learning environment in the midst of a global pandemic. PR734 is also consistent with the *Occupational Health and Safety Act* and the *Education Act*.

To clarify, TDSB is not suspending non-compliant employees without pay. Rather, these employees have chosen to make themselves unavailable to work by not complying with the Procedure and therefore they will not be paid.

With respect to Employment Insurance (EI), the federal government recently issued [instructions](#) to employers on filling out Records of Employment, which TDSB intends to follow. The change in employment status must also be reported to third parties (namely, provincial benefit trusts and pension plans).

PR734 expressly provides for *Human Rights Code*-based accommodation, and employees may submit a request for exemption under a protected ground. If an employee's request does not fall under a protected ground under the Code, then there is no duty to accommodate.

As stated earlier, PR734 is intended to ensure the health and safety of staff, students and the public and we believe it is reasonable and consistent with these obligations.

Sincerely,

A handwritten signature in black ink, appearing to read "Colleen Russell-Rawlins". The signature is written in a cursive, flowing style.

Colleen Russell-Rawlins
Director of Education

- c. TDSB Board of Trustees
 - Leola Pon, Executive Officer, Legal Services
 - Audley Salmon, Executive Superintendent, Employee Services