



Spring 2010

# OSSTF *Spring* Newsletter

## More Myths & Misconceptions - IN EDUCATION

by Brad Fisher, OSSTF District 20 President

### **“Paid Summer Vacation” Myth:**

Teachers enjoy a tremendous amount of paid holidays, including over 8 weeks in the summer.

### **Reality Check:**

Teachers earn all of their money over 194 days of the school year, from Sept. 1 to June 30. Teachers are not paid for holidays and the money received in the summer is deferred pay, a portion of money saved from each pay cheque so that Teachers have a healthy cash flow during holidays and the summer. In reality all of our money could be paid by June 30, but many Teachers would have trouble budgeting for July and August with no money coming in.

### **“Compulsory Lunch Meetings” Myth:**

If the Principal is calling a committee meeting during the lunch period with the lunch provided, then Teachers must attend.

### **Reality Check:**

Teachers are entitled to a 40 minute uninterrupted lunch as stipulated in the Collective Agreement and Education Act. Lunch meetings are voluntary, and the fact that the Principal has ordered lunch, while thoughtful, does not make a Teacher’s attendance compulsory.

### **“Just Showing Up to Just Watch” Myth:**

Teachers going to a school event voluntarily are not on duty and are free to watch as spectators.

### **Reality Check:**

According to the Education Act, the Ontario College of Teachers, and Bill 157, Teachers at school events as spectators have a duty beyond other adults present to respond to incidents that may happen. They have placed themselves in a position of supervision. Many Teachers go out to support teams and other school events and there is nothing wrong with this. Just be aware that you have volunteered to supervise.

### **“Headship Role Part of the TPA” Myth**

Principals are allowed to mix headship performance into the Head’s evaluation as a Teacher during

ing the Teacher Performance Appraisal.

### **Reality Check:**

The TPA process is concerned with performance in the classroom. The evaluation of a Teacher as a Department Head is a separate process.

### **“Service Side Teachers Don’t Get Preps”**

### **Myth**

Teachers in areas such as Library, Guidance, and Special Education are fully assigned at 4 periods, with no preparation or unassigned time.

### **Reality Check:**

All Teachers must have a scheduled preparation/unassigned period scheduled on their time table under the Collective Agreement. The Service Side Teachers like Library, Guidance and Special Education should all have 3 periods assigned, a period for lunch and a preparation period showing on their timetable. If they do not, it is a violation of the contract.

### **“Field Trips are Part of the Job”**

### **Myth**

Teachers must, as part of their regular duties, take students on field trips.

### **Reality Check:**

Participation in out of school field trips exposes Teachers to liability issues beyond that of the regular classroom. Teachers should know that these trips are voluntary and are not listed as duties under the Education Act. While there are many beneficial aspects to such trips, be aware of the risk factor when agreeing to go.

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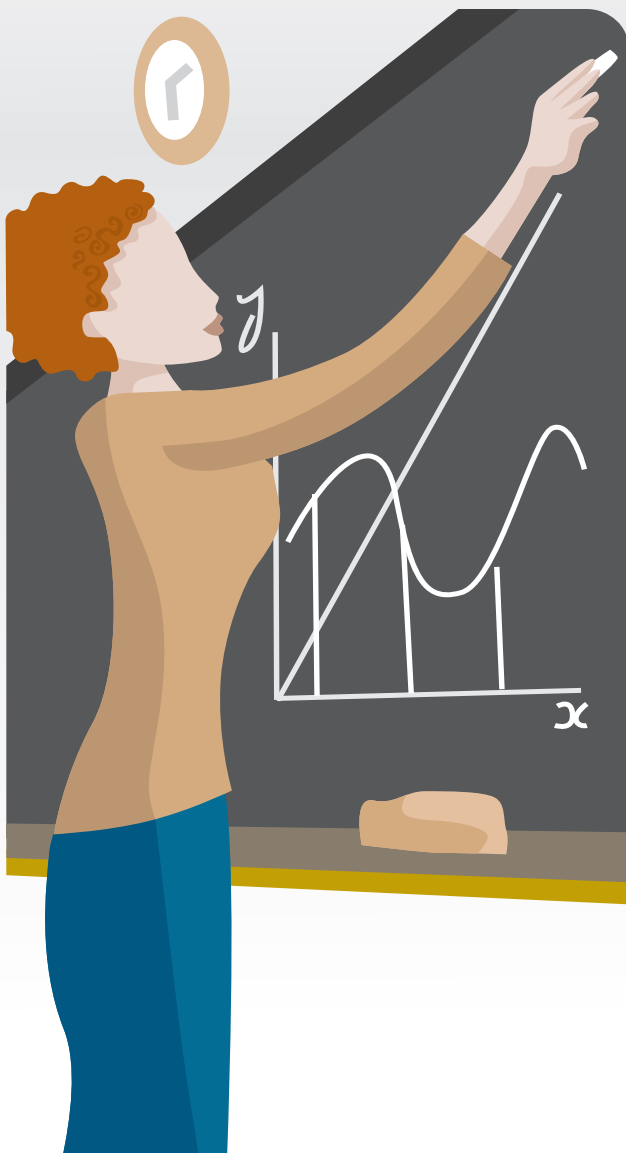
# Ministry Asserts Teachers' Professional Judgements at Heart of Effective Assessment

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Contributed by Brad Fisher, OSSTF District 20 President

On April 23, Moe Jacobs, Ministry of Education, presented the highlights of the much anticipated "Growing Success" policy statement on Assessment and Evaluation to the Sector Council of OSSTF Presidents.

Throughout the document the importance of the professional judgment of Teachers in Assessment, Evaluation and Reporting is stressed. ***"Teachers' professional judgments are at the heart of effective assessment, evaluation, and reporting of student achievement."***



He made it quite clear that the ministry had ***"no appetite for the changing of marks by principals"***. Their role is to grant credits; teachers grant marks. ***"Teachers will weigh the evidence of student achievement and will use their professional judgment to determine the student's report card grade."***

It was made clear that there is no lower cut-off for marks below 50%. If the board is to set one, it must be consistent and agreed to by the school communities. ***"School board policy must reflect ... the relationship between ... assessment, evaluation and reporting and the significant reliance on the professional judgment of teachers."***

Moe Jacobs said that the interpretations of late policies and zeros had often confused Learning Skills and Work Habits with Evaluation. He said the two are separate issues. A Teacher could mark homework but that mark shouldn't appear in Evaluation in the report card marks. However, a late essay is definitely part of evaluation and the mark could reflect a late penalty.

It was affirmed that:

1. It must be made clear to students that they are responsible for providing evidence of their achievement within a time frame specified by the teacher.
2. Grade 11 and 12 must report percentage marks.
3. Boards must develop plagiarism policies that have consequences for the student.
4. Late marks are allowed from Grade 7 through to Grade 12.
5. The Growing Success "Policy" section on credit recovery will be amended to include the complete text from the Deputy Minister of Education's Memorandum to Director of Education dated June 28, 2006. This limits the Subject Teachers role for Credit Recovery to providing an analysis of strands or units where competency has not been demonstrated and a printout of their marks.

**Note: If you would like a copy of this memo, please email Brad Fisher for a complete text.**



OSSF District 20

# BOUNDARY

## Information

“Feldman-Summers defines a fiduciary relationship as “a special relationship in which one person accepts the trust and confidence of another to act in the latter’s best interest.” “In such a relationship,” writes Jorgenson, “the parties do not deal on equal terms. The fiduciary must act with the utmost good faith and solely for the benefit of the dependent party”.

Grooming is defined as the deliberate actions taken by an adult to form a trusting relationship with a child, with the intent of later having sexual contact. This involves psychological manipulation in the form of positive reinforcement, activities that are typically legal but later lead to sexual contact. This is done to gain the child’s trust as well as the trust of those responsible for the child’s well-being. Additionally, a trusting relationship with the family means the child’s parents are less likely to believe potential accusations.

### Physical Contract

*As published in the September 2006 edition of Professionally Speaking*

The panel received an agreed statement of facts, guilty plea and joint submission on penalty in which member’s name admitted that during the 2002-03 school year he acted in an unprofessional and inappropriate manner towards a male Grade 7 student in his class. The member placed his hands on the student’s shoulders and used his hands to square the student’s shoulders while admonishing him for his behaviour.

### Personal Comments – personal e-mail

*As published in the December 2003 edition of Professionally Speaking*

Following notification by the Kawartha Pine Ridge District School Board, the Registrar initiated a complaint alleging that member’s name engaged in inappropriate conduct with a female secondary school student. The Registrar alleged that the inappropriate conduct included McMurray kissing the student, making inappropriate and personal comments to her and sending her a series of inappropriate and personal e-mail.

When meeting with Students Members should ensure that:

- Classroom and office doors are left open

- A third party is present or aware of the meeting
- The student is not physically isolated from other observers, for example, behind closed doors
- They are not alone with an individual student except in urgent or emergency circumstances

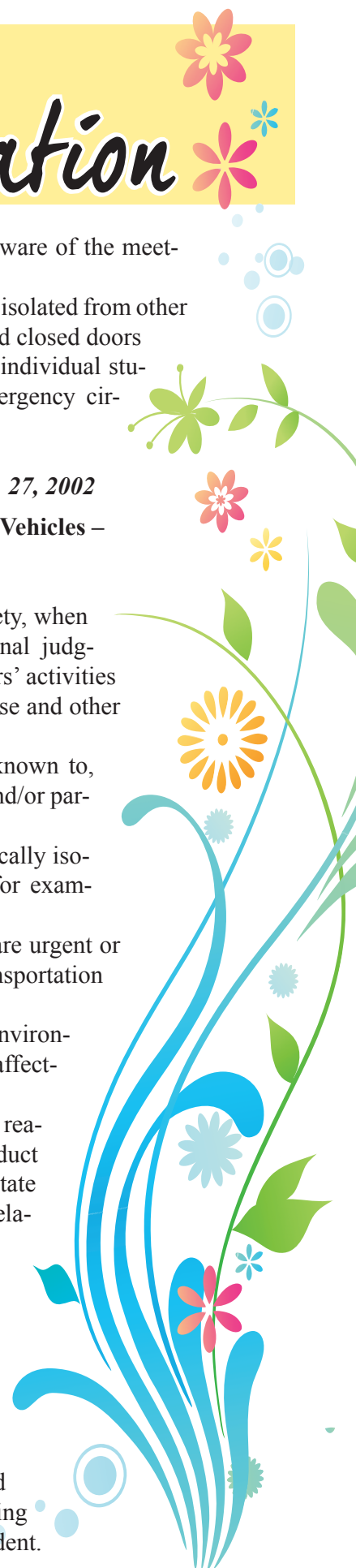
### Professional Advisory – Sept. 27, 2002

#### Driving Students in Private Vehicles – Don’t Do It.

##### Professional Judgement

In the interests of student safety, when members use their professional judgement about their own or others’ activities they should be mindful of these and other considerations:

- whether the activities are known to, or approved by, supervisors and/or parents or legal guardians;
- whether the student is physically isolated from other observers, for example, behind closed doors.
- whether the circumstances are urgent or an emergency (providing transportation in a blizzard, for example).
- whether the educational environment might be detrimentally affected by the activities.
- whether the activity would reasonably be regarded as conduct intended to promote or facilitate an inappropriate personal relationship with a student.
- the extent to which the activities might reasonably be regarded as posing a risk to the personal integrity or security of a student, or as contributing to any student’s level of discomfort.
- whether the conduct would reasonably be regarded as being in the best interests of the student.



# Living in a Corporate World-

## A Change to be Reckoned With

*Contributed by John Watson,* by John Watson, TBU Health and Benefits Officer

Over the past year the new term to be employed is “the corporate side” which I think refers to management. For example, “we will train the corporate side first”. I am just wondering which side is the corporate side of a human. To help you navigate this new turn in management practice, I have included a template for

‘BS Bingo’. The possession of this game card will get you through any presentation delivered by the corporate side. It is important to listen carefully for the terms and circle the appropriate square on your card. Insert your own favourite corporate words and expressions for variation. Enjoy.

<b>B</b>	<b>I</b>	<b>N</b>	<b>G</b>	<b>O</b>
Synergy	Strategic Fit (or) Strategic Plan	Critical Core Competencies	Best Practice	Dropped the Ball
Critical Path	Parking Lot	Drill Down	Moving On	Benchmark
Performance Management	Proactive	<b>FREE SPACE</b>	Think Outside The Box	Fast Track
Result Driven	Empower (or) Empowerment	Knowledge Base	At the End of the Day	Touch Base (or) Reach-Out
Mindset	Client Focus(ed) Replaces Stakeholder	Shift in Thinking	Game Plan	Paradigm Shift



# Definitions of Some Favourite Terms



## **At the end of the day**

Based on the frequency with which they use the phrase, it would seem that members of senior management are required by law to begin every third sentence with “at the end of the day,” a phrase similar in meaning to “when all is said and done.” For instance, your favourite CEO might say, “At the end of the day, it’s our people that make the difference.” Insert platitude here.

## **Best practices (n.)**

Another widely used term promulgated by the arch-demons of business - management consultants - “best practices” is used to describe the “best” techniques or methods in use in a company, field, or industry. Unfortunately, companies often confuse latest or trendiest with best, and the best practices of one era are soon superseded by the ever-more-ludicrous fads of the next.

## **Core competencies (n.)**

Simply put, it means “what the company does best.” When a company focuses on its core competencies, it gets back to basics. I recommend leveraging these.

## **Critical path (n.)**

Is a sequence of events where a slip in any one activity generates a slip in the overall schedule leading to failure. Used extensively in the exciting world of project management. Not to be confused with “criminal path”, which is a sequence of events that leads to jail, a la Andy Fastow of Enron fame.

## **Drill-down (v.)**

This action enables the corporation to go down to the important details. One starts at a “high-level” and “drills down” to the boring details - where executives fear to tread.

## **Drinking the Kool-Aid (v. phrase)**

A rather tasteless reference to the Jonestown massacre of 1978, “drink the kool-aid” means to accept something fully and (oftentimes) blindly.

## **Heads-Up (n. sorta)**

“This is a heads-up” is a very American way of saying, “I’m telling you this now because xyz item is hurdling in your direction and you’re going to need to do something or get out of the way.” It’s simultaneously a notice and a warning.

Senior executives, far-sighted individual with godlike abilities to see the big picture, want anything brought to their attention to be “high-level”, that is, neatly summarized and dumbed down so they can understand all the techno mumbo jumbo.

## **Learning’s (n.)**

Word favoured by consultant-types meaning “something learned.” Apparently, “lesson” wouldn’t do despite 500 years of continuous use in the English language.

## **Modularize (v.)**

To turn into a training module. Say, you start off with a simple piece of information that anyone with a 6th grade education and a quartet of functioning brain cells would instantly grasp. To justify your position as a highly paid corporate trainer, you might try to veil this information in a cloak of incomprehensibility, rendering the straightforward a smelly pile of jargonise bile. Indeed, the information has been modularized.

## **Next Steps (n.)**

“Next steps” are the tasks delegated to attendees at the close of a meeting. Next steps often result in deliverables. I believe “next steps” and “action items” are synonymous. Do humanity a favor and avoid both.

## **Paradigm [shift] (n.)**

Paradigm is an extra fancy word for “model.” A paradigm shift means moving from one model to a new one, generally in a grand, expensive, and ultimately disastrous manner. If I had a pair of dimes for every time I’ve heard this one...

## **Peel the onion (v. phrase)**

To conduct a layer-by-layer analysis of a com-

plex problem and in the process, reduce yourself to tears.

## **Performance Management (n.)**

A euphemistic way of saying to micro-manage, berate, motivate, psychologically manipulate, threaten, and then fire someone.

## **Pushback (n.)**

If you have a lot of sound, logical ideas, you’re bound to run into a lot of resistance in today’s surreal corporations. This resistance, often polite but always absurd, is euphemistically called “pushback.” Try not to take it personally: you’re dealing with the insane.

## **Roll out (v.); roll-out (n.)**

Companies are constantly introducing new products and services that you don’t want or need. The elaborate process of introducing something new is a “roll-out.” The verb form is used thusly: “We rolled this piece of crap out to the curbside.”

## **Seamless (adj.)**

The holy grail with ERP and other complex systems is to produce a “seamless end-to-end solution.” The seams are the bottomless pits of hell into which your data falls when transferred from one end of the solution to the other. See also the entries for “end-to-end” and “solution.”

## **Synergy (n.); synergize (v.)**

The (often illusory) value gained by combining two or more companies or divisions. Also known as “economies of scope” and “corporate merger BS.”

## **Touch Base (v.)**

A naughty sounding gem, “to touch base” is simply a request to meet again to discuss the current status of a project or task. “Rebecca, I would like to touch base with you later to discuss the Smith account.” You gotta think this one leads to a lot of lawsuits...

## **Win-win**

It’s a win for us; it’s a win for them. Everyone’s happy and drinking the Kool-Aid.



OTF and Affiliate members can now apply for a subsidy towards professional learning opportunities in the Arts to support the implementation of the revised Ontario Curriculum: The Arts, Grades 1-8 and The Arts, Grades 9-12.

**Application Deadline June 30th!**

**For more information and to apply for subsidy visit:**  
**[http://www.otffeo.on.ca/english/pro\\_arts.php](http://www.otffeo.on.ca/english/pro_arts.php)**



# Changes to Ontario - Occupational Health and Safety

By John Watson, TBU Health and Benefits Officer

The Ontario Occupational Health and Safety Act (OHSA) has been amended, with the amendments to take effect June 15, 2010. Now, all provincially regulated employers in Ontario with at least five or more employees will be required to develop both harassment and violence policies and implement programs to support those policies at the workplace. While the nature of the workplace will dictate the extent of the work required between now and June 15, 2010, all employers will be required to spend time in the months leading up to that date, bringing themselves into compliance with this new legislation. The changes require employers in Ontario to create policies addressing workplace violence and harassment, develop procedures to address both workplace violence (including domestic violence) and harassment, undertake training, conduct a workplace violence risk assessment, recognize new worker rights to refuse work, and ensure new employer reporting requirements if a worker is disabled from performing work due to workplace violence. Given the broad definitions of employer and worker under the OHSA, employers must be mindful that the policies and programs may also be applicable to contractors while they provide services to the employer at the workplace.

## How Has The OHSA Been Amended?

- Definitions of workplace violence and workplace harassment will be added to the OHSA.
- Employers will be required to implement both policies and programs to deal specifically with these hazards.
- Employers (and supervisors) must notify workers of a risk of workplace violence from a person (including customers, patients and co-workers) with a history of violent behaviour if workers can be expected to encounter that person in the course of work and the risk

of workplace violence is likely to expose the worker to physical injury.

- Employers must take steps to protect workers from domestic violence, if domestic violence likely would expose a worker to physical injury at the workplace.

## The New Definitions

### *Workplace Violence means:*

- a. Exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- b. An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker; or
- c. A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

### *Workplace Harassment means:*

Engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.

## Workplace Violence Prevention Requirements

Employers will need to prepare and post a violence policy, conduct a workplace risk assessment and then, based on the assessment, implement and maintain a workplace violence program.

In conducting the risk assessment and then developing the policy and a program to address violence, employers must take into account the threats from all persons at the workplace, not only workers. The assessment needs to reflect the conditions at the individual workplace, and based on the assessment, a program can be developed. Introducing a cookie cutter policy alone is not going to be sufficient to comply with these new legislative requirements. Workers in white collar offices probably will not face the same hazards as workers in re-

tail or health care establishments, and so, the policy and programs which are developed to support the policy and to address violence in those three types of businesses will (or should) look very different. Each should be specific to the hazards actually or potentially faced by workers at the workplace.

## Every workplace violence program must include the following components, specific to the workplace:

- a. Measures and procedures to control the risk identified in the assessment as likely to expose a worker to physical injury;
- b. Measures and procedures to summon immediate assistance when workplace violence occurs or is likely to occur;
- c. Measures and procedures for workers to report violence; and
- d. How the employer will investigate and deal with incidents or complaints of workplace violence.

The workplace violence assessment must be provided to the Joint Health and Safety Committee (JHSC), or if the workplace has fewer than 20 employees (and no JHSC), to the health and safety representative.

There must be a reassessment of the risk of violence at a workplace "as often as necessary" to ensure that the policy and program continue to protect workers from workplace violence.

One new requirement of the OHSA that needs to be addressed in the workplace violence program compels employers and supervisors to provide information, including personal information, related to the risks of workplace violence from a person with a history of violent behaviour if the worker can be expected to encounter that person during the course of their work, and if there is a risk of violence likely to expose the worker to physical injury. Disclosure of personal information must be limited to that information which is reasonably necessary

...continued from Page 6

## Changes to Ontario Occupational Health & Safety

to protect the worker from physical injury. Compliance with this term may be complicated and will require individual assessment because there may be legislated privacy protections that apply. Although there is a section of the OHSA that states the OHSA takes priority in the event of any conflict between two statutes, provincial privacy statutes also contain a provision that asserts priority in certain circumstances. Bill 168 does not specifically override applicable privacy statutes.

The amendments do not affect the limited right of workers such as health care workers, workers in correctional institutions or police officers to refuse work because of the threat of violence.

### Workplace Harassment Prevention Requirements

Employers will also need to implement and maintain a harassment policy and an underlying program. Under Bill 168, workplace harassment is not limited to the prohibited grounds of harassment identified in the (Ontario) Human Rights Code (for example, harassment on the basis of race or sex or nationality). This definition of harassment was crafted to include bullying but, based on the broad definition of harassment, will also include the same types of harassment which the Code seeks to eliminate.

### The program employers must implement to address harassment under the OHSA must:

- a. Include measures and procedures for workers to report incidents of workplace harassment; and
- b. Set out the means by which the employer will investigate and deal with incidents and complaints of workplace harassment.

In introducing a harassment policy and program to comply with the OHSA, employers will need to consider the overlapping obligations under the Code. Typically, in the past, harassment policies created to comply with the Code would generally include an assurance that the

investigation would remain confidential, to the extent possible. Now that harassment policies and programs will fall under the OHSA, employers will need to consider if harassment claims should be considered by (or even reported to) the JHSC. Policies created under the Code will apply only to employees of the employer. Policies created under the OHSA will apply to workers, a term that includes both employees of the employer and contractor workers.

### Training and Information

An employer must provide a worker with information and instruction that is appropriate to the worker about the contents of the policies and programs – for both violence and harassment. This may mean, for the workplace violence policy and program, different training programs, as different types of workers will face different threats. Clearly, workers who deal with the public (including customers and patients), may require additional and more extensive training than those who are not dealing with external personnel.

### New Work Refusal Requirements

The work refusal section of the OHSA will be amended to reflect the right to refuse work based on the conduct of other persons so that workers can refuse to work if “workplace violence is likely to endanger himself or herself”. Currently the OHSA permits a worker to refuse work if he/ she believed there was a threat of harm caused by the physical condition of the workplace or any equipment or device a worker was operating.

The language changes to the work refusal investigation process contained in Bill 168 will affect all work refusals. Previously, a worker who had refused to work was required to remain in a safe place near his or her work station. After June 15, 2010, during the first stage of the refusal, the worker must remain “as near as reasonably possible to his or her work station and available to the employer or supervisor for the purpose of the investigation.”

### Reporting Workplace Violence

If a worker is disabled from performing their regular duties or requires medical attention as a result of workplace violence, pursuant to section 52 of the OHSA, notice must be given to the JHSC and trade union (if any) and if required by an inspector, sent to the Ministry of Labour.

### Employer Response to Domestic Violence

There is a provision that requires employers to take every precaution reasonable in the circumstances for the protection of a worker if the employer becomes aware, or ought reasonably to be aware, that domestic violence would likely expose a worker to physical injury at the workplace. The legislation does not specify what steps might be reasonable precautions.

### Regulations

The OHSA will be amended to permit OHSA inspectors to issue orders compelling the employer to designate a workplace coordinator for workplace violence and harassment.

### Time to Move Now

In October, the Countering Distracting Driving and Promoting Green Transportation Act, 2009 was enacted, prohibiting drivers from driving if using hand-held devices. Some employers implemented policies to reflect the new requirements, if employees were driving while on work business. With these two new legislative enactments, in addition to building the mandated programs to address workplace violence and harassment, it may be prudent for Ontario employers subject to these statutes to update their employee manuals to ensure that the manuals properly reflect current legislative requirements and cases which interpret the applicable legislation.

The content of this article is intended to provide a general guide to the subject matter.





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		<b>Chief Negotiator:</b>	Stephen Lindeman
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