

WELCOME TO THE DFA GENERAL MEETING

AUGUST 19, 2021. MEETING BEGINS AT 3:00 PM



- The meeting is exclusively for DFA Bargaining Unit Members.
- The meeting will be recorded. The recording will stop before question period begins.
- Please view in “screen share” so you can see materials shared during the meeting.
- Please hold questions until the end of the presentations.
- If you have a question or comment, click on the “participants” icon and select “raise your hand”. The host will unmute your mic and then lower your hand.
- We are using a CART Transcriptionist throughout the meeting.
- For technical difficulties, email Kristin.Hoyt@dal.ca and we will do our best to help you.



AGENDA

- Welcome
- Territorial Acknowledgement
- Overview of agenda & presenters
 - *Motion: Move into Committee of the Whole*
- DFA motion to demand enhanced safety protocols
- What prompted the motion?
- OHS and the Right to Refuse Work
- Questions

MOTION UNANIMOUSLY PASSED AT DFA EXECUTIVE MEETING ON AUGUST 17, 2021

“That the DFA demands the following:

- mandatory vaccinations for all faculty, students and staff
- mandatory masking in all indoor public spaces
- mandatory physical distancing where possible
- ventilation that meets public health guidelines.”

Communication of Motion

- Email to alert Members sent August 18
- Letter to President Saini sent August 18
- Alerts to media and other union leaders sent August 18



WHAT PROMPTED THE MOTION?

DFA Return to Campus survey results

- 51% of Members responded to the survey
- Only 6.2% of respondents will feel safe without having any extra health and safety measures in place if we are in Phase 4; that number goes to 8.7% if we achieve Phase 5
- 90% of respondents felt a university-wide detailed plan that ensures institutional support in the event of a COVID-19 outbreak in their class was very important (78%) or important (12%)



WHAT PROMPTED THE MOTION?

DFA Return to Campus survey results

- *If we are still in Phase 4, respondents indicated:*
 - 71% want discretion to hold on-line meetings
 - 70% want mandatory vaccines to be on campus
 - 64% want mandatory indoor mask use
 - 64% want ability to mandate mask use
 - 57% want minimum of 6 ACH in indoor spaces
 - 45% want limits on capacity in small public areas



WHAT PROMPTED THE MOTION?


Other Canadian Universities requiring vaccination

- York, Queen's, Western, U of T, McMaster, University of Guelph, among others
- Ontario mandated vaccination of health workers and public educators
- Most recent: Mount Allison mandated vaccines this morning

Return to campus

Updated Aug. 19, 2021

Mount Allison has implemented **mandatory COVID-19 vaccinations and is increasing health and safety measures** on campus for the fall term in response to developments in the COVID-19 pandemic provincially and worldwide, including:

- the continued evolution of the COVID-19 situation in New Brunswick, Canada, and worldwide
 - the persistent impact of infectious COVID-19 variants
 - continued uncertainty about how the COVID-19 virus may result in additional waves of infection
- 



WHAT PROMPTED THE MOTION?

COVID-19 epidemiology

- Unlikely that NS will enter Phase 5 (75% of population fully vaccinated) by September 7 (as of August 16, 67% of NS population fully vaccinated)
- Wave 4 is taking hold in other parts of the country due to highly contagious Delta variant
- As of August 7, only 55% of those aged 18-29 in Canada are fully vaccinated

WHAT PROMPTED THE MOTION?

Dalhousie Memo of August 13, 2021

Areas of concern from Return to Campus Fall guide provided in a link:

- **Ventilation:** Still using future tense.....*“All buildings **will be** assessed for sufficient volumes of air and air exchange rates before faculty and staff are approved to return to their offices.”* (p.5)
- **Masking:** Dalhousie *“will be asking members...to continue wearing non-medical masks...”* (p.4), but in FAQ, it's stated that *“Professors or Instructors in classrooms or labs, or managers in work units, can ask that people wear masks but cannot mandate them to do so”*
- **Distancing:** large lectures are full to capacity, labs and tutorials have no guidance; Dalhousie *“will continue to strive to control the flow of people.....achieved through messaging and/or signage”* (p.4)
- **Physical Barriers:** absolutely no mention of installing when distancing/masking can't be achieved (p.4)



OCCUPATIONAL HEALTH AND SAFETY RIGHT TO REFUSE WORK

David C. Wallbridge, DFA Legal Counsel, Pink Larkin

OCCUPATIONAL HEALTH AND SAFETY ACT, 1996, S.N.S. C. 7.

43 (1) Any employee may refuse to do any act at the employee's place of employment where the employee has reasonable grounds for believing that the act is likely to endanger the employee's health or safety or the health or safety of any other person until

(a) the employer has taken remedial action to the satisfaction of the employee;

(b) the committee, if any, has investigated the matter and unanimously advised the employee to return to work; or

(c) an officer has investigated the matter and has advised the employee to return to work.

(Emphasis Added)

SECTION 43 *(CONTINUED)*

(2) Where an employee exercises the employee's right to refuse to work pursuant to subsection (1), the employee shall

(a) immediately report it to a supervisor;

(b) where the matter is not remedied to the employee's satisfaction, report it to the committee or the representative, if any; and

(c) where the matter is not remedied to the employee's satisfaction after the employee has reported pursuant to clauses (a) and (b), report it to the Division.

(3) At the option of the employee, the employee who refuses to do any act pursuant to subsection (1) may accompany an officer or the committee or representative, if any, on a physical inspection of the workplace, or part thereof, being carried out for the purpose of ensuring others understand the reasons for the refusal.

SECTION 43 *(CONTINUED)*

- (4) Notwithstanding subsection 50(8), an employee who accompanies an officer, the committee or a representative, as provided in subsection (3), shall be compensated in accordance with subsection (7), but the compensation shall not exceed that which would otherwise have been payable for the employee's regular or scheduled working hours.
- (5) Subject to any applicable collective agreement, and subsection (3), where an employee refuses to do work pursuant to subsection (1), the employer may reassign the employee to other work and the employee shall accept the reassignment until the employee is able to return to work pursuant to subsection (1).
- (6) Where an employee is reassigned to other work pursuant to subsection (5), the employer shall pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued in the employee's normal work.

SECTION 43 *(CONTINUED)*

(7) Where an employee has refused to work pursuant to subsection (1) and has not been reassigned to other work pursuant to subsection (5), the employer shall, until clause (1)(a), (b) or (c) is met, pay the employee the same wages or salary and grant the employee the same benefits as would have been received had the employee continued to work.

(8) A reassignment of work pursuant to subsection (5) is not discriminatory action pursuant to Section 45.

(9) An employee may not, pursuant to this Section, refuse to use or operate a machine or thing or to work in a place where (a) the refusal puts the life, health or safety of another person directly in danger; or (b) the danger referred to in subsection (1) is inherent in the work of the employee. 1996, c. 7, s. 43.

SECTION 44

44 Where an employee exercises the employee's right to refuse to work pursuant to subsection 43(1), no employee shall be assigned to do that work until the matter has been dealt with under that subsection, unless the employee to be so assigned has been advised of

(a) the refusal by another employee;

(b) the reason for the refusal; and

(c) the employee's rights pursuant to Section 43. 1996, c. 7, s. 44.

DFA COLLECTIVE AGREEMENT 2020-2022

ARTICLE 33: HEALTH AND SAFETY

33.07 (a) No Member shall be laid-off, have their employment terminated, or be disciplined for refusing to work where in the reasonable opinion of the Member there is an imminent danger to health, or for refusing to participate in any work practice which does not conform to guidelines provided in Clause 33.05. Any evidence of such health or safety hazard shall be reported immediately to the appropriate authority for investigation and remedy, and the committee shall be notified of any such report. The Member(s) involved may be requested to accept temporary assignment to appropriate alternative duties and/or workplace pending investigation and any necessary remedial action, and such requests shall not be unreasonably denied.

ARTICLE 33 *(CONTINUED)*

(b) Where a Member believes that a health or safety hazard may exist in the working environment or in work practices, the circumstances shall be reported to the committee for immediate assessment, and to any appropriate authority. Where the committee confirms that a health or safety hazard exists, the Member(s) affected may be requested to accept temporary assignment to appropriate alternative duties and/or workplace until any necessary remedial action is taken, and such requests shall not be unreasonably denied.

(c) Upon request from a Member, the Board shall, at the Board's expense, provide the appropriate personal protective equipment needed to protect them from hazards in their workplace. Where possible, PPE for research activities should be covered by research funds.



QUESTIONS?

MODERATED BY DFA PRESIDENT-ELECT DAVID WESTWOOD