

2009-01

October 23, 2009

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BCPSEA Responses to BC Teachers' Federation (BCTF) and Local Teachers' Association Statements

BCPSEA has been advised that the BCTF distributed an e-mail communication on October 20, 2009 providing advice on H1N1. We have identified some inconsistencies in that communication requiring clarification.

BCTF Statement	BCPSEA Response
<p>"In at least one district, teachers (including pregnant teachers and teachers with compromised immune systems) are being advised by their employer that if they are fearful of being exposed the H1N1 virus — because there are cases in the teacher's class or school — they must take leave without pay."</p>	<p>Districts have been advised that any employee fearful of being exposed to the H1N1 virus should consult with their physician. Pregnant employees, and those with compromised immune systems or other medical conditions that put them at risk of complications from H1N1, have been advised that in the absence of medical certification that they are unfit to attend work they may have access to other provisions through their collective agreement such as leave without pay. Where employees have medical certification that they are unfit to attend work, they will be granted sick leave pursuant to the terms of their respective collective agreement.</p>
<p>"In a 2005 Chilliwack arbitration, Colin Taylor ruled, 'In sum, I accept the union's argument that the requirement to teach in schools where there is an elevated risk of Fifth Disease is discriminatory on the basis of pregnancy, and thus discriminatory on the basis of sex. In such circumstances, the Employer has a duty, under human rights law to accommodate pregnant teachers in the workplace short of undue hardship.'</p> <p>We believe the same argument holds for H1N1 and for teachers who have compromised immune systems."</p>	<p>There is no evidence to suggest that the risks of Fifth Disease and H1N1 are in any way comparable or analogous. Further, there is no evidence that there is an elevated risk of H1N1 in schools. In fact, as recently as October 21, 2009, the Public Health Agency of Canada reaffirmed its advice to pregnant women that:</p> <p>"If you are well, it's important for you to continue to go about your daily activities during the H1N1 flu pandemic. You should continue normal activities such as going to work, community events or worship services."</p>

To access the BCPSEA *Health Safety Wellness Issues* bulletins on the H1N1 influenza, which include links to additional information resources, please visit:

<http://www.bcpsea.bc.ca/access/publications/ohsissues/ohs.html>