

FPPE-CSQ FREQUENTLY ASKED QUESTIONS COVID - 19

Updated March 31, 2020

Question 1: I am a professional working in a school or training centre, do I have to work, and how do I handle requests from my supervisors?

Schools and centres are closed. The instructions given by public authorities and the Ministry, and reiterated by school boards, mean that professional staff do not have to report for work. Your salary is maintained. Professional staff may however be required to help with for emergencies, a number of essential activities, and administrative matters. This would only be temporary and for a specific need. Therefore, we advise that you check your emails frequently and keep your cell phone on so you can be reached if needed. You must remain available; this is not a vacation.

Question 2: I am a professional whose primary workplace is an Administrative Centre, do I have to go back to work, and how do I handle requests from my supervisors?

First and foremost, you must follow the instructions from Public Health, which are: if you **have flu-like symptoms or if you have returned from a trip abroad on or as of Friday, March 13, 2020**, you must self-isolate for 14 days and notify your employer. Your salary is maintained throughout this period, and you don't have to work.

If, on the other hand, you are a **person aged 70 years or over**, you must stay home. Your salary is maintained. Please notify your supervisor of this fact.

If you have a **special medical condition**, theoretically, you require a doctor's note confirming your inability to work. However, we ask that you inform your immediate supervisor of this before going to your doctor. Employers should be flexible and a doctor's note may not be required. We request that you inform your union if they refuse to implement special measures.

If none of these specific situations apply to you, you must follow the instructions given by your immediate supervisors or management. If your administrative centre is open and you are asked to report for work, you have to go. The rule is that you must *"obey now, grieve later"*. If you feel that reporting for work poses a health risk, contact your union. Every case needs to be examined separately.

Question 3: Is my employer obliged to allow me to telecommute? What do I do if my immediate supervisor refuses to let me telecommute?

Employers should encourage telecommuting *"wherever possible"*; those are the instructions given by public health authorities and the Deputy Minister. However, telecommuting must be authorized by a supervisor, it isn't automatic. We believe that telecommuting is possible for almost all professional staff. That being said, certain services such as payroll, IT resources, etc. may require on-site staff presence. If you feel that your employer's decision is unreasonable, contact your union.

Question 4: I'm being asked to report for work, but I have to take care of my children at home. My supervisor refuses to let me telecommute. What should I do?

We believe that parental situations should be taken into account and be given more flexibility. If your supervisor continues to refuse, contact your union.

Ultimately, the bank leave provided for in the collective agreement could apply, in the following order:

- Leave due to unforeseen circumstances: 3 days
- Leave due to family and parental responsibilities: 10 days including six (6) paid days.
- Etc.

Question 5: When telecommuting, do I have to provide the same service as if I were at work?

No. Flexibility is expected. These are exceptional circumstances. Your employer must be accommodating and flexible with their expectations. It is up to the employer to provide you with work and all the tools required to do your job. If this is not the case, talk to your immediate supervisor.

Question 6: How is it that guidelines vary from one school board to another, and can we demand some sort of consistency?

We understand that it is frustrating to see that guidelines are not the same from one school board to another. We are at the beginning of this extraordinary situation. As the hours and days go by, we will try to establish consistency among school boards, but nevertheless, it is quite possible that certain differences will remain. How work is organized may vary—given the location of schools and how they are spread out over the region—as will the services that will be implemented in schools and centres during the crisis.

The fact that one school board does not require any work from its professionals isn't a reason to refuse to comply with instructions from other school boards or immediate supervisors, as long as they continue to comply with the recommendations from public health. However, we still want to know the various guidelines issued and how these are updated in practice to make political interventions where necessary. Keep your union informed of the work organization models established, but inform members that under the current circumstances, they should expect guidelines to vary from one school board to the next.

Question 7: Teachers are on leave, and no work is expected of them. Isn't this situation unfair?

It's true that, at first glance, it may seem unfair that your fellow teachers are more or less, on leave during the coming weeks. However, this is not a reason to refuse to work. Job classes are different as are the tasks involved. We remind you that during this exceptional time, employee salaries are still

being paid, therefore, it's only normal and reasonable to require some type of work where circumstances allow for it, which, in this case, is much more realistic for professionals. Differentiation based solely on the individual would be unacceptable, but some sort of differentiation among school board employees is to be expected based on the nature of their duties.

Question 8: Within my school board, some professionals are on leave, while others are required to report for work. Is this situation unfair?

The Ministry's instructions vary based on the different school board establishments. While it's clear that schools are closed, these instructions do not extend to all school board offices and buildings. If workplaces remain open, and there is work that can be done, managers are not prohibited from requiring some professionals to work, and others no. The Deputy Minister has given managers some leeway, so it's normal to see differences among the instructions given to professionals within the same school board. Once again, unfairness, while it may be frustrating, is not a reason to refuse a directive.

Question 9: During the pandemic, what happens with the application of rules of professional conduct? Are these rules relaxed?

Order of Psychologists

- There will be no relaxation of the professional conduct rules.
- If, for example, files are moved from workplace to home, they must absolutely be kept in a locked filing cabinet and be secured during transportation.

<https://www.ordrepsy.qc.ca/>

<https://www.ordrepsy.qc.ca/-/informations-au-sujet-du-covid-19>

Order of Psychoeducators

- There will be no relaxation of the conduct rules.
- If, for example, files are moved from workplace to home, they must absolutely be kept in a locked filing cabinet and be secured during transportation.
- The Order will be sending out a memo to members today

<https://www.ordrepsed.qc.ca/>

Order of Speech Language Pathologists and Audiologists of Quebec

- There will be no relaxation of the conduct rules.

- If, for example, files are moved from the workplace to home, they must absolutely be kept in a locked filing cabinet. Here is the new link to the Order's recommendations:
<http://www.ooaq.qc.ca/publications/covid-19>
<http://www.ooaq.qc.ca/index.html>

Order of Guidance Counsellors of Quebec

We have contacted the Order. Representatives from the Order have told us that a newsletter will be sent out to all members by email. The newsletter will include guidelines on how to apply the professional conduct rules.

<https://www.orientation.qc.ca/>

<https://www.orientation.qc.ca/communications/actualites/non-classe/pandemie-covid-19-directives-pour-les-membres-de-loccoq>

Order of Occupational Therapists

- There will be no relaxation of the professional conduct rules.
- If, for example, files are moved from workplace to home, they must absolutely be kept in a locked filing cabinet and be secured during transportation.

<https://www.oeq.org/a-propos-de-l-ordre/salle-de-presse/actualites/94-covid-19-mise-a-jour-au-16-mars-2020.html>

<https://www.oeq.org/>

Order of Social Workers and Marriage and Family Therapists of Quebec

There will be some relaxation of the rules. For example, if files are moved from the workplace to home, they should be kept in a secured place. It is not necessary to have a locked file cabinet or suitcase. However, confidentiality, diligence, and professionalism must be present.

<https://www1.otstcfq.org/>

Order of Engineers of Quebec

There will be some relaxation of the rules. For example, if files are moved from the workplace to home, they should be kept in a safe place. It is not necessary to have a locked suitcase or file cabinet. However, confidentiality, diligence, and professionalism must be present.

<https://www2.oiq.qc.ca/>

<http://oiq.qc.ca/fr/jeSuis/public/Pages/covid-19.aspx>

Order of Architects of Quebec

We have contacted the Order and are awaiting their response.

<https://www.oaq.com/>

<https://www.oaq.com/ordre/a-propos/actualites-et-evenements/lordre-des-architectes-du-quebec-adopte-des-mesures-en-lien-avec-la-covid-19/>

New

Question 10: Is it possible to refuse an unreasonable request from my employer?

For any request from your employer that you feel is unjustified or unreasonable, or for unjustifiable refusals with regard to telecommuting, contact your union. In principle, you must comply with a request from your supervisor and grieve later. On the other hand, there are exceptions when an Order is unreasonable or exploitative. In certain cases where there is a perceived threat, there may also be the right to refuse, under certain circumstances.

Question 11: If I am a professional without a contract or whose status is uncertain, will my pay be maintained?

Normally, all professionals must be hired under an employment contract, for an indefinite period (regular staff) or fixed period (replacement or supernumerary staff). School boards should respect these contracts in the current context. For persons whose status is uncertain or irregular, contact your union so that the appropriate steps can be taken to ensure that you keep your usual pay.

Question 12: I had planned a vacation after March 13, 2020, can I ask my employer to postpone my vacation?

We advise you to request postponement of all vacations scheduled during the weeks of March 16 and March 23. We believe that the current situation is exceptional and should be taken into consideration for vacations. School boards have already announced that they will accept postponement requests for these 2 weeks. Postponement is not automatic, however. Contact your union with any issue.

Question 13: What about Internet use and social networking while telecommuting?

Please keep the following in mind: When telecommuting, you must remember that you are still at work, but assigned to your home rather than the school board. Therefore, you must, provided you have been instructed to do so, do your work, but in a different place.

We recommend that you be mindful about the use of your browsing time and the traces you are likely to leave (e.g., a Facebook post on work time). Also, be careful about the content of your network posts that are not work-related. Be careful not to make negative comments about your employer or their way of managing the crisis, among others.

Given the exceptional circumstances, some employers have chosen a more restrictive management method, so be careful with your comments and respect the method in place. These obligations remain.

Question 14: How do I handle administrative requests and the meticulous control of schedules and tasks by some managers while telecommuting?

Some of you have received requests from your supervisors with regard to your tasks and schedule while telecommuting. The government has asked employers to be flexible. It is very clear that work cannot be performed as usual, with children at home and school closures. However, your salary is maintained and you are considered to be at work. You must therefore remain available and reachable and respond to requests from your supervisors as per your agreed telecommuting schedule, for a period of 7 hours a day. Make sure you can be reached on your remote working applications (Teams, Zoom, etc.) or by telephone, and check emails regularly.

You must comply with and respond to administrative requests, even if they appear to be excessive or unjustified. It is possible to stick to general tasks, such as the following: updating files, writing reports, various readings, etc. A typical work day is generally 7 hours, try to keep to this work schedule.

We feel that you do not have to make up for the current telecommuting situation by using your banked time or leave provided for by the collective agreement (vacation, family leave, etc.). Employers should be understanding. You have an obligation of means under the circumstances and to perform your work to the extent possible.

Question 15: Can I accept offers of work from other employers or privately during the school closure period if my pay is maintained at 100%?

If you already had another occupation before (e.g. private practice 1 day/week), as far as we're concerned you can continue this activity.

The situation becomes more complicated if you decide to go to work on a regular basis and for a certain number of hours for another employer or for a private company providing professional services. For now, we advise against this. You are working for the employer while telecommuting and your salary is

maintained. You are considered to be at work, you have assigned tasks and the employer may call on you to follow up on things. Be careful and check with your union first before accepting any job that falls outside your employment with the school board. Even if you want to help, you are not in the same situation as students who have no school and are offering their services during the crisis. Avoid putting yourself in a “dual remuneration” situation.

The same logic applies for professionals who are not telecommuting, who work for schools or centres, and whose compensation is maintained.

Question 16: Do the rules of collective agreements regarding assignments and job descriptions still apply?

By virtue of the government decree on March 15, 2020, the provisions of the national and local agreements of the school system regarding schedules, assignments, reassignments, and staff transfers have been amended to allow the employer to assign staff wherever and whenever they are needed. Staff may also be assigned to the duties of another job title, another certification unit or with another employer. Articles regarding schedules have been amended to allow the employer to meet the ever-changing needs.

You must therefore comply with orders and requests to perform the duties requested, regardless of your job class or the nature of said duties. Any appeal in this regard will be suspended during the crisis.

In addition, rules on overtime do not apply. Anyone required to do overtime will be paid according to the hourly rate of their current job for regular hours and overtime.

Contact your union so that we can monitor the situation if you are questioned. More details will follow.

Question 17: What does this mean in concrete terms? Can my school board assign me to duties other than those of my job class?

At this time, the information obtained from ministerial authorities by Jacques Landry, FPPE President, on the evening of March 18, 2020, is to the effect that the decree concerns the establishment of daycare services. The government would not want support work done by professional staff. Workers’ rights will be respected, says the Ministry. Report any special situation or assignment to duties other than those of your job class to your union. We will keep you informed if the situation changes.

NEW

Question 18: Does the public health situation affect the end of my fixed-term contract if, for example, it is scheduled to end on May 1, 2020?

If you are a replacement or supernumerary professional, you have a fixed-term contract, which means that it has a start date and an end date. At the end of your contract, your employment is terminated regardless of the specific situation related to the pandemic, unless the school board decides to renew your contract. In this regard, it is important that you have a copy of your contract or letter of appointment. Furthermore, if you meet the conditions required by the collective agreement or your local agreement, you may be placed on the replacement or supernumerary professionals priority list and be entitled to recall rights for future replacement or supernumerary contracts posted by the school board for your job class. For more information, contact your union.

March 31, 2020

Question 19: Do the rules of collective agreements regarding assignments and job descriptions still apply?

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You must therefore comply with orders and requests to perform the duties requested, regardless of your job class or the nature of said duties.

In addition, rules provided for in the collective agreements with respect to additional compensation over regular pay or overtime have been declared non-applicable. Contact your union so that we can monitor the situation if you are called upon.

According to Ministerial Order 2020-008 of the Minister of Health and Social Services dated March 22, 2020, “a school board must, before applying a measure set forth in this Order, consult the unions concerned, unless the urgency of the situation does not permit doing so, in which case the unions must be informed as soon as feasible.”

Question 20: I want to contribute to the collective effort to fight the pandemic by working in the health sector or volunteering in a community organization. What are my rights and obligations?

First, you must **notify your employer** of your intention to work in the health sector or volunteer in a community organization, since your employer pays you as if you were at work and may require you to perform work-related duties. Your immediate supervisor must be informed and consent to this.

Second, in terms of **compensation**, you will receive regular pay according to your job class as well as that for any additional work you perform. There is no double compensation if you decide to work in a CIUSSS or CISSS. Psychologists' premiums, which were renewed across both systems for 6 months starting March 31, 2020, are expected to be paid.

Legal protection with respect to **industrial accidents and occupational diseases** applies if you are injured or become ill while performing work-related duties. We recommend that you check with the human resources department of the CISSS or CIUSSS where you work or volunteer to find out if you are covered by their CNESST protection.

Question 21: Can my school board assign me duties other than those of my job class?

At the moment, the information obtained from the ministerial officials by Jacques Landry, President of the FPPE, is that the decree is aimed at establishing childcare services. The government does not want to have professional staff perform administrative duties. The Ministry tells us that workers' rights will be respected. Preference will be given to volunteering before professionals are forced to perform duties other than those of their job class. Wherever possible, attempts will be made to avoid using the powers granted by the decree.

Inform your union of any special situations or assignments other than those of your job class. We will keep you informed if the situation changes.

Question 22: What happens to employees on disability or progressive return to work?

Any disability period that has started continues, and wage insurance benefits continue to be paid. If a return to full-time work is anticipated, regular salary must be paid upon return to work.

Employees on progressive return will receive the compensation they would have received under normal circumstances, which is regular salary for the days worked and wage insurance benefits for the days not worked. Regular salary is paid upon return to full-time employment. Contact your union if you have any questions.

Question 23: Does the public health situation affect the end of my fixed-term contract if, for example, it is scheduled to end on May 1, 2020?

If you are a replacement or supernumerary professional, you have a fixed-term contract, which means that it has a start date and an end date. At the end of your contract, your employment is terminated regardless of the specific situation related to the pandemic, unless the school board decides to renew your contract. In this regard, it is important that you have a copy of your contract or letter of appointment. Furthermore, if you meet the conditions required by the collective agreement or your local agreement, you may be placed on the replacement or supernumerary professional priority list and be entitled to recall rights for future replacement or supernumerary contracts posted by the school board for your job class. For more information, contact your union.

Question 24: I have been assigned to work from home and need to use personal technological tools, including my Internet connection, for that. Who should pay for these services?

It is the employer's responsibility to provide and pay for the work tools needed to perform the tasks required of you. We believe that the same should apply to telecommuting at no cost to you.

With respect to Internet access, several Internet service providers are now providing unlimited access at no extra cost. Accordingly, you should not have to bear any additional costs. The employer is therefore

under no obligation to compensate you, since you are not incurring any additional costs. If there are costs associated with exceeding your data plan limit, you are advised to submit a claim with your employer. Make sure you can demonstrate that the additional costs are directly related to telecommuting.

In the event that you incur additional costs related to telecommuting, we encourage you to keep and submit your receipts to your employer. If in doubt, we ask you to contact your union.

Useful links:

<https://msss.gouv.qc.ca/professionnels/maladies-infectieuses/coronavirus-2019-ncov/>

<https://www.quebec.ca/en/health/health-issues/a-z/2019-coronavirus/>

<https://santemontreal.qc.ca/en/public/coronavirus-covid-19/>

<https://www.lacsq.org/>

For more information, here is the COVID-19 info line set up by the Direction de la Santé publique:

1-877-644-4545.