

10,000 hands reaching out

For professional public services in education

November 2021

## For professional public services in education



That makes us very proud and ready to fight for our future!

You are 10,000 professionals, members of the FPPE, who, through many small and large gestures, reach out every day to students, teachers, and principals in elementary, secondary, adult education, and vocational training schools, and to the administrative departments of service centres and school boards.



## EDUCATION PROFESSIONALS WEEK



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ET PROFESSIONNELS DE L'ÉDUCATION  
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Karine Lapierre  
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**The year's Education Professionals' Week theme is 10,000 hands reaching out for Professional Public Services in Education.**

You are 10,000, not only reaching out, but wearing your hearts on your sleeves, helping out, taking matters into your own hands, and going out the extra mile for the success and well-being of every student in the public system.

You are 10,000, who deeply believe that hard work in the public education system is an opportunity to educate, socialize, and qualify as many students as possible. That we can level out social inequities and make the difference between failure and success for as many students as possible.

You are 10,000, who are aware that you make the most of your expertise and creativity wherever it is most effective, closest to the student, within the student's environment, wherever collaboration and consultation with the teacher, principal, parents, and other stakeholders are possible, on a daily basis.

Each professional plays a vital role in the success of our students. This week, we hope that all of Quebec will reach out to you as you reach out to them.

This week, we want to see the tremendous value of your work recognized.

The FPPE would like to take this opportunity to say, "Thank you!"

*To illustrate this year's theme, the Federation has chosen an internationally renowned digital collage artist, Pablo Pasadas of the Colagene Paris Agency. His previous works can be viewed here: <https://www.colageneparis.com/fr/artiste/pablo-pasadas>*





## Laurent Commission

# Premier focuses on the role played by educational stakeholders in prevention

Johanne Lachance  
Action professionnelle Consultant

The Special Commission on the Rights of the Child and Youth Protection (CSDEPJ, for its abbreviation in French) released its [final report](#) on May 3. The main recommendations of the CSDEPJ, chaired by Régine Laurent, are particularly relevant for the FPPE since Premier Legault recently reiterated his commitment to [responding favourably](#) to these recommendations.

## First and foremost—focus on prevention

One of the key findings highlighted in the report by the twelve commissioners is the decline of prevention services in schools. For the commissioners, the key to successful prevention is early, sustained, and ongoing action in all areas of care that surround children and their families, including schools.

As a living environment for children, the CSDEPJ would like to reiterate the importance of school as a stimulating experience that fosters learning as well as being a positive and secure space. Surrounding students with caring adults means that they can play a major role in prevention by sensing changes in them, monitoring their stress (and even their distress), listening to them, and helping to implement the services they need.

## Providing needs-based professional services

The CSDEPJ report highlights the special role played by professionals who work with children and their parents when difficulties arise or when additional, personalized support adapted to their needs is required. The commissioners also criticized the overloading of professional staff who are heavily burdened by administrative tasks and diagnostic evaluation activities. Additionally, the overwhelmingly high number of students referred to them and the number of schools they serve all come as a detriment to the important role they play in providing support for students.

In order to increase the time that professionals dedicate to children and are available to listen to their needs, provide support, and offer assistance so that the students can feel more comfortable at school and learn more easily, the CSDEPJ recommends that their work be evaluated and reorganized so that they can focus on supporting and monitoring students, while reinstating the presence of psychosocial resources in schools (school psychologists, psychoeducators and specialized educators).

## Promoting the well-being of children at school

Other issues of concern to the commissioners included the lack of planning for school transitions that destabilizes the progress of students, siloed work in service pathways, and the lack of collaboration between the school, health, and social services.

Among the recommendations that the FPPE is focusing on, the CSDEPJ favours the increased availability of professional resources to support school staff and help children in a timely manner, formalizing and implementing mechanisms for collaboration between the school and social services, and ensuring better planning of joint services between the DPJ (youth protection services), the CLSC (community health services), the schools and the families.

The CSDEPJ's conclusions and recommendations are in keeping with the work of the FPPE. We are pursuing the same goals, whether it is to review the funding model and the organization of services for students with special needs, to turn the school into a caring and stimulating environment, or to facilitate school-family balance and the first transition. The FPPE will continue to work on these policy directions as the Premier has established an [interdepartmental action group](#) in May to monitor the implementation of the CSDEPJ recommendations. The role of this Committee, [of which the Minister of Education is a member](#), will be crucial in achieving a positive outcome for the government in this pre-election year.



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# Major projects for the coming year

Marie-Eve Quirion,  
Action Professionnelle Consultant

Much remains to be accomplished by the Legault government to fulfil the commitments it made to the educational community at the beginning of its mandate in October 2018.

Here are some of the key promises made: adding professional resources for the screening and support of students with special needs, upgrading school buildings, rolling out a universal 4-year kindergarten, abolishing school boards, adding recess time and extracurricular activities...

These have yet to come to fruition. The Legault government and Minister Roberge have one year left to achieve their objectives. Here are just some of the important issues for the FPPE:

## Reducing administrative measures related to the funding and organization of services for students with special needs (Bill 294)

After more than a year of consultations, in which the FPPE<sup>1</sup> was actively involved, the Ministère will have to propose its solutions quickly, as it aims to implement a new fund-

ing model for services to students with special needs by 2022-2023. In order to meet the pressing needs of students and to make the work of professional staff more attractive, the school community can no longer afford tedious processes such as “client validation”. There is an urgent need for a model that is based on the needs of students rather than problems. We need a solution that allows for more prevention and intervention. We need a work structure that promotes multidisciplinary teams, that values autonomy, and that respects professional judgment. The Special Education Policy must also be updated.

## The 0-8 year Strategy

Launched in 2018, while the Liberal government was still in power, the 0–8-year strategy set several goals to be achieved by 2022. To promote equal opportunity for all children, the strategy even promised nearly 8,000 additional specialized resources to support elementary schools. While the FPPE has seen some addition to professional resources in the last three years, we are far from reaching this target. Will the Legault government maintain the commitment of its predecessors?

## Vocational training (VT) overhaul

In his inaugural speech on October 19, François Legault promised to “reinvent vocational training”. Beyond the desire to add internships, we know little at this point about his government’s intentions. One fact remains: in both vocational training and general adult education, a serious effort must be made to give students in these sectors better access to complementary educational services and better funded centres.

## The state of school buildings

Only 46% of school buildings are rated as “satisfactory”—a situation light years away from the government’s promise of an 85%<sup>2</sup> target. Ventilation problems, lead in the drinking water, and lack of space for all students continues to make headlines. There is also an urgent need to address the state of school libraries, which are too often neglected or even completely closed due to lack of space.

## Digital transition

The forced implementation of telework over the pandemic has led us to explore the shift to a digital workplace... and to discover its limits. The Digital Action Plan for Education and Higher Education was launched in 2018 and every year since then the Ministère de l’Éducation has organized a Digital Education Day. Access to equipment is just the beginning, more resources are also needed to support school staff in the pedagogical use of digital tools.

## Support for non-legally qualified teachers

Shortages and difficulties in attracting and retaining staff in the school system are cause for frequent headaches. In the case of teachers, the government has changed its criteria to make teaching rights more accessible. Unfortunately, the addition of educational consultants is not keeping pace with the influx of non-legally qualified teachers. These people need sustained and supervised support.

## The important role played by SCGCIAAs

In the wake of the announcement of the creation of the Quebec Citizenship and Culture course, the FPPE contacted the Ministère to reiterate the important role played by SCGCIAAs. Whether it’s preparing young people to be good citizens, develop critical thinking, and live together, SCGCIAAs help make the school a stimulating environment in which every student can find their place. The importance of universal services has often been overlooked, but the pandemic has demonstrated the importance of socialization and engagement for our youth. This is an integral part of the mission of Quebec schools.

<sup>1</sup> <https://www.fppe.ca/wp-content/uploads/2021/02/FPPE-Resultats-du-sondage-EHDAA-24112020.pdf>

<sup>2</sup> [The condition of schools continues to deteriorate: 56% of buildings are dilapidated | JDQ \(journaldequebec.com\)](https://www.journaldequebec.com/2021/02/24/the-condition-of-schools-continues-to-deteriorate-56-of-buildings-are-dilapidated/)



# Covid-19, telework and vulnerable people

Stéphane Moreau  
MAP, attorney and union advisor

## A win for the SPPREQ: Arbitration tribunal confirms the duty to accommodate of the School Service Centre and the determinant nature of the opinion of the treating physician.

On August 13, 2021, grievance arbitrator André C. Côté ruled in favour of the Syndicat du personnel professionnel de l'éducation de la région de Québec (SPPREQ-CSQ) in a dispute with the Centre de services scolaires des Premières-Seigneuries<sup>1</sup>. This case involved a professional working in Education Services. In the fall of 2020, with the return to work partly in person, she wanted to continue to perform her duties exclusively through telework, as was the case at the beginning of the pandemic, for health reasons, as recommended by her doctors. She suffers from two chronic illnesses: severe chronic rhinosinusitis, chronic urticaria and asthma. All three of the employee's treating physicians recommended telework because of the risk of complications from COVID-19 if she were to contract the virus.

Despite the numerous medical reports sent to the employer, the latter refused to accommodate or even discuss the matter with the Union, on the pretext

that the professional's health condition was not on the list of pathologies recognized by the INSPQ and that it therefore did not consider her to be a vulnerable person who could benefit from a telework exemption. The employer required her to report to work as scheduled. Faced with the employer's closed-minded attitude, the professional began sick leave.

The SPPREQ filed a grievance on the grounds that the refusal to accommodate the professional was discriminatory within the meaning of the Charter of Human Rights and Freedoms, and constituted discrimination on the basis of disability.

Arbitrator Côté ruled in favour of the Union. Exercising the right to refuse under the Occupational Health and Safety Act was not the only recourse available to her in the circumstances. The grievance arbitrator is fully competent to deal with a dispute concerning the respect for fundamental rights and accom-

modation measures under the Charter.

The arbitrator had to decide whether the employer's refusal to grant specific treatment to the professional and its decision to assign her to duties that were partly in-person and partly telecommuting, like any other Education Services employee, was discriminatory. Arbitrator Côté affirmed that this was indeed the case. Arbitrator Côté stated:

*"The precise and concordant testimonies of her three treating physicians make it possible to understand that the chronic disease affecting Ms. (...) is characterized by a hypersensitivity of the respiratory tract which makes her particularly vulnerable to viral infections likely to cause very serious respiratory and pulmonary complications for her, especially since, as Dr. Hébert points out, her medication weakens her immune system."*

*All three state without contradiction that given her condition, any*

*exposure to the COVID-19 virus was high risk and clearly contraindicated."*

The preponderance of evidence is clearly to the effect that any exposure to this virus, which attacks the respiratory system in particular, exposes her to a risk of severe complications, putting her health in serious danger, as well as to all the potential known consequences.

The arbitrator did not accept the testimony of the employer's physician, whose report was written without a clinical examination, without consulting the treating physicians, and which was based on a single questionnaire administered by a third party. Their testimony did not match the precise, detailed, and concordant testimony of the three treating physicians.

According to the arbitrator, the INSPQ's opinions must be taken with great respect. However, these documents must not be distorted into a precise and exhaustive list of diseases considered "at risk". This does not mechanically resolve all cases and cannot replace an employer's assessment of the particulars of each case, given other information submitted by treating physicians. The INSPQ specifically states that "the treating physician's judgment of the patient's

vulnerability remains essential and should not be questioned."

According to the arbitrator, the employer was wrong to refuse to recognize the particular vulnerability of the professional given the pandemic, and in its persistent refusal to grant the accommodations requested by the Union:

*"By imposing on Ms. (...) an undifferentiated portion of in-person work, on the same basis as her co-workers, when she is disabled by a medical condition that makes her particularly vulnerable in the circumstances of the pandemic, the Employer placed her in a situation where she was torn between the need to obey her employer's directives in order to protect her income and, ultimately, retain her job, and the considerable risks identified by her treating physicians as inherent to her disability."*

*In these circumstances, the Employer's constant refusal to consider her as a vulnerable person and to consider the necessary accommodation measures given her disability, constituted a priori a discriminatory act for a prohibited reason within the meaning of the Act and the collective agreement."*

The Court indicated that the employer, who did not recognize from the outset the particular nature of the professional's health condition, and the dangers of exposing her to the virus, stuck to its guns, refusing any possible accommodation.

The evidence is clear that the employer could have accommodated her without undue hardship since the portion of her duties requiring in-person work was relatively limited. Additionally, co-workers were willing to cooperate and take on in-person assignments in exchange for some other tasks.

In short, the Employer discriminated against the professional by consistently denying the serious health problems she faced as a result of her disability in the context of her work during the pandemic and by refusing to discuss the possibility of making any accommodation with her and her Union.

The arbitrator ordered the employer to agree with the Union and the professional on accommodation terms that respected the opinion of her treating physicians, compensate the professional for lost wages and other benefits, and award her moral damages for the anxiety, stress, and inconvenience suffered as a result of the infringement of her fundamental rights.

<sup>1</sup> SAE 9545