

# SCHOOL RE-OPENING ADVISORY

► V4.0 / OCTOBER 15, 2020 *Additional advice on Double Duty.*

This advisory provides a review, direction and process for significant issues of concern as schools re-open. The information is based on provisions in collective bargaining agreements, legislation, STF policy statements and public health orders.

If you have any questions about this information or if you have received contradictory information, we encourage you to contact the Saskatchewan Teachers' Federation senior administrative staff at 306-373-1660 or 1-800-667-7762.

For quick reference, we have provided process flowcharts for:

[Quarantine](#)

[Refusal to Work](#)

[Request For Additional Services and Compensation](#)

[Duty to Accommodate](#)

Additional details are provided on the issues above and for:

[Noon-Hour Supervision](#)

[Changing Assignments](#)

[Extracurricular Activities](#) added September 1, 2020

[Travel](#) added September 21, 2020

[Double Duty](#) added October 15, 2020

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**Head Office**  
2317 Arlington Avenue, Saskatoon SK S7J 2H8  
**T:** 306-373-1660 or 1-800-667-7762 **F:** 306-374-1122 **E:** stf@stf.sk.ca

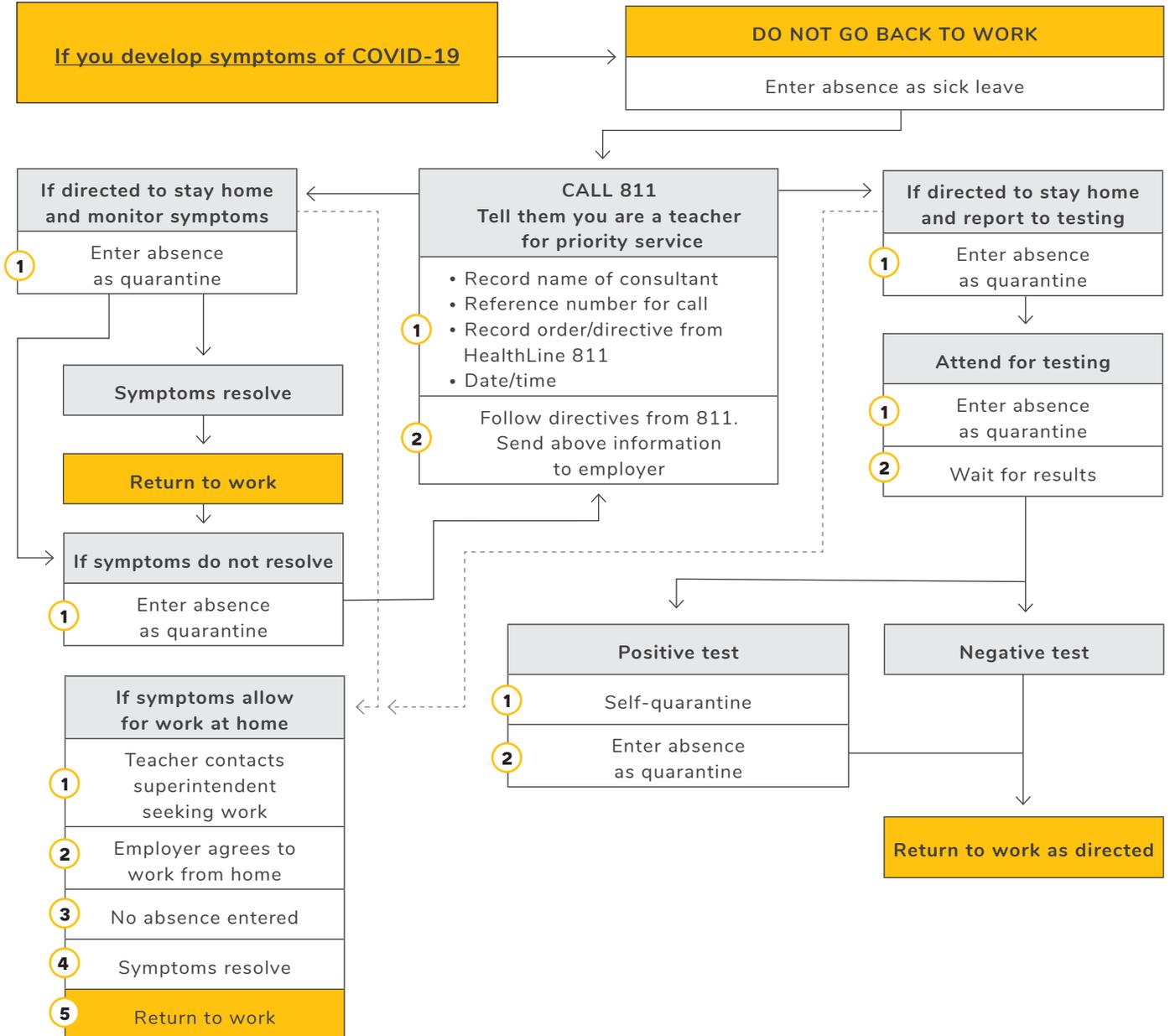
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2311 Arlington Avenue, Saskatoon SK

**Regina (by appointment only)**  
Suite 375-3303 Hillside Street, Regina SK S4S 6W9

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# QUARANTINE

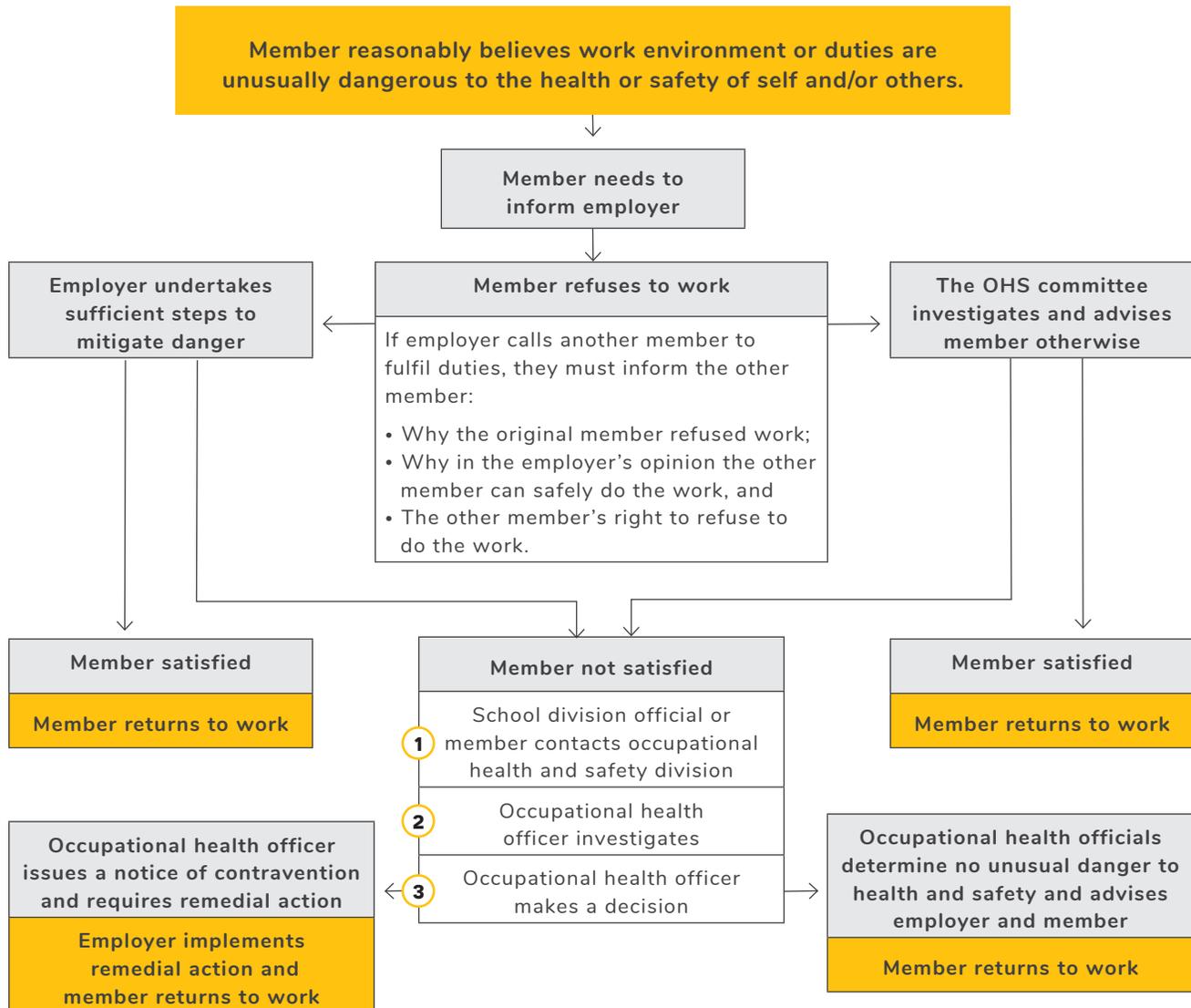
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# REFUSAL TO WORK

## SCHOOL RE-OPENING ADVISORY

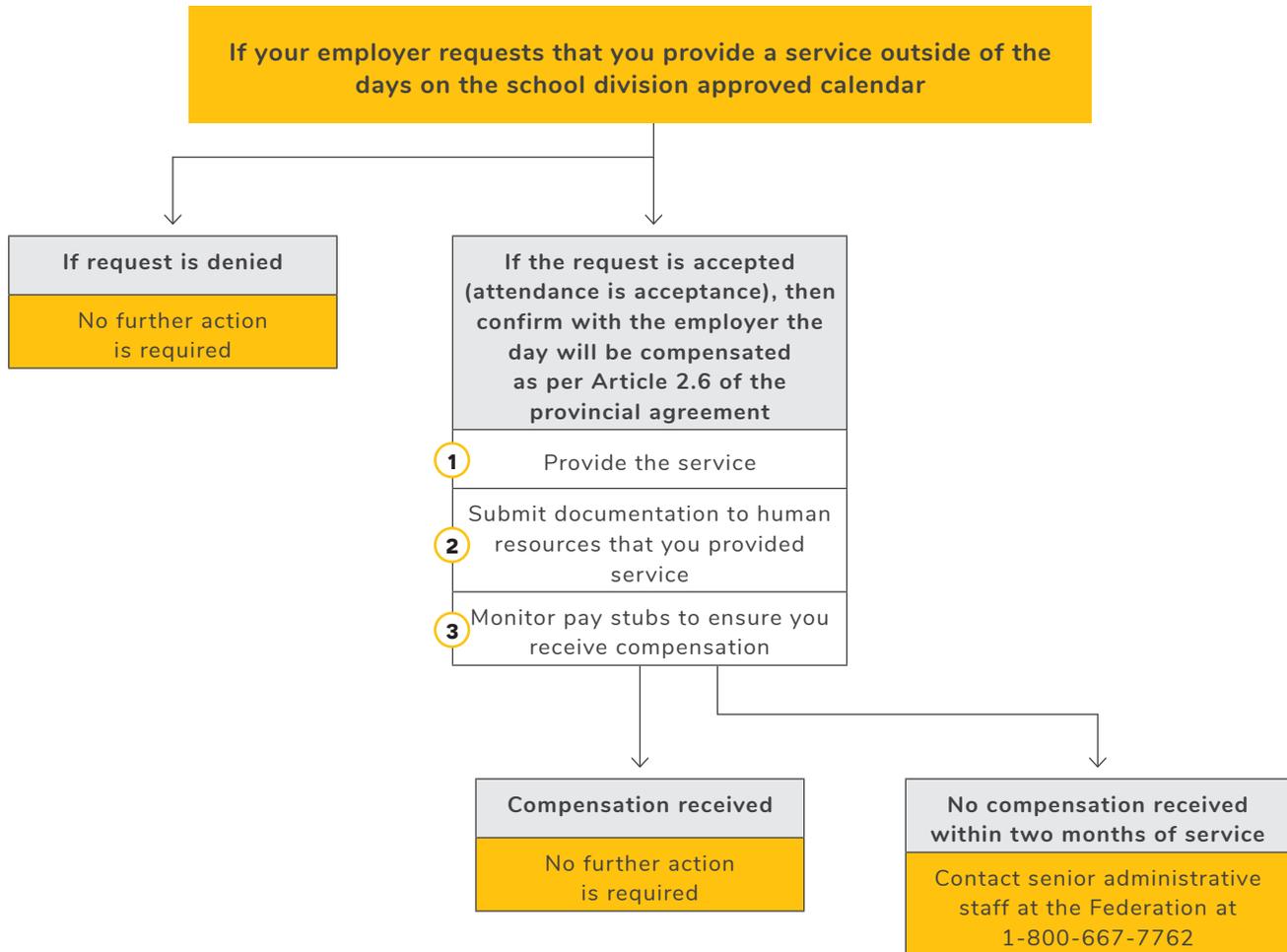


This process has not changed and remains consistent with the guidance provided by the Saskatchewan Teachers' Federation and Saskatchewan School Boards Association in 2013.

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# REQUEST FOR ADDITIONAL SERVICES AND COMPENSATION

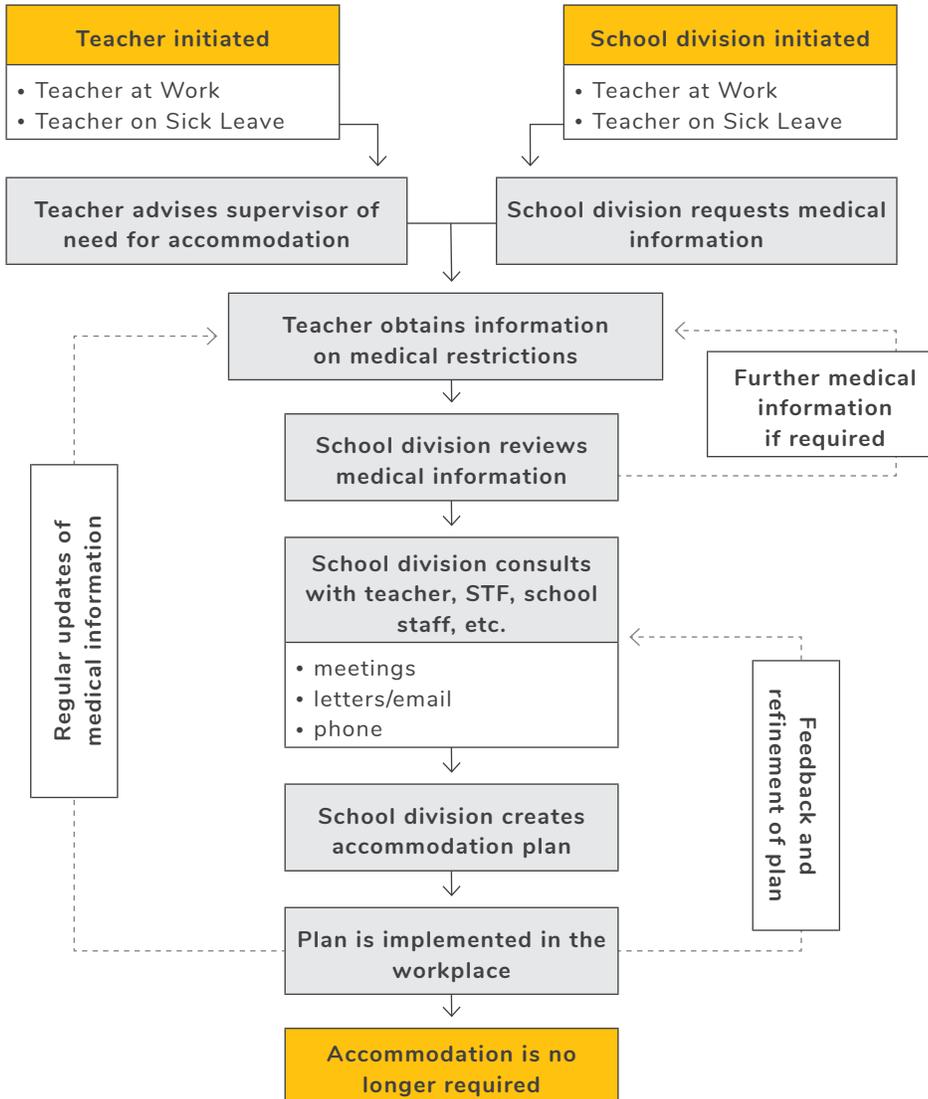
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# DUTY TO ACCOMMODATE

## SCHOOL RE-OPENING ADVISORY



The usual practice is for the school division to advise the teacher to contact the Federation for support and advice in the process.

In some cases where there is concern that the teacher may not be well enough to understand the seriousness of the situation, the school division will contact the Federation to let them know that their member might need assistance. The school division will share only minimal information at this stage.

Once the teacher has brought the Federation into the discussion, school division personnel will speak freely with the Federation representative about all aspects of the case unless and until the teacher specifically directs otherwise.

This process has not changed and remains consistent with the guidance provided by the STF and SSBA in 2013.

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# QUARANTINE

## SCHOOL RE-OPENING ADVISORY

In any circumstance regarding COVID-19, call the HealthLine at 811 for direction.

As teachers prepare to return to work, school divisions are releasing administrative procedures or reference materials to inform employees regarding the process for reporting absences in the event of illness or possible illness in the time of a pandemic. STF members have access to:

- Accumulated sick leave as per Article 7 of the 2019-2023 Provincial Collective Bargaining Agreement.
- Leave due to quarantine as per Article 12.2 of the 2019-2023 Provincial Collective Bargaining Agreement.
- A variety of leaves in their local collective bargaining agreements.

STF members who fall under one of the following categories of the current public health order are to follow the protocols listed.

### Public Health Orders

Public Health Orders are available from the [Government of Saskatchewan](#). All public health orders must be adhered to. **STF members identified in one of the following groups must follow the public health order and the expected protocols:**

1. **If diagnosed with COVID-19** immediately go into mandatory self-isolation until such time as a public health officer determines that you no longer pose a public health threat.
2. **If you have traveled internationally** go into mandatory self-isolation for 14 days from date of arrival back into Canada.

3. **If a member of your household has COVID-19 or you were in close contact with a person with COVID-19** immediately go into self-isolation for 14 days and call the HealthLine at 811 if you become symptomatic.

**All members should self-monitor for COVID-19 symptoms.** For a complete list of symptoms, please reference the Government of Saskatchewan's website. Common symptoms include:

- Fever
- Fatigue
- Cough
- Diarrhea
- Headache
- Loss of appetite
- Sore Throat
- Shortness of breath
- Chills
- Difficulty breathing
- Runny nose
- Nausea/vomiting
- Nasal congestion
- Muscle and/or joint aches and pains
- Conjunctivitis
- Loss of smell and/or taste
- Dizziness

If you display symptoms of COVID-19, stay home to limit possible transmission.

- Enter the absence as **sick leave**.
- If you do not have any sick leave available, contact the senior administrative staff at the Federation by calling 1-800-667-7762.

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Immediately call the HealthLine at 811 for further direction. Be sure to:

- Request and record the reference number, the date and the time of the call.
- Record the order/directive from the HealthLine consultant.
- Follow the order/directive from the HealthLine consultant.
- If the order/directive is to stay at home, the next absences are entered as **Quarantine**.

If the Healthline 811 consultant order/directive is to stay home for a specified period of time and monitor the symptoms or to stay home until you receive test results:

4. Enter your absence(s) as **Quarantine**; and
  - Record and follow the order/directive of the HealthLine 811 consultant.

You will suffer no loss of sick leave credit or salary during the period covered under **Quarantine** as per the 2019-2023 Provincial Collective Bargaining Agreement.

If the HealthLine 811 consultant order/directive is to stay home and report for a COVID-19 test and you are informed by a public health officer that the test is positive:

- Continue to enter the absence(s) as **Quarantine**; and
- Record and follow the order/directive of the public health officer.

You will suffer no loss of sick leave credit or salary during the period covered under **Quarantine** as per the 2019-2023 Provincial Collective Bargaining Agreement.

Immediately provide the school division with the details of the order/directive from the HealthLine 811 consultant or other public health officer. Information should include:

- The date and time of the call.
- The order/directive that was given.
- Any other information provided by the HealthLine 811 consultant or other public health officer that relates to the necessity and duration of the order.

You are not required to provide a medical note certifying proof of quarantine if none was given to you at the time the order was made by the HealthLine 811 consultant or other public health officer. Rely on and follow the information provided by the HealthLine 811 consultant or other public health officer regarding recovery period in order to determine the appropriate date to return to work. Communicate your return date to the employer and return on that date if symptom free.

If you feel well enough to work **and** your superintendent confirms you can continue to perform meaningful work while at home, then no absence entry is required for the time you provide service from home.

If you have symptoms unrelated to COVID-19, as per the advice of a duly qualified medical practitioner or a HealthLine 811 consultant, and are well enough to go to work, report to work.

If you believe your personal health situation may require an accommodation, please review the Duty to Accommodate section of this advisory.

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# REFUSAL TO WORK

## ▶ SCHOOL RE-OPENING ADVISORY

The Response Planning Team has created and distributed to the following guidelines to all school boards. They include processes, criteria, and procedures, should there be a reasonable belief that the work environment or duties have become unusually dangerous to the health or safety of self or others.

These guidelines are to serve as a template to support school boards in creating administrative procedures and as such variance exists from division to division.

The primary resource for the development of the guidelines is *The Saskatchewan Employment Act*.

### Guidelines for Work Refusal Due to COVID-19

Section 3-31 of *The Saskatchewan Employment Act* states that an employee may refuse to perform any particular act or series of acts at a place of employment if the employee has reasonable grounds to believe that the act or series of acts is unusually dangerous to the employee's health or safety, or the health or safety of any other person at the placement of employment until:

- Sufficient steps have been taken to satisfy the employee otherwise; or
- The occupational health and safety committee has investigated the matter and advised the employee otherwise.

An employee's right to refuse to perform work as a result of COVID-19 will be contingent upon factors including, (but not limited to), the following:

- The state of the COVID-19 situation in the employee's particular community and workplace at the time the refusal to work is being exercised.
- The age and health of the specific employee.

- The type of workplace where the employee usually performs their functions.
- The specific field of work and their normal duties or tasks.
- The measures adopted by the school division to prevent the transmission of COVID-19, including workplace hygiene and personal protective equipment, where applicable.
- Whether or not there has been a diagnosed case of COVID-19 within the school community.
- Whether the employee or the circumstances fall in one of the legislative exceptions to the right to refuse unsafe work.
- Any other factually relevant considerations in assessing whether there is a hazard, a risk or a danger.

If an employee has reasonable grounds to believe they have been asked to perform an unusually dangerous act, the employee shall notify their principal/supervisor, the applicable superintendent of school operations and the superintendent of human resources.

If an employee has refused to perform an act or series of acts pursuant to section 3-31, the employer shall not request or assign another employee to perform that act or series of acts unless the employer has been advised by the principal/supervisor, in writing, of:

- The refusal and the reasons for the refusal;
- The reason or reasons the employee being assigned or requested to perform the act or series of acts may, in the employer's opinion, carry out the act or series of acts in a healthy and safe manner; and

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- The right of the employee to refuse to perform the act or series of acts pursuant to section 3-31.
- Following notification, the school's OHS committee will investigate the concern and communicate the decision to the above noted central office staff. The OHS committee should consider the following questions:
  - Does the employee have an underlying health concern that puts them at greater risk if infected?
  - Are the job duties being assigned outside of the normal duties or tasks of the position?
  - Has the workplace implemented strategies in alignment with the most recent Re-Open Saskatchewan guidelines for educational institutions and the current Public Health Order for that type of workplace?
  - Is the workplace unsafe even with increased hygiene and personal protective equipment?

- Does the workplace have an employee or student who has been diagnosed with COVID-19?
- Are there any other factually relevant considerations in assessing whether there is a hazard, a risk or a danger?

Upon the conclusion of the investigation of the refusal, the school's OHS committee will report their findings to the applicable superintendent of school operations and the superintendent of human resources.

If the concern cannot be resolved within the school or workplace (the vote by the school's OHS committee must be unanimous for or against the refusal), the Superintendent will contact an occupational health officer at the Occupational Health and Safety Division. The officer will investigate the refusal and rule on the matter.

As per Section 3-32(b) of *The Saskatchewan Employment Act*, the employee is entitled to refuse to perform the act or series of acts until the occupational health officer has investigated the matter and advised the employee otherwise.

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# REQUEST FOR ADDITIONAL SERVICES AND COMPENSATION

## ► SCHOOL RE-OPENING ADVISORY

As per the 2019-2023 *Provincial Collective Bargaining Agreement*, members are entitled to additional compensation for providing services outside of the school year as defined by a school division calendar.

### Definition of Services Outside the School Year

Members' compensation is based on the provision of service for the school year as outlined in the school division calendar. As per the Ministry of Education, the maximum number days of service for the 2020-21 school year is 197. Providing service in excess of these days at the request of the employer is additional assigned work and is eligible for compensation.

### A Request for Additional Service

A request from employing school divisions to attend events organized by the employing school divisions or provide additional service may leave teachers with the belief that their attendance is expected. Upon receiving such a request, confirm via email with their superintendent or administrator that:

- The school division is requesting your attendance at the event or to provide a service.
- Your attendance/participation is expected.
- If you attend/participate, compensation will be provided as per Article 2.6 of the 2019-2023 *Provincial Collective Bargaining Agreement*. Retain all email communications in regards to the request and the event.

### Calculating Compensation

Article 2.6 of the 2019-2023 *Provincial Collective Bargaining Agreement* states:

- 2.6 If a teacher is requested by the board of education and agrees to render service on more than the number of school days in a school year, the teacher shall be paid for each additional day an additional sum computed on the basis of:

$$\frac{\text{Rate of salary in effect}}{\text{Number of school days in the school year}} \times \text{Number of additional days}$$

### Members in Receipt of an Allowance

STF members who are receiving an allowance in accordance with Article 4 of the 2019-2023 *Provincial Collective Bargaining Agreement* or an allowance provided in a local collective agreement, are still eligible for compensation under Article 2.6 as well. An allowance is part of the compensation for the additional duties carried out during the school year as defined by the school division calendar. The provision of an allowance does not provide the employer with access to the time of members outside the number of days identified for the school year.

For example, a request from the board of education to principals, vice-principals and assistant principals to create school plans in advance of the start of the school year will qualify principals, vice-principals and assistant principals to compensation as per Article

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2.6 if the time required to create the school plans is in addition to the number of days identified in the school division calendar. Such a request need not come directly from the board of education, but can also be made indirectly through administrators, the Ministry of Education, or the Government of Saskatchewan.

### Collecting Compensation

Members who attend such an event need to document the date of the event and the time spent at the event, and report their attendance to the human resources superintendent/supervisor for their division. Members then need to monitor their pay stub to ensure they receive compensation for attending the event in accordance with Article 2.6.

If members do not receive the deserved compensation, they should:

- Confirm with the human resources superintendent/supervisor that the employer was aware of the additional service and the provisions of Article 2.6.
- Seek clarification as to why the compensation was not provided.
- If there is disagreement between the member and the employer in respect to the language and intention of Article 2.6, members are encouraged to contact the STF senior administrative staff assigned to their local association.
- Work with the senior administrative staff to reconcile the situation with the employer.

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# DUTY TO ACCOMMODATE

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# NOON-HOUR SUPERVISION

## ► SCHOOL RE-OPENING ADVISORY

The Federation takes the position that teachers have a right to a duty-free lunch period. When teachers do noon-hour supervision, they do so on a voluntary basis, subject to the provisions of their local collective bargaining agreement.

This position is consistent with the statutory and contractual obligations that are applicable to teachers. Section 231 of *The Education Act, 1995* sets out the statutory duties of teachers. It does not include a statutory duty for teachers to provide supervision during lunch breaks. This has been confirmed by case law from the Saskatchewan Court of Queen's Bench.

*The Education Regulations, 2019* include a provision regarding the responsibility to provide noon-hour supervision. Section 53 states as follows:

### Noon hour supervision

- 53** Every board of education and the conseil scolaire shall take any steps that it considers necessary with respect to designating a responsible person to remain at schools during the noon hour.

This places the responsibility for providing supervision during lunch breaks on boards of education, not on individual teachers. Significantly, this provision states that the board must designate a "responsible person" to provide noon-hour supervision, but this does not necessarily mean a teacher. This is consistent with the Federation's belief that teachers may agree to provide noon-hour supervision voluntarily, but they do not have to do so.

In addition to the provisions of *The Education Act, 1995* and *The Education Regulations, 2019*, teachers are subject to the *2019-2023 Provincial Collective Bargaining Agreement*. The provisions of the provincial agreement are silent with respect to the matter of noon hour supervision. The explanatory note which accompanies Article 16 – Teacher Assigned Time does speak to break supervision:

### Clause 16.7 Explanatory Note:

Supervision of students during recess or break periods is considered to be a part of the teachers' professional responsibilities and, therefore, is not considered to be assigned time.

This explanatory note is intended to provide some clarification regarding the rationale for and implementation of Article 16, and specifically the distinction between teacher assigned time and the professional responsibilities of teachers, but it does not change the fact that teachers have a right to a duty-free lunch period unless they agree otherwise.

Teachers are also subject to the provisions of their local collective bargaining agreement. If a contractual obligation for a teacher to perform noon hour supervision can be found, it must be found within the provisions of such an agreement. Accordingly, if a teacher is directed by their employer to perform noon hour supervision, it is necessary to review the provisions contained in the current local agreement and confirm the obligations of both the teacher and the board of education.

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# CHANGING ASSIGNMENTS

## ► SCHOOL RE-OPENING ADVISORY

Teachers' contracts of employment are held with a board of education or the conseil scolaire as per the provisions of Section 200 of *The Education Act, 1995*. The contract of employment is to provide teaching service. The teaching contract does not specify the subjects or grades to be taught in fulfilling the obligations of the contract, and a Professional A Certificate confers eligibility to teach all subjects to students in all grades in Saskatchewan schools.

The challenges of the global pandemic and the impact on the provision of education in Saskatchewan means boards of education and the conseil scolaire may have suspended some courses or programs typically offered to students in order to align with standing public health orders. Teachers are contractually obligated to provide teaching service in whatever assignment their employer determines so long as it complies with the expectations of the 2019-2023 *Provincial Collective Bargaining Agreement*.

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# EXTRACURRICULAR ACTIVITIES

▶ SCHOOL RE-OPENING ADVISORY *Added September 1, 2020*

The Federation is advising all members to suspend volunteering for extracurricular activities until further notice. Whether to proceed with extracurricular activities has been left to the discretion of each school division. The STF reminds members that your participation in extracurricular activities is strictly voluntary.

Our priority is to ensure the health of students, teachers and all staff as schools re-open. The STF's position is that extracurricular activities increase the risk of COVID-19 transmission and undermine the important work that has taken place in school divisions to implement cohorting, social distancing expectations, timetable adjustments, staggered start times and other precautions.

Safety is of the utmost of importance, but the priority remains teaching and learning. When students return to school on September 8, they will not have been in classrooms for more than five months. There will be gaps in learning to address, and new procedures and routines to establish. Suspending participation in extracurricular activities enables you as teachers to focus on teaching and easing the transition back into the classroom.

The STF recognizes the important role extracurricular activities play in the lives of students and remains committed to assess when it is appropriate to resume extracurricular activities safely.

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# TRAVEL

## ▶ SCHOOL RE-OPENING ADVISORY

Added September 21, 2020

Due to the ever-evolving nature of public health advisories and directives, STF members are encouraged to carry out the following steps if they are considering any form of travel:

1. Go to the Government of Canada website and determine the status of travel bans or restrictions for your route and destination.
2. Go to the Province of Saskatchewan website and determine the current directives of the Chief Medical Health Officer of Saskatchewan in regards to travel in general.
3. Review the administrative procedure for your school division.
4. Contact your school division office and speak with the Human Resources Superintendent or Supervisor. Share what you have learned in regards to travel restrictions from the Government of Canada and current travel directives from the Chief Medical Health Officer in Saskatchewan. Confirm your understanding of the administrative procedure of the school division in regards to travel based on the information you have provided.
5. In the event you have outstanding questions or require further assistance, contact the Saskatchewan Teachers' Federation for assistance. Ask to speak to the senior administrative staff member that provides support for your local association.

STF members who choose to travel without authorization must be prepared to accept the potential negative health and economic consequences of their actions.

The Response Planning Team provided boards of education with a template document to be used as a framework to create individual school division administrative procedures regarding expected employee behaviours for safety, illness guidelines, public health orders, access to quarantine benefits, additional health supports and refusal-to-work guidelines.

Although the document is a template and specific wording in school division administrative procedures may vary, it is important for STF members to be aware of the suggested language regarding travel:

- Until further notice, staff who have out-of-Canada travel scheduled should cancel travel plans.
- In the event that the staff member considers travel to be essential, contact with the Superintendent of Human Resources is required prior to travel.
- Employees who have traveled internationally and are subject to the mandatory 14-day self-isolation period upon their return to Canada will not have access to quarantine leave during that self-isolation period.
  - Employees may apply in advance for any other leaves for which they may be eligible in order to cover the 14-day self-isolation period.
  - If an employee does not make arrangements, in advance of travel, for leave to cover the 14-day self-isolation period, the employee may be considered on an unauthorized absence.
  - The employee must not return to work during the 14-day mandatory self-isolation period.
  - The employee must provide the division with the following documentation:
    - request for leave in advance of travel; and
    - the date of return to Canada.

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# DOUBLE DUTY

## ▶ SCHOOL RE-OPENING ADVISORY *Added October 15, 2020*

As school divisions implement traditional and alternative delivery methods to support the educational needs and safe return of students, teachers may find themselves being asked to perform additional duties.

A full school day of in-person classroom instruction has been and continues to be recognized as a full-time assignment. The provision of virtual instruction, although less common in the past but now facing a growing demand, must be recognized as equivalent to

in-person instruction when determining the assignment of teachers' duties. Thus, if a teacher is assigned to provide face-to-face instruction to students in the classroom and simultaneously provide virtual instruction to students who choose to learn from home (all of the students having been assigned to the teacher), then the teacher has been assigned more than a full-time teaching assignment and would be considered to be providing double duty.

DOUBLE DUTY	NOT DOUBLE DUTY
Assignment of teaching duties requiring teachers to provide both full-day, in-person instruction and additional virtual instruction to registered students.	Classroom teacher providing instruction and academic support to students who are absent from school for medical or quarantine reasons until their eventual return within a reasonable amount of time: <ul style="list-style-type: none"><li>• This rests on the assumption they were attending school in person prior to becoming ill or quarantined.</li><li>• This practice has always been fulfilled by teachers.</li></ul>

### What should be the expectations for students?

- Students and families should be required to declare what option they are exercising. Will they attend in-person instruction, distance learning or home schooling?
- Students and families should be registered in a distance-learning program offered by the school division when they have chosen not to return to school, but wish to receive instruction from the school division.
- Students and families should be discouraged from opting in and out of in-person school attendance for non-medical reasons unless the school calendar provides a reasonable exit or entry point (i.e., end of a block of instruction).

Teachers strive to provide high-quality, equitable and sustainable teaching and learning opportunities for students. An assignment of double duty undermines the ability of teachers to meet those expectations, and challenges the efficacy of education for the students. A double duty assignment is neither equitable nor sustainable and boards of education need to seek additional funding from government to provide the personnel to fulfil the two full-time positions for the sake of both student learning and teacher well-being.

If you believe your circumstances may be deemed double duty, contact the Federation.

V4.0 / October 15, 2020 – If you have any questions or concerns contact the STF at 1-800-667-7762.