

December 15, 2021

By Email Only to: wca-cor@gov.sk.ca

Louise Greenberg, PhD
Chairperson
Workers' Compensation Act Committee of Review
300-1870 Albert Street
Regina SK S4P 4W1

Dear Ms. Greenberg:

Thank you for the opportunity to include the voice of Saskatchewan teachers within the work of the Workers' Compensation Act Committee of Review. The Saskatchewan Teachers' Federation (STF) has the legislated mandate to advance the interests of teachers when and where opportunities arise. As such, reviews of this nature fall within the purview of the organization's mandate.

Teachers' Long-Term Disability Plan

School teachers under contract in Saskatchewan's public schools fall under "excluded industries and occupations" pursuant to Article 3, Section (z) of *The Workers' Compensation Miscellaneous Regulations*. As regular STF members, these professionals have access to the Teachers' Long-Term Disability Plan (LTD Plan) which provides compensatory income and rehabilitative services when a teacher is unable to work due to sickness or injury. The LTD Plan is administered by a Board of Directors which includes six regular STF members and two independent pension and benefits professionals. The LTD Plan has helped thousands of teachers through challenging times, and STF data suggests that members are overwhelmingly in favour of continuing with a teacher-administered plan for compensating sickness and injury. However, while teachers are in favour of maintaining their LTD Plan as it currently exists, many express a desire for greater employer accountability when injured at work and a greater obligation for employers to create and ensure a safe workplace for both teachers and their students.

Substitute Teachers

While school teachers under contract in Saskatchewan's public schools are excluded from Workers' Compensation Board benefits, substitute teachers became eligible in 2014. As expressed through STF Policy 2.8.2(2) (Substitute Teachers), Saskatchewan teachers believe that "substitute teachers are vital partners in the provision of PreK-12 education and critical to students' ongoing success." Per Saskatchewan legislation, substitute teachers are, however, only considered Federation members on days they are employed. Therefore, STF Policy 2.8.2(4) clarifies that "... due to their unique employment circumstances, [substitute teachers] may have a need for specialized or differentiated supports and services." Workers' Compensation benefits are an important component of this suite of supports.

DECEMBER 15, 2021
LOUISE GREENBERG, PHD
CHAIRPERSON
WORKERS' COMPENSATION ACT COMMITTEE OF REVIEW
PAGE 2

In past reviews, the Federation has asserted that both the circumstances of employment and the working conditions of substitute teachers are unique and distinct from other workers accessing Workers' Compensation benefits. This assertion remains, and in fact, many of the most challenging aspects of substitute teaching have only been amplified by factors such as increasing class complexity, a reduction in school support staff and the COVID-19 pandemic – which itself has brought renewed attention to the mental health and well-being of all teachers. It is essential, therefore, that those adjudicating worker appeals have a broad understanding of the realities of substitute teaching in order to apply fair and balanced decision making to cases brought before them. Substitute teachers also remain at a disadvantage for any short-term illness, such as flu, colds, pink eye and now COVID-19, that they may contract in the workplace. Unlike contract teachers, substitute teachers do not have access to paid sick leave. Being ill means they are not paid, and this financial pressure may result in ill employees attending the workplace when they should not.

Board Governance

Historically, the Federation has supported an expanded Board governance structure. This would allow for greater diversity and representativeness in decision making during the appeal process, as well as assist in reducing the number of outstanding appeals. The Federation has also stated support in prior reviews for a final level of appeal external to the Workers' Compensation Board if sufficient evidence suggests that such a structure would better accomplish the objective of providing a fair and balanced decision-making process. With respect to the current review, the Federation remains in support of these proposed changes.

Class Complexity

Through surveys, emails and telephone calls, members have informed the STF repeatedly about the factors that contribute to unsafe teaching and learning environments. Again and again, these first-hand accounts find their roots in one cause – class complexity. Complexity in an educational setting means that the array of needs that Saskatchewan students bring into the classroom have outpaced the PreK-12 education system's ability to meaningfully address them. How class complexity appears on the front lines – through behavioural issues, disability needs, learning exceptionalities, socioeconomic realities and other factors – leaves teachers feeling vulnerable to burnout, exhaustion and attrition. The Federation believes that class complexity is the pressing issue facing public education in Saskatchewan today, and that the problem will only compound the longer it is allowed to continue without meaningful and sustainable intervention.

DECEMBER 15, 2021
LOUISE GREENBERG, PHD
CHAIRPERSON
WORKERS' COMPENSATION ACT COMMITTEE OF REVIEW
PAGE 3

Over time, the number of psychologists, counsellors, educational assistants, nurses, social workers, speech language pathologists, librarians and other complementary staff in the PreK-12 education system has declined relative to the increase in student enrollment. This leaves teachers to shoulder the responsibility of meeting curricular outcomes while managing the complex array of needs those students bring to the classroom as they pursue their fundamental right to a quality public education. In many settings, these challenges are amplified by large class sizes. Teachers have a reputation for going above and beyond for their students; unfortunately, in many instances today, this puts them in a position where their physical and/or mental health are likely to be compromised.

All partners in Saskatchewan's public education system are beginning to acknowledge the reality of class complexity. While those who access the Federation's LTD Plan and WCB benefits are no doubt thankful that their financial burden can be partially offset, prevention is always preferable to remediation. The Federation urges the Government of Saskatchewan to work with boards of education to meaningfully and sustainably address class complexity. The Federation believes this will pay substantial dividends towards creating safer teaching and learning environments and preventing workplace injury.

Conclusion

The Saskatchewan Teachers' Federation seeks every opportunity to advance the voice, professionalism and well-being of all teachers in Saskatchewan. Despite a high degree of satisfaction with the LTD Plan, the Federation will continue to explore every opportunity to ensure there is meaningful accountability and clear recourse when teachers are injured at work.

We appreciate the opportunity to provide initial comments to the Workers' Compensation Act Committee of Review and welcome all opportunities for further dialogue on this matter as this review proceeds.

Sincerely,

A handwritten signature in black ink that reads "Pat Maze". The signature is written in a cursive, slightly slanted style.

Patrick Maze
President

PM/lph

cc: Milton Block, Associate Executive Director, Saskatchewan Teachers' Federation
Troy Milnthorp, Senior Managing Director, Corporate Fund Services, Saskatchewan Teachers' Federation
Bobbi Taillefer, Executive Director, Saskatchewan Teachers' Federation