



CUPE·SCFP

MEMORANDUM

To: Ontario Region School Board Locals and National Staff

From: Laura Walton – President OSBCU
Paul Sylvestre– CUPE National Health and Safety Representative

Re: Asbestos Communication

Note: The intended audience for this memo is K-12 CUPE Local Executive Committee members, stewards, health and safety leads and those representing CUPE members on a Joint Health and Safety Committee (“JHSC”) or as a Health and Safety Representative (“HSR”)

The Provincial Working Group on Health and Safety¹ in the Education Sector has developed a guideline to assist school boards with their legislative requirements and provide best practices when communicating the hazard of asbestos to workplace parties. The Guidelines and a letter to school boards from the EDU Deputy Minister Andrew Davis are attached to this memo.

Asbestos exposure is one of the leading [causes of occupational cancer](#) in Canada. [CAREX Canada reports](#) that elementary and secondary school staff represent the fourth highest occupational group exposed to asbestos, at a rate of 13000 workers annually.

In Ontario, [O. Reg. 278/05 Designated Substance - Asbestos on Construction Projects and in Buildings and Repair Operations](#) under the [Occupational Health and Safety Act](#) sets out various requirements for employers and owners of workplaces containing asbestos-containing material (“ACM”). Those requirements include, among others, maintaining ACM records and providing information to workers about the locations of ACM in their workplace if they are likely to disturb the material.

Despite these legal requirements, not all workplace parties receive the same information, if at all. As such, the Guideline aims to explain those requirements while offering best practices to ensure accidental exposure to asbestos doesn't occur on the job or during abatement projects.

We recommend adding the Guidelines to the agenda of the Joint Health and Safety Committee meeting to determine if the school board and administration provide adequate asbestos communication at the school level.

For more information on O. Reg. 278/05, see <https://www.ontario.ca/document/guide-regulation->

¹ The PWGHS is a joint working group consisting of the Council of Trustee Associations (CTAs) and the education sector unions (Union affiliates). It is facilitated by the Crown through the Ministry of Education. The mandate of the PWGHS is to work collaboratively to determine best practices to address health and safety concerns in school boards.

[respecting-asbestos-construction-projects-and-buildings-and-repair](#)

Attachments:

1. Communication Guidelines for the removal of asbestos in schools – Ministry of Education
2. Guidelines for Communicating the Hazard of Asbestos in Schools (K-12) – PWGHS

Ministry of Education
Education Labour and Finance
Division

315 Front St. W., 11th Floor
Toronto ON M7A 0B8
Tel.: 416 326-6939

Ministère de l'Éducation
Division des relations de travail et du
financement en matière d'éducation

315, rue Front Ouest, 11e étage
Toronto, ON M7A 0B8
Tél. : 416 325-6939

Date: November 7, 2023

Memorandum to: Directors of Education

From: Andrew Davis
Assistant Deputy Minister
Education Labour and Finance Division

Subject Communication Guidelines for the removal of asbestos in schools.

I am writing on behalf of the Provincial Working Group on Health and Safety (PWGHS) to provide you with the attached Guidelines for Communicating the Hazard of Asbestos in Schools (K-12).

The PWGHS is a joint working group consisting of the Council of Trustee Associations (CTAs) and the education sector unions (Union affiliates). It is facilitated by the Crown through the Ministry of Education. The mandate of the PWGHS is to work collaboratively to determine best practices to address health and safety concerns in school boards. The best practices agreed upon by the PWGHS are meant to be used as voluntary guidance only.

The attached document provides guidance on communicating with stakeholders with respect to asbestos remediation in schools, and outlines reporting and requirements and responsibilities under the Occupational Health and Safety Act. It is meant to act as a supplement, as deemed appropriate by the school board, to existing processes and procedures. These guidelines were prepared, reviewed, and approved by both the union and CTA members of the PWGHS.

Sincerely,

Original signed by

Andrew Davis
Assistant Deputy Minister,
Education Labour and Finance Division

Attachments:

- **Guideline for Communicating the Hazards of Asbestos in School (K-12)**
- **Lignes directrices sur la communication des risques de l'amiante dans les écoles (de la maternelle à la 12^e année)**

c: Provincial Working Group on Health and Safety (PWGHS)
François Laperle, Association des conseils scolaires des écoles publiques de l'Ontario (ACÉPO)
Anne Lavoie, Association des enseignantes et des enseignants franco-ontariens (AEFO)
Véronique-Anne Towner-Sarault, Association franco-ontarienne des conseils scolaires catholiques (AFOCSC)
Paul Sylvestre, Canadian Union of Public Employees (CUPE)
Tracie Edward, Elementary Teachers' Federation of Ontario (ETFO)
Beverly Minna, Education Workers' Alliance of Ontario (EWAO)
Matt Beattie, Ministry of Education (EDU)
Sandra Cadeau, Ontario Council of Educational Workers (OCEW)
Katrina Wheaton, Ontario English Catholic Teachers' Association (OECTA)
Ron McNamara, Ontario Catholic School Trustees' Association (OCSTA)
Tilia Cruz, Principals' Associations (OPC, CPCO, ADFO)
Andrew Gold, Ontario Public School Boards' Association (OPSBA)
Norm Westbury, Ontario Secondary School Teachers' Federation (OSSTF)

Guidelines for Communicating the Hazard of Asbestos in Schools (K-12)

The [Occupational Health & Safety Act](#) (the “Act”) and its associated regulations are built on the premise of the Internal Responsibility System (IRS). This means that the workplace parties are best placed to work collectively towards achieving a safe and healthy workplace. In order to achieve this the Act identifies duties and responsibilities of the various parties.

Among the many Employer responsibilities, three duties are of specific interest when communicating about the hazards in a workplace. They are:

25(2)(a) provide information, instruction, and supervision to a worker to protect the health and safety of the worker;

25(2)(d) acquaint a worker or a person in authority over a worker with any hazard in the work; and

25(2)(h) take every precaution reasonable in the circumstances for the protection of the worker.

In support of the employer responsibilities, the Supervisor shall:

27(2)(a) advise a worker of the existence of any potential or actual danger to the health and safety of the worker of which the supervisor is aware;

27(2)(b) where so prescribed, provide the worker with written instructions as to the measures and procedures to be taken for the protection of the worker; and

27(2)(c) take every precaution reasonable in the circumstances for the protection of a worker.

In turn the worker shall:

28(1)(a) Work in a safe manner in compliance with the Act;

28 (1) (b) use or wear the equipment, clothing and protective devices that the employer requires to be used or worn; and

28 (1) (c) report any contravention of the Act or the Regulations or the existence of any hazard that they know.

Further to these requirements there are prescribed requirements in [Regulation 278/05: Designated Substance - Asbestos on Construction Projects and in Buildings and Repair Operations](#) that further clarify the requirements.

Information for workers

Sections 5(1) and 5(2) of *Regulation 278/05* outline the provision of information to workers whenever a worker is to do work in proximity to asbestos or asbestos containing material (ACM) and may disturb it.

In this case, the employer is required to provide the worker the location of all ACM in the building and whether the material is friable¹ or not.

If the ACM is sprayed-on friable material, the worker must be informed of the type of asbestos, if known, or if the material will be treated as though it contained a type of asbestos other than chrysotile.

Notice to building occupants

Section 8(3) of *Regulation 278/05* requires the owner of a building to:

- Give any occupier of the building written notice of any information in the record² that relates to the area occupied by the person;
- Give any employer with whom the owner arranges or contracts for work³ written notice of the information in the record, if the work, may involve material mentioned in the record, or may be carried on in close proximity to such material and may disturb it;
- Advise workers employed by the owner who work in the building of the information in the record, if workers may do work that:
 - involves ACM mentioned in the record; or
 - is to be carried on in close proximity to the ACM and may disturb it; and
- Establish and maintain a training program for every worker employed by the owner who works in the building, and their work is to be carried on in close proximity to ACM and may disturb it. The training program, if required, must deal with:
 - the hazards of asbestos exposure;
 - the use, care and disposal of protective equipment and clothing to be used and worn when doing the work;
 - personal hygiene to be observed when doing the work; and
 - the measures and procedures prescribed by *Regulation 278/05*

Individual Responsibilities

School Boards

School Boards must ensure that the record described in *Regulation 278/05* is kept at each building with asbestos containing material (ACM) or where material is treated as ACM. The record should be in a binder and should also include the following information:

¹ “friable” means material that is or can be crumbled, pulverized or powdered when the material is dry.

²The record shall contain the following information:

1. The location of all ACM
2. For each location, whether the material is friable or non-friable.
3. In the case of friable sprayed-on material, for each location,
 - i. if the material is known to be asbestos-containing material, the type of asbestos, if known, or
 - ii. in any other case, a statement that the material will be treated as though it contained a type of asbestos other than chrysotile.

³ Applies to work other than demolition, alteration, repair of all or part of a building.

- ACM location, type and physical state;
- Record of staff acknowledgment of ACM locations and procedures to follow to avoid disturbing the material;
- Contractor acknowledgment of ACM locations and procedures to follow to avoid disturbing the material;
- Record of all inspections and assessments;
- Warning signs;
- Template Letter to parents;
- Template Letter to staff;
- Prior work/abatement projects; and
- Duties of the employer, principal/site supervisor/, worker, contractor.

School boards must report to the following parties if suspected ACM, not included in the existing record, is discovered during work:

- (a) an inspector at the office of the Ministry of Labour, Training and Skills Development nearest to the workplace;
- (b) the owner, if any;
- (c) the contractor, if any; and
- (d) the joint health and safety committee or the health and safety representative, if any, for the workplace.

The report described above must immediately be done orally and in writing.

Additional school board responsibilities include:

- Ensure adequate asbestos awareness training to all school board workers who will, or will likely, come into contact with ACMs;
- Notify staff and other building occupants, and the Joint Health and Safety (JHSC) or Health and Safety Representative (HSR) of all upcoming and ongoing asbestos management projects;
- Ensure any air monitoring reports are provided to the JHSC/HSR and posted in place where it will come to the attention of staff;
- Ensure that the JHSC is consulted on the scope of testing and having a worker representative of the JHSC or the HSR present at the beginning of testing if the member or representative believes their presence is required; and
- Consult with the JHSC/HSR regarding the asbestos management program and associated training.

Principal/Site supervisor

The school principal or site supervisor must:

- Ensure all employees are informed of the location of ACM that may be disturbed in the course of their duties; and
- Ensure all employees who with or in proximity to ACM have received instruction and training before commencing work activities that may disturb the ACM.

Activities that may disturb ACM include, but are not limited to:

- Drilling into walls and doors (interior & exterior);
- Wiring above false ceilings;
- Removing or altering thermal insulation;
- Displacing, removing, cutting ceiling tiles; or
- Removing, cutting, sanding or piercing floor tiles.

Although it is not required by the Act or Regulation, there are best practices for communicating with the school community (staff, students, parents/guardians) about asbestos removal projects at a school or site. They include:

- Communicating with staff and providing details about evening and weekend asbestos abatement projects, including dates and times not to enter the school or site.
- Letters to parents/guardians about upcoming asbestos abatement projects and the steps schools take to ensure the safety of students.

School and Site Staff

School and site staff must:

- Participate in asbestos training as required and work in a manner that does not disturb or damage ACM;
- Ensure students under their supervision do not engage in activities that may disturb or damage ACM; and
- Immediately report to the principal or site supervisor any suspected damaged or fallen ACM.

For further information and other details about ACM at your workplace, consult your school board's asbestos management plan or contact your local occupational health and safety coordinator.

Resources:

Ministry of Labour, Training and Skills Development - [A Guide to the Regulation Respecting Asbestos on Construction Projects and in Buildings and Repair Operations](#)

Appendix – Sample Communications Letter

Appendix – Sample Communications Letter

Dear Staff, Parent or Guardian:

Re: Notice of Planned Asbestos Removal/Repair

Asbestos-containing material will be removed/repared at _____ school

When will Asbestos Removal/Repair take place?

Removal will start on _____ and end on _____.

What Precautionary Measures are taken during Removal/Repair?

The _____ School Board does not allow any asbestos removal/repair procedures to be carried out which could pose a hazard to either workers performing the removal, or to staff and students in the school.

- All work is done in accordance with procedures which meet those described in *Ontario Regulation 278/05* made under the *Occupational Health and Safety Act*.
- All work relating to asbestos is performed by workers qualified and experienced in asbestos remedial work and they in turn will be supervised.

What are the Risks to the Staff and Students in the School and Children who may be playing in the School Yard?

If the work is done in accordance with the job specifications set out by the _____ School Board, there is no risk.

- Asbestos fibres shouldn't pose a risk unless they are disturbed and airborne
- Wetting of asbestos-containing materials and enclosure of the work area helps to ensure that no asbestos fibres are released into the air.
- Air monitoring will be performed before, during, and after the removal/repair operation by a qualified Asbestos Consultant hired by the _____ School Board to check that no fibres escape from the work area.

Who do I contact for further information?

If you would like further information on the planned asbestos removal/repair operation, please contact the Principal.

Guidelines for Communicating the Hazard of Asbestos in Schools (K-12)

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Who do I contact for further information?

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