



Flexible Working Arrangements, Phase 5: New Policy

To: Special Governance and Policy Committee

Date: 16 June, 2022

Report No.: 06-22-4352

Strategic Directions

- Create a Culture for Student and Staff Well-Being
- Allocate Human and Financial Resources Strategically to Support Student Needs
- Build Strong Relationships and Partnerships Within School Communities to Support Student Learning and Well-Being

Recommendation

It is recommended that the Flexible Working Arrangements Policy, as presented in this report, be approved.

Context

The Flexible Working Arrangements Policy (P048) (the “Policy”) is being developed in accordance with the directions obtained by Trustees and the Policy Development Work Plan approved by the Governance and Policy Committee on 9 February 2022, and Board of Trustees on 9 March 2022.

The Policy supports the TDSB’s commitment to flexible working, where practicable, in a manner that maintains performance standards, accountability, and service to the Toronto District School Board (TDSB) community.

The Policy will advance the TDSB’s commitment to employment equity, diversity, inclusion, employee mental health and well-being as outlined in the TDSB Multi-Year Strategic Plan, Employment Equity Policy (P029), Equity Policy (P037), and Accessibility Policy (P069).

The objectives of Policy are as follows:

- To establish requirements and expectations for flexible working at the TDSB;

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- To support employee productivity and engagement through an improved work-life balance;
- To maximize effective use of administrative office space;
- To enhance the Board's competitive hiring practices, talent acquisition and retention strategies; and,
- To maintain service delivery and business continuity in the event of an emergency.

As part of development of the Policy development, staff considered the Board's operational requirements, best practices, alignment with legislative requirements, the TDSB's administrative sites review and feedback from public consultations, which took place with the Board's community advisory committees, school councils, Student Senate, union/federation partners, TDSB employees and the community from April 28 to June 13, 2022 (45 calendar days). The Policy is consistent with the recently adopted Disconnecting from Work Policy (P102).

The Flexible Working Arrangements Policy (Appendix A) is being provided for the Committee's review and approval.

Action Plan and Associated Timeline

Subject to the Governance and Policy Committee's directions, the draft Policy will be provided to the Board of Trustees for consideration and final approval. Staff will initiate the review of existing and, as required, development of operational procedures to support implementation of the Policy.

Resource Implications

No additional resources will be required for the development and implementation of the Policy at this time.

Communications Considerations

Following Board approval, the Policy will be communicated to the public in accordance with the Policy Development Work Plan.

Implementation of the new Flexible Working Arrangements Policy will be supported by a Change Management Plan led by Service Excellence Department.

Board Policy and Procedure Reference(s)

Not applicable.

Appendices

- Appendix A: Flexible Working Arrangements Policy

From

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Toronto District School Board

Policy P [number]

Title: **FLEXIBLE WORKING ARRANGEMENTS**

Adopted: [date of approval of the policy]
Effectuated: [date when the policy came into effect]
Revised: [date when the policy was amended]
Reviewed: [date when the policy was reviewed]
Authorization: Board of Trustees

1. RATIONALE

The Flexible Working Arrangements Policy (the “Policy”) supports the TDSB’s commitment to flexible working, where practicable, in a manner that maintains performance standards, accountability, and service to the TDSB community.

The Policy advances the TDSB’s commitment to employment equity, diversity, inclusion, employee mental health and well-being as outlined in the TDSB Multi-Year Strategic Plan, Employment Equity Policy (P029), Equity Policy (P037), and Accessibility Policy (P069).

The Policy also supports continuous improvement initiatives at the TDSB through Service Excellence and facilitates business continuity under the Enterprise Risk Management Framework.

2. OBJECTIVE

- To establish requirements and expectations for flexible working at the TDSB;
- To support employee productivity and engagement through an improved work-life balance;
- To maximize effective use of administrative office space;
- To enhance the Board’s competitive hiring practices, talent acquisition and retention strategies;
- To maintain service delivery and business continuity in the event of an emergency.

3. DEFINITIONS

Board refers to the Toronto District School Board, which is also referred to as the “TDSB.”

Flexible Working refers to alternate work arrangements which provide greater flexibility and may include various types or combinations of working arrangements, including but not limited to remote working, scheduling working hours within TDSB core hours, alternative work schedules (e.g., summer flex hours program).

Information Technology Resources include but are not limited to computers, phones, tablets, cellular/mobile technology, computer applications, email, servers, networks, internet services, internet access including access to external websites, data and any other electronic or communication technology that exist today or may be developed in the future regardless of whether or not it may be used as a standalone device.

Record refers to any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, made or received and retained by an organization in pursuance of legal obligations or in the transaction of business.

Remote Working refers to an alternate work arrangement, in which work that is normally conducted by the employee at a TDSB site, is performed at an alternate location including the employee’s home.

TDSB refers to the Toronto District School Board, which is also referred to as the “Board.”

Workplace, under the Occupational Health and Safety Act, refers to any land, premises, location or thing at, upon, in or near which an employee works, but does not include a private residence and its related lands.

4. RESPONSIBILITY

The Director of Education holds primary responsibility for the implementation of this Policy.

Within the Director’s Office, the responsibility for the coordination and day-to-day management of the Policy is assigned to the Associate Director, Business Operations and Service Excellence.

5. APPLICATION AND SCOPE

This Policy applies to TDSB staff authorized for flexible working arrangements based on assessment and approval of eligibility criteria outlined below in section 6.1. General Principles.

This Policy may have limited application to the Director of Education, Associate Directors, Executive Council members, Superintendents of Education, based on their roles, responsibility, and support of stakeholders within the organization.

This Policy does not apply or may have limited application to certain staff due to the nature of their work or staff that directly serve students and schools as these are critical positions required to provide the highest level of support to students, parents/guardians, and the school communities. Examples of positions are listed in the Appendix A.

6. POLICY

6.1. General Principles

- 6.1.1. The Board recognizes that modern employment techniques and methodologies, including flexible working, have significant potential for advancing service delivery, business continuity, and attracting a diversity of talent.
- 6.1.2. The Board acknowledges that flexible working can be mutually beneficial to the organization and individual employees by improving employee mental health and well-being; making better use of office space at TDSB sites; strengthening service delivery; and supporting overall environmental objectives and the TDSB's Climate Action Plan.
- 6.1.3. Successful flexible working arrangements will be built on mutual understanding between TDSB employees, supervisors and Employee Services.
- 6.1.4. The Board will determine flexible working arrangements based on strategic and operational requirements of the TDSB.
- 6.1.5. Flexible working arrangements, including remote working, are non-mandatory, optional arrangements intended to provide flexibility to employees, and as such cannot constitute any additional commitments, liabilities or costs on behalf of the Board.
- 6.1.6. The Board will establish core hours as part of flexible working.
- 6.1.7. Eligibility for flexible working will be based on employee job description, duties and responsibilities, performance expectations, and the ability to carry out job responsibilities under flexible working arrangements. Eligibility for flexible working will require formal authorization by supervisor and will subsequently be submitted to the Executive lead and Employee Services to ensure consistency of application for position/job category across the organization.
- 6.1.8. The resources that an employee needs to do their job must be easily transferable or available electronically in order to work remotely.

- 6.1.9. TDSB employees may participate in flexible working on a temporary or permanent basis as determined by the Board and based on operational needs.
- 6.1.10. Flexible working arrangements will be incorporated into job postings as they apply to the position being filled.
- 6.1.11. Flexible working employees will abide by all terms and conditions of their employment, including the relevant employment and collective agreement, TDSB policies and procedures, and any applicable legislation, including the *Ontario Employment Standards Act*, and regulatory requirements.
- 6.1.12. Employees are expected to reside within Ontario and be able to attend their assigned TDSB administrative sites with sufficient notice and as needed.
- 6.1.13. Remote working arrangements will be based on a schedule established and agreed upon between the employee and employee's supervisor but may be modified or revoked by the TDSB at any time with sufficient notice to the employee.
- 6.1.14. Employee compensation, work status, total number of work hours, workload and work responsibilities will not change for remote working employees.
- 6.1.15. Accommodation requests, including accessibility or integration of flexible working arrangements as part of gradual return to work programs, will be addressed in accordance with the Accessibility Policy (P069) and Employment Equity Policy (P029).

6.2. Performance Accountability

- 6.2.1. TDSB supervisors and employees have a shared responsibility for establishing successful flexible working conditions that enable employees to achieve high performance expectations.
- 6.2.2. To promote performance accountability, employee duties, responsibilities and performance expectations under the flexible working arrangement will be clearly outlined.
- 6.2.3. Flexible working employees' performance will be subject to the same performance evaluation process as all other employees, with an emphasis on outcomes and results.
- 6.2.4. Employees assigned to flexible working are expected to meet performance expectations as set out in their employment agreement and will remain accountable to their direct supervisor through regular check-ins and updates.
- 6.2.5. Flexible working employees are expected to maintain the same level of service and responsiveness to clients, both internal and external, including while working remotely.

- 6.2.6. Flexible working employees and supervisors may be required to complete training and review resources related to flexible working, including health and safety and use of business, collaboration, and communication tools, depending on the flexible working arrangement.

6.3. Employee Health, Safety and Well-Being

- 6.3.1. The Board recognizes health and safety as a shared responsibility of both the employer and its employees, and as such, encourages active participation of all employees in the prevention of accidents and the promotion of health and safety in the workplace.
- 6.3.2. Employees are expected to adhere to safe work practices outlined in the Occupational Health and Safety Policy (P048) and consistent with the *Occupational Health and Safety Act*.
- 6.3.3. Employees will designate a secure, clean, safe and quiet space as their workspace for remote working. Employees will be available on screen for virtual meetings.
- 6.3.4. All employees, including remote working employees, are subject to the TDSB's Restrictions on Alcohol, Drug and Tobacco Use Policy (P095) when working on TDSB property or while engaging in Board related functions.

6.4. Attendance Reporting

- 6.4.1. The TDSB will implement an attendance reporting system to support employee safety and well-being, to advance performance accountability, and to ensure compliance with the *Workplace Safety and Insurance Act* and federal tax regulations.
- 6.4.2. Flexible working employees are expected to be reachable via electronic means of communication during scheduled work hours and will report to work and/or report time worked in accordance with their employment agreement.
- 6.4.3. Remote working employees must be available to be physically present at a TDSB site as may be necessary from time-to-time for in-person meetings, training sessions, or similar events or activities, with sufficient notice to the employee.

6.5. Work Related Injury and Reporting

- 6.5.1. Remote working employees will follow the same accident or injury reporting requirements as employees working at a regular TDSB site.
- 6.5.2. TDSB staff will continue working with the Board's Joint Health and Safety Committee to review and address health and safety concerns related to flexible working.
- 6.5.3. The TDSB will not be held responsible for any non-work-related injuries that occur at an employee's personal residence used as a

remote working location, as well as any injuries to family members, visitors and others in the employee's personal residence.

6.6. Flexible Working Resources and Equipment

- 6.6.1. Remote working employees will be provided with standard equipment and information technology resources to perform their work efficiently and effectively.
- 6.6.2. Employees who are authorized to participate in remote working will be responsible for costs related to furnishings (e.g., chairs, desks, filing cabinets or printers, etc.) as well as internet, electricity, heat and hydro costs, when working from their personal residence.
- 6.6.3. Remote working employees will follow standard procurement process to order office supplies (e.g., stationery, paper, etc.) through Board approved vendors and will pick up the ordered supplies from the office for home use.
- 6.6.4. Employees are responsible for protecting the TDSB's physical assets, equipment and information technology resources at all times and may be required to cover replacement costs in case of loss, theft, improper use and damage.

6.7. Remote Working Technology Compliance

- 6.7.1. Remote working employees must have access to secure and reliable internet as a condition for approval.
- 6.7.2. Remote working employees must use the Virtual Private Network (VPN) application issued by the TDSB, when accessing public and open networks.
- 6.7.3. Using any other VPN application to access any TDSB information technology resources and services is prohibited, unless special permission or authorization has been obtained in advance by the Information Technology and Information Management Department.

6.8. Records Management and Protection of Privacy

- 6.8.1. TDSB policies and procedures, including the Records and Information Management Policy (P097), Acceptable Use of Information Technology Resources Policy (P088), and the Freedom of Information and Protection of Privacy Policy (P094) apply to employees when working under flexible work arrangements.
- 6.8.2. Remote working employees must ensure secure storage of TDSB records at remote work locations, including in personal residences, at all times.
- 6.8.3. Employees must follow the TDSB processes for the disposal or destruction of TDSB records and information.

- 6.8.4. Employees are responsible for protecting TDSB's information resources (including confidential and personal information) from loss, theft, damage and/or unauthorized access, applying the same standards of care in the remote location as when regularly working at TDSB sites.

7. SPECIFIC DIRECTIVES

The Director of Education is authorized to issue operational procedures to implement this Policy.

8. EVALUATION

This Policy will initially be reviewed annually for the first four (4) years after the effective date, and at a minimum, every four (4) years thereafter.

9. APPENDICES

Appendix A: Examples of Positions not Currently Covered under the Flexible Working Arrangements Policy

10. REFERENCE DOCUMENTS

Policies:

- Acceptable Use of Information Technology Resources (P088)
- Accessibility (P069)
- Disconnecting from Work (P102)
- Freedom of Information and Protection of Privacy (P094)
- Occupational Health and Safety (P048)
- Records and Information Management (P097)
- Restrictions on Alcohol, Drug and Tobacco Use (P095)

Operational Procedures:

- Board Code of Conduct (PR585)
- Flexible Working (PR732)
- Freedom of Information and Protection of Privacy (PR676)
- Records and Information Management (PR677)

Legislative Acts and Regulations:

- *Accessibility for Ontarians with Disabilities Act*
- *Employment Standards Act*
- *Human Rights Code*
- *Occupational Health and Safety Act*
- *Workplace Safety and Insurance Act*

APPENDIX A**Examples of Positions not Currently Covered under the Flexible Working Arrangements Policy**

Not an exhaustive list, subject to change, seek confirmation with Employee Services.

Job Category/Classification

- Alternative Program Representative
- Aquatic staff
- Aquatics Instructor – PD & DD
- Attendance Counsellor
- Black Cultural Program Instructor
- Bus Driver
- Caretaking
- Ceramics Technician
- Child and Youth Counsellor
- Child and Youth Worker
- Classroom Co-coordinator and Program Facilitator
- Clerical
- Computer Technician Adult ESL
- Concurrent Program Instructor
- Court Liaison Worker
- Deaf/blind Intervenor
- Designated Early Childhood Educator
- Driver/Courier
- Early Childhood Assistant
- Educational Assistant
- Educational Assistant, SNAs
- Educational Audiologist
- ESL/LINC Instructors
- Food Program Assistant
- Food Services staff
- Grounds
- Horticultural Instructor
- Household Science Assistant
- Individual Student Support Assistant – SIP
- International Language Instructor
- Instructors
- Itinerant Music Instructor
- Job Coach
- Joint Health and Safety Committee Inspectors

- Laboratory Assistant
- LBS/ESL Outreach Worker
- Library Technician – Adult Day Schools
- Lifeguard/Instructor
- Literacy Basic Skills Instructor
- Lunchroom Supervisor
- Maintenance and Construction functions (MCSTC)
- Multilingual Team Leader
- Native Language Instructors and Parenting Worker
- Night school office, clerical and technical
- Noon Hour Assistant
- Occupational Therapist
- Office, Clerical and Technical – day & night
- Physiotherapists
- Principal
- Psycho-Educational Consultant
- Psychologists and Psychological Associate School Based Safety Monitor
- Security
- Seniors' Day-time Instructor
- Sign Language Facilitator
- Skilled Trades
- Social Worker
- Special Needs Assistant
- Speech-Language Pathologist
- Student Equity Program Advisor
- Student Travel Safety Assistant
- Teacher
- Vice-Principal
- Warehouse