

April 4, 2003

## **Health and Safety Bulletin**

### **Severe Acute Respiratory Syndrome (SARS)**

As the number of reported cases of Severe Acute Respiratory Syndrome (SARS) rises in Canada and worldwide, PSAC members are increasingly concerned for their health and safety at work.

All PSAC members have the right to work in a safe and healthy workplace. Accordingly, the PSAC is monitoring the situation and working closely with federal agencies and departments.

The purpose of this health and safety bulletin is to ensure that our members know what their health and safety rights are when dealing with their employer.

#### **What is SARS and how is it spread?**

SARS, commonly known as atypical pneumonia, is an acute respiratory infection of unknown cause, recently reported in individuals in Asia, Europe and North America. It is widely believed to be caused by a new cold-related virus.

Many experts believe that SARS is a highly infectious disease with severe individual and public consequences. The common belief is that most people contract the disease by way of entry through mouth, inhalation and eyes. The disease is likely being transmitted through the droplets that travel through the air when a person coughs or sneezes. It could also be transmitted through other bodily secretions. Close contact with an infected individual is therefore needed for the virus to be spread from one person to another. Some experts within the U.S. Centres for Disease Control have been reported to be of the opinion that SARS could, under certain circumstances, be transmitted by air.

The incubation period is believed to be anywhere from 1 to 10 days (from first exposure to onset of symptoms).

#### **What are the symptoms of SARS?**

SARS symptoms are similar to those of other respiratory illnesses. They include a high fever (over 38° C), cough and shortness of breath (trouble breathing). Other symptoms which have been reported include headaches, dizziness, sore throat, loss of appetite, diarrhea, nausea, muscle pain, etc.

## **Who is at risk for occupational exposure?**

The risk of infection is greatest for persons living with or caring for an individual with SARS. This includes health care workers, ambulatory care workers and other community care workers treating patients with SARS or responding to medical emergencies involving persons infected with SARS. Indeed, any worker in direct contact with the public is at risk. They may include airline personnel, airport personnel, immigration employees, customs and revenue employees, passport offices employees, employment insurance personnel, Canadian Food Inspection Agency employees, refugee board employees, laboratory workers, foreign affairs employees, parole officers, wildlife officers, environmental pollution officers, veterans affairs employees, etc.. Anyone who comes in close proximity with a possibly infected individual could be at risk for contracting SARS.

**IF YOU EXPERIENCE ANY SYMPTOMS OF THE DISEASE WHILE AT WORK, REPORT IMMEDIATELY TO YOUR SUPERVISOR, HEALTH SERVICES AND CONSULT YOUR PHYSICIAN.**

## **PSAC Recommendations on Workplace Prevention Strategies**

**Union members of the joint workplace and policy health and safety committees should request an emergency committee meeting to discuss all issues around SARS.** All concerned workers should ensure that an emergency meeting of the joint committees is convened as soon as possible if one has not already occurred.

**Workers must be provided with an active and current infection control program, specifically adapted to their workplace.** The approach must be proactive and focus on the protection of the worker. Knowledge of the risks of contracting SARS is the basis for a preventive approach to infectious diseases in the workplace.

**Infection control programs must involve workers.** This can be best achieved by union locals through Workplace Health and Safety Committees. Consultation of workers is essential in developing workplace policies and procedures for infection control.

**Workers must be provided with education and training.** Effective worker education and training must be a cornerstone of the employer's response to this infectious disease.

**Involve workers and the union in the development of the training program.** This lends credibility to the program and allows it to respond to specific issues raised by the workers. Education must be paid for by the employer and approved by the Workplace Health and Safety Committee.

**Daily updates as an overall communication strategy should be discussed by the Workplace Health and Safety Committee and immediately implemented in your workplace.**

**Personal protective equipment (PPE) must be supplied for workers and paid for by the employer. The workers must be thoroughly trained on how to use the equipment.** Personal protective equipment and work practices must **effectively** protect against transmission of diseases. Gloves and other personal protective equipment must be designed with sufficient quality to protect against infection.

**Specifically for SARS, the proper PPE for people exposed to a contaminated individual in the workplace or in the performance of your duties outside of the workplace is a N95 mask.** Those masks should be changed whenever they become wet or according to the manufacturer's recommendations. The mask should be issued with a plastic bag for safe disposal.

Other barrier precautions, such as gloves, gowns and footwear should be assessed depending on the risk of exposure within your specific workplace. The Workplace Health and Safety Committee must actively participate in the assessment and determination of proper PPE.

**Good hygiene which includes regular hand washing is essential.** This must be repeated every time you suspect a potential exposure.

**Sanitation practices must be reassessed by the employer with the full participation of the Workplace Health and Safety Committee.** The procedures should include for suspected contaminated workplace areas the cleaning of all surfaces with a broad-spectrum disinfectant that is certified to kill viruses.

**Engineering and work practice controls must also be provided.** Meticulous attention must be paid to safe work practices. For SARS it could include additional barrier designs when dealing with potentially infected clients.

**Employers must notify authorities and document all suspected work-related cases of SARS.**

Proper review and maintenance of heating, ventilation and air conditioning systems, including humidifiers should also be performed by the employer with the full participation of the Workplace Health and Safety Committee.

Employers should document all potential workplace exposure, report them to the Workplace Health and Safety Committee and keep accurate statistics.

### **What happens to my pay if I can't go to work?**

Workers should not suffer financially because they have contracted SARS or been exposed to the threat of SARS. Workers who are quarantined should not suffer a loss of pay nor should their sick leave or vacation entitlement be affected.

Similarly, workers who have had shifts cancelled due to department closures should not suffer a pay loss nor should they have to use lieu time or vacation time to make up for lost shifts. In the event that your pay is denied, contact your shop steward or local union executive.

### **Should a workers' compensation claim be filed?**

The PSAC recommends that a workers' compensation claim be filed if members have been diagnosed with SARS, are suspected of being infected with SARS, are quarantined at home because of contact with someone with SARS or have been sent home because their workplace has been closed due to SARS.

In Ontario, workers should file a claim with the Workplace Safety and Insurance Board as soon as possible. You can do so by calling 1 800 567 2483 or 416 344 3842 and asking to file a claim. You can also submit a Form 8 or Form 6, or enquire about a new form that covers workers who are in quarantine.

In other provinces, workers should file a claim with their respective Workers' Compensation Board.

### **Where can I find more information?**

The PSAC will continue to monitor the SARS outbreak. Information on the PSAC website will be updated as it becomes available. Additional resources on SARS can be found online at the following sites:

City of Toronto Public Health Department:

<http://www.toronto.ca/health>

World Health Organization:

<http://www.who.int/csr/sars>

Health Canada:

[http://www.hc-sc.gc.ca/english/protection/warnings/2003/2003\\_11.htm](http://www.hc-sc.gc.ca/english/protection/warnings/2003/2003_11.htm)

[http://www.hc-sc.gc.ca/francais/protection/mises\\_garde/2003/2003\\_11.htm](http://www.hc-sc.gc.ca/francais/protection/mises_garde/2003/2003_11.htm)

Canadian Centre for Occupational Health and Safety

<http://www.ccohs.ca/headlines/text102.html>

U.S. Centre for Disease Control

<http://www.cdc.gov/ncidod/sars/>

## **What PSAC members should know about their health and safety rights.**

You have the following rights under the Canada Labour Code Part II:

### **General and specific duties of the employer**

The employer is responsible for your health and safety at work (section 124);

The employer must provide each employee with the information, instruction, training and supervision necessary to ensure their health and safety at work (section 125(1)(q));

The employer must ensure that each employee is made aware of every known or foreseeable health or safety hazard (this includes any infectious diseases) in the area where the employee works (section 125(1)(s));

The employer must ensure that the activities of every person granted access to the work place (this includes members of the public) do not endanger the health and safety of employees (section 125(1)(y));

The employer must investigate and assess the exposure to hazardous substances with the assistance of the work place committee or the health and safety representative (section 125.1(f));

The employer must ensure that all records of exposure to hazardous substances are kept and maintained and that personal records of exposure are made available to the affected employees (section 125.1(g)).

### **Filing a complaint**

Section 126(1)(g) of the Code requires that if you believe that any circumstance in your workplace is likely to be hazardous to your health and safety, or that of the other employees or other persons granted access to the work place, you must report it to your employer immediately.

Accordingly under section 125(1)(z.02), the employer must respond as soon as possible to reports made by employees under paragraph 126(1)(g).

### **The Internal Complaint Resolution Process**

Section 127.1(1) also states that an employee who believes on reasonable grounds that there has been a contravention to the law or that there is likely to be an injury to health (illness) arising out of, linked with or occurring in the course of employment must make a complaint to the employee's supervisor.

The Internal Complaint Resolution Process (Section 127.1(1) through (10)) must then be followed by the employer to investigate and document the complaint up to and including the intervention by an HRDC-Labour health and safety officer.

The Internal Complaint Resolution Process includes the following steps:

**Step 1:** A worker who believes on reasonable grounds that there has been a contravention to the Code or that there is likely to be an accident or injury to health makes a complaint to the supervisor (s.127.1(1));

**Step 2:** The worker and the supervisor must attempt to resolve the complaint between themselves as soon as possible (s.127.1(2));

**Step 3:** Referral of an unresolved complaint on the initiative of either of them to a chairperson of the workplace committee to be investigated jointly (s.127.1(3));

**Step 4:** The persons who investigate the complaint must inform the worker and the employer in writing of the results of the investigation (s.127.1(4));

**Step 5:** The persons who investigate the complaint may make recommendations to the employer with respect to the situation that gave rise to the complaint, whether or not they conclude that the complaint is justified (s.127.1(5));

**Step 6:** If the complaint is found to be justified, the employer must in writing and without delay inform the persons who investigated of how and when it will resolve the matter and must take appropriate action (s.127.1(6));

**Step 7:** If the persons who investigate the complaint conclude that a danger exists, the employer must ensure that no worker is exposed to that danger until the situation is rectified (s.127.1(7));

**Step 8:** The worker or employer may refer a complaint to a health and safety officer in the following circumstances (s.127.1(8)):

- (a) the employer does not agree with the results of the investigation;
- (b) the employer has failed to take action to resolve the matter or to inform the persons who investigated the complaint of how and when it intends to proceed; or
- (c) the persons who investigated the complaint do not agree as to whether the complaint is justified.

**Step 9:** The health and safety officer must investigate the complaint (s.127.1(9));

**Step 10:** After the investigation, the health and safety officer (s.127.1(10)):

- (a) can issue directions to an employer or worker;

- (b) can recommend that the employer and worker resolve the matter between themselves; or
- (c) if the officer concludes that a danger exists, he/she must issue directions.

### **The right to refuse dangerous work**

You can refuse to work if you have reasonable cause to believe that something constitutes a danger to yourself or another worker or if a condition exists that constitutes a danger to yourself (s.128(1)(a) and (b)). You can also refuse to work if you have reasonable cause to believe that the performance of the activity by a worker constitutes a danger to yourself or to another worker (s.128(1)(c)).

To exercise the right to refuse dangerous work, you must comply with the following procedure:

**Step 1:** Report without delay the refusal to the employer (s.128(6));

**Step 2:** Selection of a remedy: the collective agreement or Part II of the Code (s.128(7));

**Step 3:** If the employer agrees that a danger exists, the employer must take immediate corrective action and inform the committee (s.128(8));

**Step 4:** If the matter is not resolved, report the continued refusal to the employer and to the committee (s.128(9));

**Step 5:** Immediate investigation by the employer in the presence of the worker and of the union representative on the committee (s.128(10));

**Step 6:** If still unresolved, report the continued refusal to the health and safety officer (HRDC-Labour) (s.128(13)).

Note: the employer must inform the committee of any steps taken to protect workers from the danger (s.128(14)).

### **Investigation by the HRDC-Labour Health and Safety Officer**

Once the HRDC-Labour health and safety officer is notified of the continued refusal to work, the following procedure must be followed:

**Step 1:** On being notified that the worker continues to refuse to work, the health and safety officer must investigate the matter in the presence of the employer, the worker and, in most cases, a union member of the workplace health and safety committee (s.129(1));

**Step 2:** On completion of the investigation, the health and safety officer must immediately give written notification of the decision on whether the danger exists (s.129(4));

**Step 3:** Before the investigation and decision of the health and safety officer, the worker may be asked to remain at a safe location nearby or be assigned reasonable alternative work (s.129(5));

**Step 4:** If the health and safety officer decides that the danger exists, a directions must be issued and the worker may continue to refuse until the directions are complied with (s.129(6));

**Step 5:** If the health and safety officer decides that the danger does not exist, no continued refusal is allowed but the worker, or a person designated by the worker, can appeal the decision to an appeals officer within ten days (s.129(7)).

### **Joint Health and Safety Committees**

Union members of the joint workplace and policy health and safety committees should request an emergency committee meeting in accordance with section 134.1 (7) for policy committees and section 135(10) for workplace committees. All concerned workers should ensure that an emergency meeting of the joint committees is convened as soon as possible if one has not already occurred.

They should demand full access to all reports, investigations, studies and inspections based on section 134.1(4)(d) for policy committee members and section 135(7)(e) for workplace committee members.

A policy committee has full access to all government and employer reports, studies and tests relating to the health and safety of the employees in the work place (134.1(6)).

A work place committee also has full access to all government and employer reports, studies and tests relating to the health and safety of the employees (135(9)).

Any personal protective equipment must be selected with the full participation of the policy committee members in accordance with section 134.1(4)(e) and of the workplace committee members in accordance with section 135(7)(f).

Policy committee members must participate in the planning of the implementation and in the implementation of changes that may affect occupational health and safety, including work processes and procedures (section 134.1(4)(h)).

Workplace committee members must participate in the implementation of changes that may affect occupational health and safety, including work processes and procedures; and where there is no policy committee, they must participate in the planning of the implementation of those changes (section 135(7)(i)).

For more information, contact your PSAC Regional Health and Safety Representative or your Component Representative.