



**COVID-19  
OCCUPATIONAL HEALTH  
AND SAFETY OFFICERS  
CONFERENCE CALL**

May 14, 2020

The National Union of Public and General Employees (NUPGE) is a family of 11 Component and 3 affiliate unions. Taken together, we are one of the largest unions in Canada. Most of our 390,000 members work to deliver public services of every kind to the citizens of their home provinces. We also have a large and growing number of members who work for private businesses.

Larry Brown, President

Bert Blundon, Secretary-Treasurer

**Occupational Health and Safety Officers Conference Call**  
**May 14, 2020**  
**1:00 p.m. EDT**

## **PARTICIPANTS**

<b>BCGEU/NUPGE</b>	Patrick Coghlan Megan Scott
<b>HSABC/NUPGE</b>	Michael Wisla
<b>HSAA/NUPGE</b>	Ray Geldreich
<b>SGEU/NUPGE</b>	Tracey Sauer
<b>MGEU/NUPGE</b>	Blaine Duncan
<b>OPSEU/NUPGE</b>	Joscelyn Ross
<b>NSGEU/NUPGE</b>	Paul Cormier
<b>NBU/NUPGE</b>	Joyce Aucoin
<b>NAPE/NUPGE</b>	Bernie Coffey Sobol
<b>NUPGE</b>	Len Bush, Managing Director Jeryn Daly, National Representative Anil Naidoo, National Representative Diane Fowles, Administrative Representative

## 1. Welcome and Introductions

Anil:

- Welcomed everyone to the call. This is our 4<sup>th</sup> call. There have been a lot of changes recently in terms of the pandemic management and the issues you are facing.
- Same format as last time using questions, answers, problem/solution focus. In addition, update with things you feel are relevant across the country.
- Sent out requests for update on PPE and how it is deployed - are there protocols in place. Please forward
- BC - sent a report and will share with everyone with the notes
- Some of the issues discussed previously:
  - PPE is an ongoing issue
  - We are entering a different phase as provinces open up
  - About supplies for many sectors now, not just acute health care and LTC
  - Issues around the quality of PPE, potential reuse and supply chain breakdowns
- Opening up the economy is an issue. How robust are the plans for opening and for testing, tracing, and containing outbreaks? Have seen some hiccups already e.g., QC and SK, where opening was not universal due to outbreaks and higher infection rates. AB is another where announced opening up except for Calgary and Brooks. Some of the plans seem very ad hoc so want to make sure they are limiting the risk to workers and taking all necessary steps including use of proper PPE.
- Other issues that have come up in the past are transporting clients in personal vehicles and the associated risks and protocols
- The two rulings in ON giving workers more say in use of PPE; labour board ruling and court ruling. Are these being followed?
- Redeployment is another issue. In ON just announced voluntary redeployment of education workers into LTC as there are shortages in LTC.
- Right-to-refuse is increasing during these times where there is heightened risk to workers and often inadequate PPE
- Are there infection control plans implemented in every workplace before opening up?

- Fogging machines use came up last time and will continue to be an issue in different ways as disinfection needs expand
- Cohorting is an issue in terms of restructuring workplaces and facilities to best prevent and control infections
- One work place policy. How is this implemented and how are workers being compensated?
- Workers comp and presumptive legislation still an issue and will be tested
- Our efforts are to try and get ahead of issues. If an issue is coming up in one jurisdiction, it likely will also in another.

## 2. Cross Country check in

### BCGEU/NUPGE

Megan Scott:

- As reopening progresses, the government has asked for guidance documents for the sectors reopening. Have been involved in consultations on these issues
- The guidance the board is providing is meant to be tips and best practices. Language is not prescriptive so there may be a lot of confusion for employers
- Most work places don't have to develop exposure control plan. This is confusing. BCGEU is pushing that all workplaces should develop these plans, as that is what the regulations say—if there is a possibility you can be exposed, then you need a plan.
- There was a report that 420 health care workers have tested positive and are 20% of the infections, but WCB only have 68 claims from health care workers. Need to get word out that they should be putting claim in
- Issue around the push for productivity even with all of the new procedures and the slowing down that entails in workplaces. Have had some workers disciplined for low productivity even though they have other things to do and they can't do their work in the same way as they could in the past
- Library workers have been told the employer will be using some tracking software to monitor their hours as they are working from home
- Has this been happening other places?

Anil:

- Workload Issues: We do an EMS call as well and they report it takes 30 minutes to an hour longer for each call and there have not been more units added so workload issues will need to be addressed. Question for almost every sector— with everything taking longer and being slower, workers having to be more careful. Are more workers being added and are employers adjusting expectations?
- Software to track workers is problematic as well. Was already on people's minds looking at e.g., Amazon tracking their people and their moves. Will this be brought more aggressively into the public sector beyond and what issues will this raise?

Bernie – NAPE:

- Regarding tracking, spoke to people in the government and managers are starting to monitor what people are doing online, what times they are on and starting to track

Ray:

- Seeing industry guidelines in Alberta as well but no consultation and they leave workers out of the equation in the documents. They are just guidance with no “should” or “must” it is all “may” and “consider”
- Hearing as well that guidance materials are not practical and have been developed by people not in the industry

Anil:

- Are the employers doing an end run around collective agreements, OH&S committees, etc. using excuse of unprecedented times?

Patrick Coghlan:

- BCGEU - education for OH& S members - offering some online options - some of the course material is being condensed and will be doing online Zoom webinars for members

Megan:

- CLC have been helpful offering some training and advice around using Zoom and Canvas platform as we dip toes into online world

## HSABC/NUPGE

### Michael Wisla:

- There is a lot of anxiety around reopening and a lot of it ties in with PPE questions
- With the reopening they are trying to fast track surgeries that were cancelled or delayed. Were marginally OK with PPE but will now need a lot more PPE all around in acute care, surgeries, etc. Will still need N95s, surgical masks. Need to keep an eye on these issues
- Plus other industries will also be looking for PPE - physio, hair stylists, etc. They will all need masks as well so will be interesting to watch this unfold
- COVID now acknowledged as presumptive in BC. It is interesting as only half claims are being accepted. Will see if numbers go up if now presumed presumptive
- Fortunate that WorkSafe is seeking input on guidelines.
- The document put out by the provincial government states that employers must consult guidelines in WorkSafe but those guidelines aren't in place yet.
- Have been promised new framework on PPE for last month. Have a meeting with all the OHS and health authority reps twice a week, still haven't received update since end of March
- OHS laws being ignored by employers under the guise of COVID e.g., don't have time to take this to the JOSH committee and the Emergency Operations Centre overrides that. Starting to challenge the compensation board and government on this because we can't allow rights to go away just because of this.
- Question to everyone—Are affiliates challenging OHS laws that are being overwritten, or being ignored, and not being enforced? WorkSafe is still doing inspections but just calling them in by calling a manager and asking them to put a random worker on the phone. Getting calls that there are phone-in inspections and reports are going back that everything is fine

### Ray – HSAA:

- In Alberta, Minister of Labour issued an exemption to the OHS act related to respiratory PPE - throwing out the consensus based approach that has existed for 20 years for changes to our OHS code. Issued an exemption basically throwing IOSH standard out the window and listing foreign respiratory certifications including KN95 as meeting the OHS code for respiratory protection for a 60 day period with potential to expand for all industries code

- Legal counsel came back and said it is an emergency and ministers can do a lot of things and the cost vs reward to challenge isn't there and not likely to get an injunction against the Minister of Labour when they do something like this
- They were very quiet about it but it was a formal ministerial order basically putting those parts of the OHS code on ice
- One thing trampling on rights and being able to address through collective agreements but to have a formal declaration from Ministry of Labour that longstanding requirements no longer apply. Haven't seen this before

## **HSAA/NUPGE**

### Ray Geldreich:

- Already mentions the concern with ministerial exemptions
- Today Alberta is taking first step to reopening economy in the proposed 3 stage reopening. Stage one is live today
- Have seen the employer (have one health authority in Alberta) start to demobilize emergency operations centre and zone emergency operations centre
- Saying system is not deemed at over-capacity and can start to resume to some form of normal operations. Have a lot of questions about this. What about if second wave happens, will we be hampered because demobilization has started?
- Surgeries, etc. are ramping up so there will be more demands on things like PPE
- PPE challenges - number one item right now are gowns, are in shortage because of challenge shipping
- There were 14 Chinese N95s approved by Health Canada. However, one which Alberta imported several hundred thousand pieces but can't get workers fit tested on this respirator.
- Respirators that don't seal :  
<http://www.dashengmask.com/index/index/details/id/72.html>

### Anil:

- Most of discussion and debate has been on N95 but important to be aware that PPE also includes gowns, masks, head coverings, etc.
- N95 is minimum standard - there is better equipment to protect workers including some reusable masks but initial cost is more expensive



- Whole issue of sanitization, reuse not just for N95 but for ball valve mask. Many of PPE and medical equipment that was disposable is not being collected with the idea that they could be sanitized and reused, but still not clear of the risks and evidence that this is effective

## **HSA/NUPGE**

### Tracey Sauer:

- Looking for information for the reopening of the province and of union offices
- Does anyone have or is developing policies around return of staff to work and elected members in the facilities?
- All have different numbers, in SK it is max 10 people in a room, maintain your space, etc. How will you go about implementing that?
- Have our own LTD plan where appeals have to be conducted with some members so appeal bodies would like to meet and bring in the people by skype, or webex
- Have sought information within our own LR bodies
- In LTC and acute care have continuous masking in patient care areas
- Some facilities get extremely hot in summer so asking for additional break time in the heat so they can remove masks and take breaks
- What about portable AC and fans used to maintain some workability in the areas - looking for more information
- Struggle with the recommendations re: changing (take uniform to work, change, do screening and change again leaving) - it is a recommendation but members have to go to work ½ - 1 hour early to follow the recommendations which they are not getting paid for - they are now going to work with uniforms on and change before they go home. If a recommendation then it is not mandatory, and if not mandatory workers don't get paid
- Screening tool – worker will be sent home if answer even one question yes and told to call 811, potentially get screened, wait for your testing, wait for your results then prior going to work have to wait 48 (or 72) hours symptom free
- Problem is using all sick time for this instead of pandemic pay so now risk workers not being honest because they don't want to lose 5-10 days' pay - how are employers doing attendance management on people who have used up all of their sick time because you have told them they have to self-isolate?

Megan:

- Heard from LifeLab members that they have noticed their error rates going up
- Wearing PPE makes it harder to communicate, they are hot and tired so it is having an impact on the accuracy of their work
- Important to be aware of so workers are protected from discipline from the reality of working under those conditions

Anil:

- Good point, Public Health Agency of Canada did put in its guidance a whole section on the difficulties on working with the N95 particularly. This is something that has to be addressed though, must not be used as an excuse to block use of N95s. Reality is that it is more onerous working under strict PPE than it is without but employers have to build these factors into workplace as we go forward. How do we protect workers and give them the extra time to do what they need to do?
- The errors in lab testing are also an interesting metric because where else would we be able to clearly see the results of use of PPE before/after?

Tracey:

- Researchers did a comparison Canadian suggested standards vs SK government and SHA. Found that SHA is lacking compared to the Canadian standards so we are wanting to use that information to say, should at least meet not be lower than Canadian standards

Anil:

- If you can provide us with any provincial guidance and we will put that together along with federal guidance
- There is new guidance in the works from Public Health Agency for ambulatory care, EMS, homeless shelters, and corrections

**MGEU/NUPGE**

Blaine Duncan:

- Standards in MB, now have a provincial entity called Shared Health which is an extension of Manitoba health. Their work lately has been in developing provincial standards that apply to regional health authorities, residential or institutional settings, shelters, correctional institutions, etc.

- Providing direction on minimum PPE requirements, etc. and seem to be consistent with national and international standards
- Have addressed issue with RHAs in the province, 2 of which weren't providing proper PPE in accordance with the provincial standards
- Beyond contacting that employer, also had to get the Workplace Health and Safety branch of Manitoba involved to review what protocols were, what actual field activities were for community workers. They had to provide instruction to those employers that they had to provide at least the minimal standard of PPE
- Was some misunderstanding on whether Shared Health was the authority to direct the RHAs on policies and standards. It is clear that those are the minimal expectations
- Issue of extension of PPE, reuse of PPE with amount of information out there is conflicting and often too much to wade through so people are unilaterally making decisions on their own
- Hasn't been a consistent approach with respect to extension of PPE use or reuse
- Seeing this not only in health care but spilling over into other areas as well
- Similarly engaged provincial authority regarding corrections as they are introducing practices that cause concern. Extension and reuse of single use gowns beyond one shift and potentially sharing those with more than one person. Have indicated we do not approve of this practice. Safety data sheets don't indicate how they are disinfecting or sanitizing garments is appropriate
- Reusable PPE - EMS have half mask respirators and varying cartridges available, they have chosen the implementation of use of those vs N95s. Allows user to be properly fit tested, to have personally supplied respirator, and ability to use variety of different filters depending on circumstance
- Driver examiners - with reopening looking at different ways to go back to work. Will resume doing class 1 testing. Issued procedures including use of N95 cartridges and above depending on circumstance and what is available
- Exemptions - haven't seen any for things like respirators coming into province. Been in contact with occupational hygienists and they maintain that IOSH standard, if respirators brought in that doesn't meet standard will require that employer to put that equipment through series of tests to show they provide equivalent protection
- Over last few weeks been in media about field inspections - only 6 officers out in field in entire province - inspections were ½ day in field, primarily in construction

sector, doing drive-bys only - if nothing of concern seen did not engage the employer - not been a lot of field activity and took the exception to Employer.

- Province started reopening May 4 - in advance of that the branch hadn't put any plans in place to get field officers ready for field activities - safe work procedures were developed one day before the May 4 reopening, PPE hadn't been sourced or set out to officers
- No work plans developed re: who to visit, priority sectors, information they were to share with employers, how enforcement would take place
- Have since as a result of us pushing for it, announced this morning that Workplace Health and Safety Officers now have the ability to enforce Public Health orders. Workplace Health and Safety branch and Public Health are coordinating their work plans to ensure they can maximize number of employers they inspect
- There are about 3000 in the province now granted authority to enforce Public Health Orders. Announcement just made an hour ago. Ranging from Public Health to police officers to other regulatory officers such as Workplace Health and Safety, agricultural inspectors, etc.
- Knew the reopening was going to happen. Unfortunate the government sat back and waited for that to happen before putting in place any plans.
- Did have a fatality last week in a trench collapse. Was a permit for this but not sure at this point if Workplace Health and Safety had been out to do an inspection. Angle we are taking is enforcement is part of the systems we want to build and with officers not in the field it is an important part that is missing
- As we reopen there are still a lot of employers saying they do not know what to do to reopen my business, concerned about safety of staff, and clients served so won't open at this point
- Real lack of government to ensure those sectors opening are getting the information and enforcement is occurring where there is disregard for proper standards
- WCB coverage - don't have a good understanding of what is going on in MB - government issued a statement saying that if you are a health care worker and you need to quarantine you will continue to get paid your wages until such time that you are required to go on sick leave if you become symptomatic - at that time you would go on sick leave

- Additional comment that if symptomatic with COVID and test confirms positive - at that point, if unknown cause or source, you can apply for WCB - contradictory that in 1<sup>st</sup> scenario says you know it was workplace exposure but no reference to WCB - 2<sup>nd</sup> says if you don't know, but suspect it was workplace exposure, file for WCB – we believe these claims will be challenged every time
- Telling members that regardless of whether or not you truly know where exposure took place, if you believe it may be workplace exposure, file WCB
- Pushed government on presumption but no movement on that yet

## **NSGEU/NUPGE**

Paul Cormier:

- In terms of the phased in approach and getting back to work, did some informal audits of some of the members' workplaces were still actively employed - concerned about control measures - not seeing good compliance
- Will be pushing with employers, want some supervision and onsite coaching to ensure workers understand and follow control measures
- Re-opening own office back up
- Just pulling together a COVID-19 safety program and procedures for own office
- It is in draft and with the executive doing an onsite assessment to figure out other measures need to be put in place and will forward once it has been approved

## **OPSGEU/NUPGE**

Joscelyn Ross:

- Similar scenarios as have already been mentioned such as:
  - Lack of enforcement
  - Provincial Ministry of Labour inspectors not out and about
  - Compensation - advising members at every instance and turn to file with WSIB - many are being denied with notion of proof of not being occupational exposure or caught at worksite - first person noted at any workplace needs to get in and get filed because harder for WSIB to deny with others in same worksite
- Numbers today are under 300 new cases - lowest daily in weeks

- Province has extended state of emergency to June 2
- Various entities of the government having the conversation that it is time to open
- What it will look like - we are not exactly sure
- What is the driving force - will it be safety vs finance?
- COVID-19 Response and Reforms Modernize Act will allow continued electronic filing of business registration documents, other Service Ontario services such as birth certificate registration, driver licenses, etc. - things that you would normally have to attend a Service Ontario office for validation and signature are now being continued online - anxiety that this may be the new norm
- Allowing management to redeploy from education sector into various other sectors including hospitals, LTC, retirement homes, shelters, etc.
- How it will work with necessary training, regulations, is anyone's guess but may be more administrative side of different congregate care unless educational worker has the experience or qualifications to work in the areas
- ON passed emergency order allowing LTC homes to support the use of management alternatives to protect residents and staff within the home - manager could be anyone including a corporation - ON government will be becoming proprietor of some LTC facilities that are struggling
- Some regulations relaxing - provincial parks and some conservation areas for day use only
- Every sector OPSEU services, the anxiety now is over the reopening - Will there be enough PPE for all sectors? Don't know what the landscape will be? What will restaurants look like with lines outside? What will offices look like?
- Some are anxious - everyone commuted and everyone went to work. Seems in many sectors that work can continue in absences of so many on the road and in the office.
- What will these mean with attention to possible attrition in the future?
- What will it be like if there is a 2<sup>nd</sup> wave?

Anil:

- ON effectively becoming "owner/operator" of LTC facilities during the emergency
- Please send documents if you can as this will be a big issue on what happens to LTC especially with private operators with court cases that will happen, extra insurance. Some will walk away or asking for bailouts. Will be an ongoing issue

- NUPGE has been pushing for inclusion of Long-term Care in the *Canada Health Act*

## **NAPE/NUPGE**

### Bernie Coffey Sobol:

- PPE still a massive concern in province
- No cases over last few weeks but talking about reopening, there is a concern around home care, etc. as there is no PPE
- Should numbers spike when reopening, not sure where PPE will come from
- Huge issues around PPE available for acute care vs long term care vs home care. An example is the CSSD, should they have to go back and do home visits, not sure where their PPE will be coming from or what they will be wearing
- Jerry wrote letter concerning PPE for home care workers to Minister as there are serious concerns
- Have fisheries officers doing border patrol between Labrador and Quebec. Severe restrictions on anyone coming into province. Unless you are a citizen of the province you will not get in
- Government workers who require COVID-19 test because of symptoms, if you are quarantined you will be put on paid leave pending results. Should you be diagnosed positive you go on sick leave, should you not but still have symptoms becomes questionable. Have to have a clearance from your doctor to return to work or you stay on sick leave until clear
- In health care - don't want to do that - mixed messages
- Have been 3 claims filed and approved by Workers Comp
- 5 employer claims filed but no workers yet filed to go with these
- Workers felt penalized if they have to go on WCB for COVID-19 as huge drop in pay - claim suppression may be coming from workers for that reason
- Just found out biggest college and university in province is staying online until 2021 - will not be going back in the fall - have no idea what this will look like for workers - no prior notice given to union, no consultations - scrambling to find out what that means
- Pandemics need to become part of the collective agreements so won't find ourselves in this mess again without proper equipment

- Request for forwarding of 2 rulings from ON – labour board and court rulings

Anil:

- NBU have heard they may be back to bargaining table soon
- May be one of the first to be back at table so will be interesting to watch how pandemic will impact collective agreements

### 3. Closing

- There are new issues around the reopening by provinces and the reopening of component offices
- Please send anything that may be of interest to others and will send out notes and links
- Always more questions than answers which is natural and important to learn from one another. Want to highlight the good things happening e.g., BC presumptive which should be taken up elsewhere. Want to watch that claims are not be suppressed. On the other side, people aren't getting 100% payment so there will be push back from members
- People must not fall through cracks and end up with no sick leave or recourse after.

Bernie:

- One of problems with WC perspective - understand the financial impact but very concerned about long term impact on workers' health - we don't know

Anil:

Will require ongoing monitoring. Still a lot of unanswered questions

The whole opening up, what happens if there are new outbreaks or a 2<sup>nd</sup> wave, are there protocols in place to lock down and deal with that - testing, tracing and quarantining?

A lot of things we are just in the early stages of trying to figure out.

Concern that the governments are doing for financial instead of health reasons which may come back and potentially make things worse, certainly around PPE to protect yourself and others if you are asked to be dealing with the public



Questions, quantities, supply and protocols on what is expected still has many gaps. We should all be concerned because renewed community spread is hard to contain. Lately 80% deaths has been in LTC but doesn't mean transmission isn't out in the public.

Numbers in Canada bad and numbers around testing not great and have been focused around acute care and LTC settings. Have to see what is going on in the public before we will be comfortable with workers who are dealing with the public. Still at risk of spread, increased as we open up to more social contact

Your jobs are critical in this. You are all overburdened as this couldn't be planned for. Collective agreements didn't plan for this. Will have to add things for protections and make sure employers follow protections in place. Ongoing struggle as we see they try to go around some obligations

Expect there will be another in two weeks but will be in touch

#### 4. Links and notes from Chat

- Ray Geldreich : Respirators that don't seal :  
<http://www.dashengmask.com/index/index/details/id/72.html>
- Joscelyn Ross  
<https://news.ontario.ca/opo/en/2020/05/ontario-takes-steps-to-better-protect-long-term-care-residents-and-staff-during-the-covid-19-outbrea.html>
- Megan Scott  
Susan Nosov is the contact at the CLC re: online education support/ training



## NATIONAL UNION OF PUBLIC AND GENERAL EMPLOYEES

- B. C. Government and Service Employees' Union (BCGEU)
- Health Sciences Association of British Columbia (HSABC)
- Health Sciences Association of Alberta (HSAA)
- Saskatchewan Government and General Employees' Union (SGEU)
- Manitoba Government and General Employees' Union (MGEU)
- Ontario Public Service Employees Union (OPSEU)
- Canadian Union of Brewery and General Workers (CUBGW)
- New Brunswick Union of Public and Private Employees (NBU)
- Nova Scotia Government and General Employees Union (NSGEU)
- PEI Union of Public Sector Employees (PEI UPSE)
- Newfoundland & Labrador Association of Public and Private Employees (NAPE)

The National Union of Public and General Employees is an affiliate of the Canadian Labour Congress and a member of Public Services International.

■ 15 AURIGA DRIVE  
NEPEAN, ONTARIO  
CANADA / K2E 1B7

■ [613] 228-9800  
FAX [613] 228-9801

■ [www.nupge.ca](http://www.nupge.ca)

■ [national@nupge.ca](mailto:national@nupge.ca)

