

Members' Guide to Directive #5

Directive # 5 for Hospitals within the meaning of the Public Hospitals Act and Long-Term Care Homes within the meaning of the Long-Term Care Homes Act, 2007

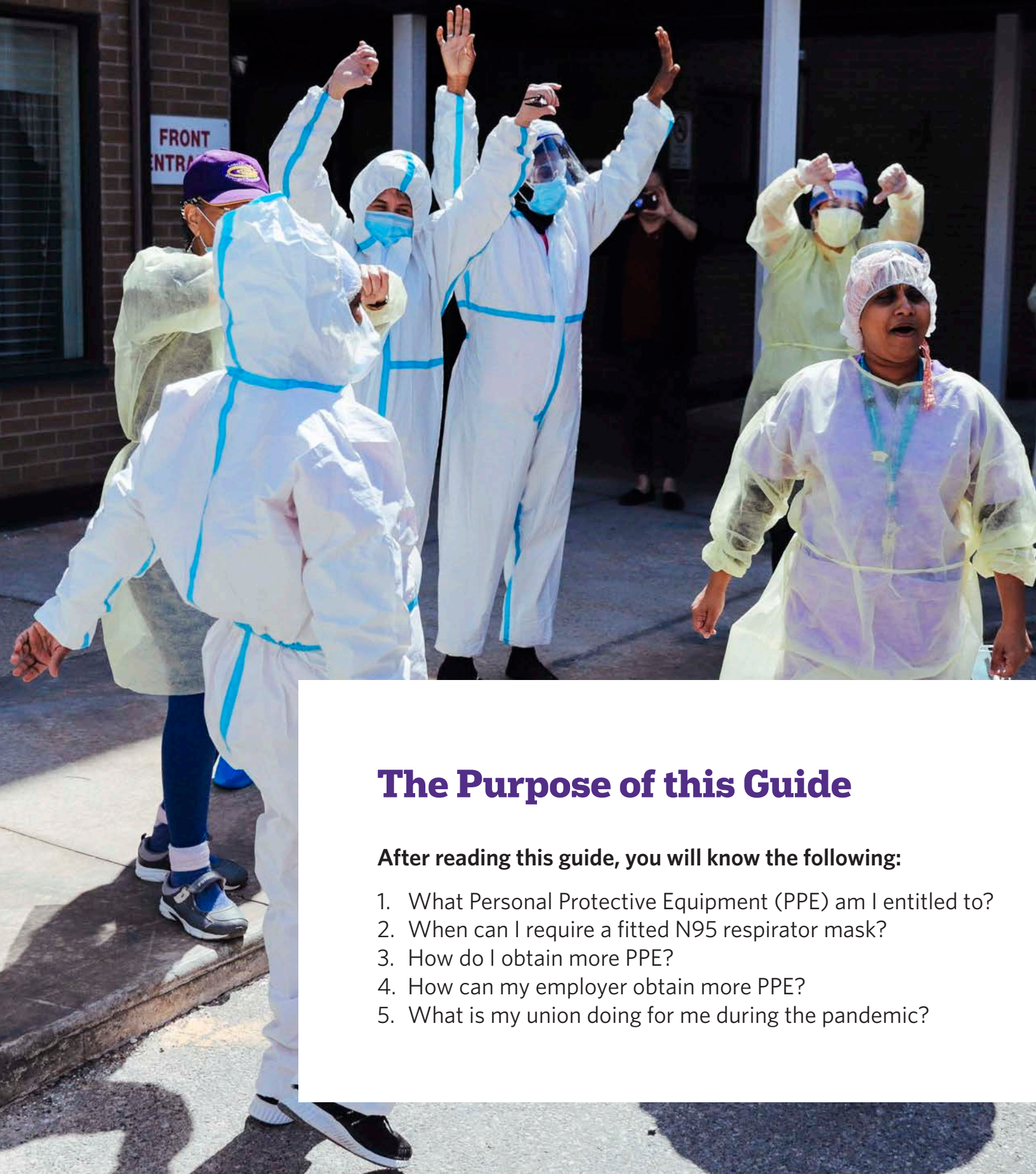
EFFECTIVE OCTOBER, 8, 2020



CANADA'S HEALTHCARE UNION

1925

FRONT
ENTRANCE



The Purpose of this Guide

After reading this guide, you will know the following:

1. What Personal Protective Equipment (PPE) am I entitled to?
2. When can I require a fitted N95 respirator mask?
3. How do I obtain more PPE?
4. How can my employer obtain more PPE?
5. What is my union doing for me during the pandemic?

What is Directive #5?

Directive #5 is the Ontario Government-mandated rules concerning employer-provided personal protective equipment (PPE) during the COVID-19 pandemic for workers in hospitals and long-term care homes.

Public hospitals and long-term care homes must do the following:

- Engage workers on conservation and stewardship of PPE.
- Assess the available and ongoing supply of PPE and explore avenues to keep sufficient supplies.
- Where PPE levels appear to be diminishing to a potential shortage, the Ontario Government and applicable Employers will consult labour unions and develop contingency plans.
- Risk Assessments
 - » Organization Risk Assessments must consult with the Joint Health and Safety Committee.
 - » Regulated Health Professionals: must conduct a Point of Care Risk Assessment (PCRA) before every patient or resident interaction.



“The updated standards in Directive #5 are the culmination of many hours of frank and open collaboration with the Ministry of Health. It is imperative that management and operators discharge the necessary PPE to meet their health and safety obligations in the workplace.”

-SHARLEEN STEWART, PRESIDENT OF SEIU HEALTHCARE

Personal Protective Equipment (PPE): What are my rights?

- At a minimum, workers in a hospital or long-term care (LTC) home dealing with suspected, probable, or confirmed COVID-19 patients shall be given the following PPE, regardless of distance from patients:
 - » Surgical procedure masks
 - » Gloves
 - » Face shields or goggles
 - » Appropriate isolation gowns
- LTC employees: Must wear surgical masks at all times, except when not in contact with residents or during breaks. Employees must maintain two metres apart while not wearing masks. Visitors must wear masks at all times while indoors.



Fitted N-95 Respiratory Masks

- Employers must provide fit-tested N95 respirators if required due to a Point of Care Risk Assessment determining such by a Regulated Health Professional.
- During an outbreak declared by the local Medical Officer of Health, healthcare workers can determine if an N95 mask is needed where a two-metre distance cannot be maintained.
- All workers within the same room must wear an N95 mask where:
 - » An Aerosol Generating Medical Procedure is being performed.
 - » You are in a room where an Aerosol Generating Medical Procedure is regularly performed.



How did it come to be?

- March 11, 2020: The World Health Organization (WHO) classified COVID-19 as a pandemic virus.
- March 12, 2020: The Ontario government issued Directive #1, which provided a PPE protocol when dealing with probable or confirmed cases of COVID-19.
- March 30, 2020: Directive #1 was revoked and replaced with a new Directive #1.
- Directive #5 prevails in the event of conflicting information with Directive #1.
- SEIU Healthcare files several OHSA complaints in an effort to get employers and the government/ministry to fulfill their duty in keeping staff safe.
- SEIU, CUPE/OCHU, OPSEU, ONA, and UNIFOR:
 - » Applied for a Judicial Review with the goal of repealing Directive #5.
 - » Filed lawsuits against the Ontario government to increase health and safety measures for workers during the pandemic.
 - » Collaboratively advocated to the Ministry of Health to address serious concerns with Directive #5.
- To settle the lawsuit, the government agreed to amend Directive #5.



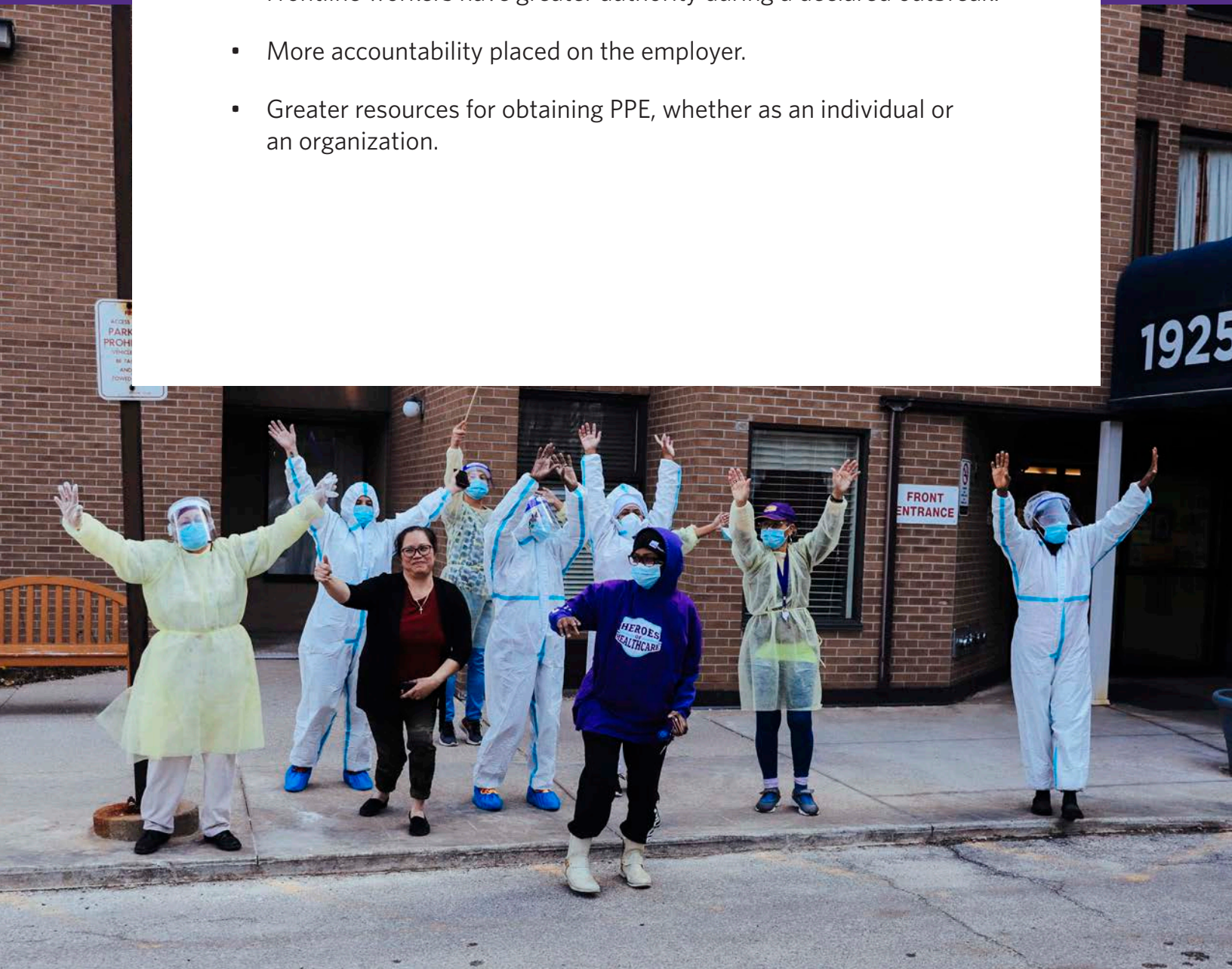
How has Directive #5 been amended?

Non-Outbreak	
Previous	As of October 8, 2020
A regulated health professional is given an N95 mask if determined via PCRA.	A regulated health professional is given an N95 mask if determined via PCRA.
Healthcare workers have no required access.	Healthcare workers can access N95 masks if a regulated health professional deems it necessary based upon PCRA.
An employer can deny requests they deem 'unreasonable'.	An employer cannot deny requests based on PCRA.

Outbreak (as declared by the local Medical Officer)	
Previous	As of October 8, 2020
A regulated health professional is given an N95 mask if determined via PCRA.	A regulated health professional is given an N95 mask if determined via PCRA.
Healthcare workers have no required access.	Healthcare workers can access N95 mask when in contact with suspected, probable, or confirmed cases if a two- metre distance cannot be maintained.
An employer can deny requests they deem 'unreasonable'.	An employer can only deny a regulated health professional if not based on PCRA.

How does it impact SEIU Healthcare members?

- Better safety measures which result in less stress for workers.
- Mitigation against spreading COVID-19.
- Frontline workers have greater authority during a declared outbreak.
- More accountability placed on the employer.
- Greater resources for obtaining PPE, whether as an individual or an organization.



Frequently Asked Questions

1. What is the definition of a COVID-19 Outbreak?

- a. One or more lab-confirmed COVID-19 cases with an epidemiological link in the workplace within a 14 day period.

2. What is a Point of Care Risk Assessment (PCRA)?

- a. Before interacting with every patient, a regulated health professional should assess the task, the patient, and the environment to determine the best course of action and appropriate precautions.

3. How do I obtain an N95 mask?

- a. If your facility is not in a declared outbreak:
 - i. Regulated Health Professionals must complete a PCRA which deems N95 masks, as necessary.
 - ii. Healthcare workers must be interacting with a patient where a PCRA, completed by a regulated health professional, deems N95 masks as necessary.
- b. If your facility is in a declared outbreak:
 - i. Regulated Health Professionals must complete a PCRA which deems N95 masks, as necessary.
 - ii. Healthcare workers must determine a two-metre distance cannot be maintained, and notify the employer an N95 mask is required.

4. What do I do if I disagree with the regulated health professional's PCRA?

- a. The directive is silent on getting a second opinion. You must ensure that a PCRA was conducted on the resident/client/patient. You can request a second opinion.
- b. SEIU has been in contact with ONA, bringing concerns and issues so expectations and reliance on regulated health professionals is clear

5. Does Directive #5 apply to home care?

- a. Directive #5 is limited to hospitals, LTC homes, and retirement homes. Homecare workers who enter workplaces in any of these facilities fall under Directive #5.
- b. If employers refuse, advise workers to document and report to the union if LTC employers are refusing to provide the proper PPE to agency staff working in their homes.

6. What is SEIU Healthcare's position on mask sterilization?

- a. Our position has not changed. Reuse is not acceptable. There are supplies available and providers should secure access.

7. What if there is a presumptive case, especially with flu season starting?

- a. If there is a presumptive case, then the PCRA and precautionary principle means workers can request an N95 mask.

8. How can my facility obtain more PPE?

- a. The Ontario Together website contains a list of vendors: <https://covid-19.ontario.ca/workplace-ppe-supplier-directory>
- b. Urgent requests, despite conservation and stewardship efforts, can be sent to your Regional Table Lead.
- c. Urgent requests can also be submitted electronically: <https://ehealthontario.on.ca/en/health-care-professionals/digital-health-services>

9. What if my employer refuses to provide me with PPE?

- a. Employers cannot deny access to PPE if it meets the criteria in Directive #5.
- b. Under the Occupational Health and Safety Act, workers have a right to refuse unsafe work.
- c. You should file a grievance citing 'failure to provide a safe workplace, and violation of any applicable articles, statutes and/or regulations. You should also inform your union representative.

