



Finance

Workplace Safety and Health
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March 23, 2020

Beth Beaupre
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Dear Ms. Beaupre

This letter is in response to your request for Workplace Safety and Health (WSH) to clarify compliance expectations with respect to personal protective equipment for the healthcare sector as it pertains to COVID-19 and the right to refuse dangerous work.

Under the Workplace Safety and Health Act, workers have the right to refuse work that they reasonably believe constitutes a danger to their safety and health, or that of another person should they perform the task. It is important to note that a danger to safety and health is different from a risk to safety and health. In order for something to be considered dangerous:

- the hazard is generally unusual to the normal working conditions or tasks, or the health or physical condition of the worker increases the risk; and,
- the hazard is likely to result in a serious injury or illness; and,
- reasonable controls have not been put in place to reduce or eliminate the risk.

WSH takes infection control very seriously and continues to monitor information as it becomes available. Current information indicates COVID-19 is spread by coming into contact with respiratory droplets from an infected person.

The Public Health Agency of Canada (PHAC) outlines the procedures and equipment required to prevent a virus from spreading. WSH considers compliance with the PHAC recommendations sufficient for ensuring workers are protected.

As COVID is spread through respiratory droplets, the PHAC guidelines for contact and droplet precautions are appropriate for working with individuals suspected or known to have COVID-19, in most circumstances. These precautions include the use of gloves, long-sleeved gowns, surgical masks combined with eye protection or a face shield, along with routine handwashing and sanitization. The use of N-95 masks is not required unless the medical procedure being performed is aerosol-generating.

However, when performing aerosol-generating procedures on an individual known or suspected of having COVID-19, a fit-tested N-95 respirator, combined with eye protection, is required in addition to gloves and a gown. It is important to note that individual assessment and alternative controls may be required for individuals in high risk categories (age 60 or over, have compromised or weak immune systems, or have a chronic medical condition).

Please be aware I have consulted on the need for N-95 masks when performing non-aerosol-generating medical procedures (including nasopharyngeal swabs for COVID-19 testing) from a number of sources. These include local and national experts in infectious disease as well as experts on coronavirus research and coronavirus infection control.

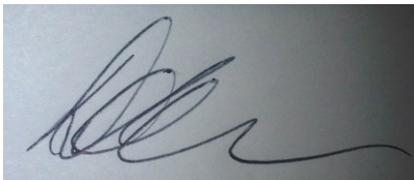
The consensus is consistent with PHAC guidelines. Performing nasopharyngeal swabs is not at all similar to intubation or bronchoscopy. The risk of aerosols from administering nasopharyngeal swabs, compared to the risks from other procedures such as bronchoscopy or emergency intubation, is extremely low. In administering nasopharyngeal swabs, the healthcare worker's exposure to the airway is approximately 15 seconds, and the worker can approach the patient from the side and step away promptly after swabbing the nasopharynx. With bronchoscopy and emergency intubation, the healthcare provider has to be very close to the patient's airway and is moving larger pieces of equipment in and out of the pharynx and airway. These differences justify reserving N-95 masks for the high-risk procedures.

When healthcare workers who are not in the high risk groups for severe COVID-19 disease or death are supplied with equipment consistent with the protocols outlined by PHAC, are trained on infection control procedures, and know how to use their personal protective equipment, there is little to support a work refusal.

I trust this information clarifies WSH's compliance expectations and position as it relates to the right to refuse dangerous work.

Should you have any future questions regarding Manitoba's occupational health and safety laws, you can also contact WSH at 204-957-SAFE (7233) or toll-free-1-855-957-SAFE (7233).

Sincerely,

A handwritten signature in black ink, appearing to read 'DKoh', written on a light-colored background.

Denise Koh, BSc, MD, CCFP, MPH, FRCPC, ACBOM
Chief Occupational Medical Officer
Workplace Safety and Health Branch