

Operations Division Occupational Health and Safety

Field Visit Report

OHS Case ID: **04509PJDF392**
Field Visit no: **04509PJDF393** Visit Date: **2020-MAY-01** Field Visit Type: **INITIAL**

Workplace Identification: **ARNPRIOR REGIONAL HEALTH** Notice ID:
350 JOHN STREET, ARNPRIOR, ON, CANADA K7S 2P6

Telephone: - JHSC Status: **Active** Work Force #: **300** Completed %:

Persons Contacted: **CHERYL BOURGEOU OH&S COORDINATOR, IONA GRINDROD RN, WAKANYI KUNGU RN**
Visit Purpose: **TO INVESTIGATE A WORK REFUSAL REPORTED TO THE MLTSD.**
Visit Location: **THIS FIELD VISIT WAS CONDUCTED BY TELEPHONE**
Visit Summary: **ORDER ISSUED**

Detailed Narrative:

This field visit report is in response to circumstances reported to the MLTSD as work refusal. The circumstances that were reported do not meet the conditions of Section 43 (3) of the OHS Act. This was investigated by the MLTSD as a complaint.

The complainants allege that they were denied access to N95 respirators after determining that they would be required to care for a suspected Covid-19 patient.

2 Nurses assessed that they would require N95 respirators. The employer declined providing N95 respirators however did provide full droplet / contact precaution PPE (Level 2 surgical mask, faceshield, gown and gloves)

Inspector findings:

Through discussions with workplace parties it was determined that the nurses had requested N95 respirators for use with specific patients after conducting risk assessments related to exposure to Covid-19 exposure. The employer determined that N95 respirators were not required based on the work that was being performed (No aerosol generating medical procedures).

The Chief Medical Officer of Health Directive #5 for Public Hospitals dated April 10, 2020 and the Superior Court of Justice decision in Ontario Nurse Association v. Eatonville/Henley Place, 2020 ONSC 2467, dated April 23, 2020 were discussed with workplace parties. After review and discussion with workplace parties, it would be a reasonable precaution for the employer to provide access to specific personal protective equipment, including an N95 respirator, to protect a nurse from Covid-19 where his or her Point of Care Risk Assessment in relation to a suspected or Covid-19 positive patient has established a need for it.

Order issued

Personal Protective Equipment:

Recipient	Inspector Data	Worker Representative
Name _____	Jacen Tining OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER 347 Preston St. 4th flr, Ottawa, ON, K1S 3J4 HSOttawaDistrict@ontario.ca Tel: (613) 462-8155 Fax: (613) 727-2900	Name _____
Title _____		Title _____
Signature _____	Signature _____	Signature _____

You are required under the Occupational Health and Safety Act to post a copy of this report in a conspicuous place at the workplace and provide a copy to the health and safety representative or the joint health and safety committee if any. Failure to comply with an order, decision or requirement of an inspector is an offence under Section 66 of the Occupational Health and Safety Act. You have the right to appeal any order or decision within 30 days of the date of the order issued and to request suspension of the order or decision by filing your appeal and request in writing on the appropriate forms with the Ontario Labour Relations Board, 505 University Ave., 2nd Floor, Toronto, Ontario M5G 2P1. You may also contact the Board by phone at (416) 326-7500 or 1-877-339-3335 (toll free), mail or by website at <http://www.olrb.gov.on.ca/english/homepage.htm> for more information.

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The employer states that they have the following PPE available:

N95 Respirators , gowns, gloves, face shields or eye protection, level 2 surgical masks and that there is no critical shortage of PPE at this time.

The nurses requesting N95 respirators have been fit tested.

This investigation is ongoing. Additional issues have been reported to the MLTSD and will be investigated in the near future.

Resources that may assist workers and employers:

Ministry of Health Emergency Planning and Preparedness

<http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/Default.aspx>

Public Health Ontario

<https://www.publichealthontario.ca/en/diseases-and-conditions/infectious-diseases/respiratory-diseases/novel-coronavirus>

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The Government of Ontario wants to hear from you. You can provide feedback on this visit at 1-888-745-8888

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Order(s) /Requirement(s) Issued To:

To: **ARNPRIOR REGIONAL HEALTH** Org/Ind Role **Primary Employer**

Mailing Address:
350 JOHN ST N, ARNPRIOR, ON, CA K7S 2P6

Order(s) /Requirement(s) Description:
 You are required to comply with the order(s) /requirement(s) by the dates listed below.

No	Type Code	ActReg	Year	Sec.	Sub Sec.	Clause	Text of Order/Requirement	Comply by Date
1	Fort 04509PJFK394	OHSA	1990	25	2	h	The employer shall take every precaution reasonable in the circumstances to protect a nurse from Covid-19 where his or her Point of Care Risk Assessment in relation to a suspected or Covid-19 positive patient has established a need for specific personal protective equipment. At the time of inspection, a nurse was denied the specific PPE required by a Point of Care Risk Assessment in a patient's room. This was complied with forthwith.	

Recipient	Inspector Data	Worker Representative
Name _____	Jacen Tining OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER 347 Preston St. 4th flr, Ottawa, ON, K1S 3J4	Name _____
Title _____	HSOttawaDistrict@ontario.ca Tel: (613) 462-8155 Fax: (613) 727-2900	Title _____
Signature _____	Signature _____	Signature _____

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