



Ontario Nurses' Association

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To: Local Coordinators, Bargaining Unit Presidents, Health and Safety Network Leads, and Joint Health and Safety Committee (JHSC) Members from the Executive Booklet

From: Andy Summers, RN, Vice-President Region 3, Occupational Health and Safety Portfolio

Date: November 26 , 2013

Re: Notice about discontinuance of 3M N95 respirators model 9210 (to be discontinued December 31, 2013) and model 1870 (to be discontinued December 31, 2014)

C: Board of Directors, District Service Teams, Provincial Services Team

Please be aware that 3m Canada Company announced it will discontinue two models of N95 respirators that are currently in use in some Ontario health-care facilities. They will be replaced by new models, which reportedly have additional features such as an embossed panel to reduce eyewear fogging. Users will need to be fit-tested to the new models.

Model 9210 will be replaced by the new Aura Particulate Respirator 9210+ N95, which is currently available from 3M. Model 1870 will be replaced by the new Aura Particulate Respirator 1870+ N95, which will be available from 3M early in 2014.

The employer will need to develop a transition plan to ensure that workers are fit-tested for use of whichever models are in stock. (The new 9210+ will not be interchangeable with the new 1870+, and fit-testing will be required for both if a worker may use both models.)

To ensure a safe transition during which workers are fully protected, please raise this issue at your next JHSC meeting to determine:

- Does your employer currently use 3M models 9210 and 1870?
- If so, what steps is the employer taking to ensure that workers understand the transition to new models, and that workers are properly fit-tested to ensure they have access to respirators that will protect them from exposures?

If your employer is transitioning between 3M models and has not taken every reasonable precaution to protect workers, your JHSC members should consider writing a recommendation to the employer (sample attached). If current stocks to which workers have been fit-tested are no longer available, and workers have not been fit-tested for the new models, raise this unresolved health and safety concern with management as high as necessary and as quickly as necessary to protect workers. If the issue remains unresolved, consider calling the Ministry of Labour.

Contact your ONA Labour Relations Officer (LRO) for assistance as needed.

Provincial Office: Toronto

Regional Offices: Ottawa • Hamilton • Kingston • London

Orillia • Sudbury • Thunder Bay • Timmins • Windsor

Sample Template – Hazards/Concerns and Recommendations to Employer

This is only a sample template designed to help ease the job of an ONA Joint Health and Safety Committee (JHSC) member. Section 9 (18-21) of the *Occupational Health and Safety Act (OHSA)* does not specify the form of a recommendation written by a JHSC or co-chair. To trigger a written response from an employer within 21 days, it is only required that the JHSC or co-chair recommendation be in written form. Legally, you can use this template, a letter, email or any written form to submit recommendations to the employer. Regardless of the form of the recommendation, it is important to note the date sent, the hazard/concern identified and/or the recommendation that the JHSC or co-chair is proposing. It helps to number each hazard/concern. Attempt to secure JHSC consensus and have both co-chairs sign the recommendations. If consensus cannot be reached, the co-chair may submit the recommendation(s) independently.

Date: _____ Hand delivered to: _____

(Insert name of Employer)
(Insert address of Employer)

Pursuant to Section 9 (18) of the *Occupational Health and Safety Act (OHSA)*, among our functions as a Joint Health and Safety Committee (JHSC), we are to:

- “Identify situations that may be a source of danger or hazard to workers.
- Make recommendations to the employer and the workers for the improvement of their health and safety.
- Recommend to the employer and the workers the establishment, maintenance and monitoring of programs, measures and procedures respecting the health and safety of workers, and the trade union representing the workers.”

As such, we or I (*if no consensus is reached by the JHSC, then the worker co-chair should replace “we” with “I”*) have identified the following source(s) of danger or hazard, and/or concern(s), at [insert address of employer] and/or provide the following recommendations:

Identified Hazards or Dangers and/or Concerns and their Associated Recommendations

Hazard/Concern

Recommendations

Risk of exposure to airborne contaminants during transition from particular models of 3M respirators to new models.	<ol style="list-style-type: none">1. The employer forthwith ensures all workers at risk be fit-tested to the new models of respirators, beginning with those in the highest risk areas first, and re-tested at regular intervals thereafter as per Section 10 of the <i>Health Care Regulation</i> and CSA Standard Z94.4-02, <i>Selection, Use and Care of Respirators</i>.2. The employer forthwith ensures all workers at risk have access to properly fitted respirators.
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Sample Template - Hazards and Recommendations to Employer

If the JHSC has failed to reach consensus about making recommendations under Section 9 subsection (18) of the *OHS*A after attempting in good faith to do so, either co-chair of the Committee has the power to make written recommendations to the constructor or employer.

Pursuant to S. 9 (20), an employer who receives written recommendation(s) from a committee or co-chair shall respond in writing within 21 days. Therefore we look forward to receiving your written response to our recommendations within 21 days, i.e. by [enter date].

We anticipate that your written response will include all information pursuant to the *OHS*A Section 9 (21), which says: "A response of a constructor or employer under subsection (20) shall contain a timetable for implementing the recommendations the constructor or employer agrees with and give reasons why the constructor or employer disagrees with any recommendations that the constructor or employer does not accept."

Please sign below.

_____, Worker Co-Chair, Joint Health and Safety Committee

_____, Employer Co-Chair, Joint Health and Safety Committee

C. Post for the workers
Copy to JHSC
Local _____