

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*

Re-issued Oct 8, 2020



What is Directive #5?

- Public Hospitals and Long-Term Care Homes are required to:
 - Engage workers in conservation and stewardship of Personal Protective Equipment (PPE)
 - Assess ongoing PPE supplies and explore avenues to obtain more PPE
 - Consult the Ontario Government and Labour Unions if supplies are diminishing
 - Individuals and organizations are expected to conduct ongoing risk assessments

What is Directive #5?

- At a minimum, workers in a Hospital or Long-Term Care Home dealing with suspected, probable or confirmed positive 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
- All workers within the same room must wear an N95 mask where
 - An Aerosol Generating Medical Procedure is being performed, or
 - You are in a room where An Aerosol Generating Medical Procedure is regularly performed.
- LTC Staff: must always wear surgical masks, except when not in contact with residents or during breaks. Staff must maintain 2 metres space while not wearing masks.
- Visitors must always wear masks while indoors.



Risk Assessments

- Organization Risk Assessment: Organizations must consult with the Joint Health and Safety Committee to address ongoing issues
- Regulated Health Professionals must conduct a Point of Care Risk Assessment (PCRA) before interacting with every patient/client to determine when greater PPE is required



Personal Protective Equipment

- The Employer is now required to provide PPE under certain circumstances
- Regulated Health Professionals must utilize a PCRA to determine when a fitted N95 mask is required
- Health Care Workers must be provided fitted N95 masks when:
 - Working with the same patient as a Regulated Health Professional where a PCRA determines a fitted N95 mask is required, or
 - During an outbreak where a 2-metre distance cannot be maintained and a health care worker is in contact with a suspect, probable or confirmed positive case of COVID-19.



How did it come to be?

- March 11, 2020: The World Health Organization classified COVID-19 as a pandemic virus
- March 30, 2020: Directive #5 replaces previous directives dealing with PPE
- SEIU, CUPE/OCHU, OPSEU, ONA, and UNIFOR collaboratively did the following:
 - 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
 - Advocated to the Ministry of Health to address serious concerns with Directive #5
- In order to settle the lawsuit, the Government agreed to amend Directive #5



What has changed in Directive #5?

If your local Medical Officer has not declared an outbreak in your workplace

- Healthcare workers can require a fitted N95 masks if deemed necessary by a PCRA from a regulated health professional requires such protection.
 - Previously: healthcare workers were not required to have N95 masks
- Employers cannot deny requests based on a PCRA
 - Previously: employers could deny any request they deem unreasonable



What has changed in Directive #5?

If the local Medical Officer has declared an outbreak in your workplace

- Healthcare workers can require a fitted N95 mask when a 2-metre distance cannot be maintained with a suspected, probable, or confirmed case.
 - Previously: Healthcare workers had no required access
- Regulated Health Professionals can be denied N95 unless determined appropriate by PCRA.
 - Previously: Employers could deny requests they deemed unreasonable.



How does this impact SEIU members?

- Better safety measures
- Mitigation against spreading COVID-19
- Frontline workers have greater authority
- More accountability placed on the Employer



Frequently Asked Questions (FAQ)

- What is the definition of an outbreak?
 - One or more lab confirmed COVID-19 cases with an epidemiological link in the workplace within a 14-day period.
- What is a Point of Care Risk Assessment?
 - Prior to interacting with every patient, a regulated health professional should assess the task, the patient, and the environment to determine best course of action and appropriate precautions.

FAQ continued

- How do I obtain a N95 Mask?
 - If your facility is not in a declared outbreak:
 - Regulated Health Professionals must complete a PCRA which deems N95 masks, as necessary.
 - Health Care Workers must be interacting with a patient where a PCRA, completed by a regulated health professional, deems N95 masks as necessary
 - If your facility is in a declared outbreak:
 - Regulated Health Professionals must complete a PCRA which deems N95 masks, as necessary.
 - Health Care Workers must determine a 2-metre distance cannot be maintained and notify the Employer a N95 mask is required.



FAQ continued

- What do I do if I disagree with the regulated health professional's PCRA?
 - 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.
 - SEIU has been in contact with ONA, bringing concerns and issues so expectations and reliance on regulated health professionals is clear



FAQ continued

- Does Directive #5 apply to home care?
 - Directive #5 is limited to Hospitals, LTC Homes and Retirement Homes. Home care workers who enter of work in any of these facilities fall under Directive #5.
 - 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



FAQ continued

- What is SEIU's position on mask sterilization?
 - SEIU's position has not changed. Reuse is not acceptable. There are supplies available and providers should secure access
- What if there is a presumptive case, especially with flu season starting?
 - If there is a presumptive case, then the PCRA and precautionary principle means workers can request an N95 mask.



FAQ continued

- What if my employer refuses to provide me with PPE?
 - Employers cannot deny access to PPE if it meets the criteria in Directive #5
 - Under the Occupational Health and Safety Act, workers have a right to refuse unsafe work.
 - 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



FAQ continued

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

Sources

- Health.gov.on.ca. 2020. *COVID-19 Directive #5 Questions And Answers*. [online] Available at: <http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/directives/public_hospitals_act_qa.pdf> [Accessed 30 October 2020].
- SEIU Healthcare Union. 2020. *Healthcare Unions Welcome Improved COVID-19 Protections For Their Members - SEIU Healthcare Union*. [online] Available at: <<https://seiuhealthcare.ca/healthcare-unions-welcome-improved-covid-19-protections-for-their-members/>> [Accessed 30 October 2020].
- Williams, D., 2020. *COVID-19 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*. 2nd ed. [ebook] Chief Medical Officer of Health. Available at: <http://www.health.gov.on.ca/en/pro/programs/publichealth/coronavirus/docs/directives/public_hospitals_act.pdf> [Accessed 30 October 2020].



Any Questions?