

Manager Questions and Answers

H1N1 Flu Virus (Human Swine Influenza)

Introduction

The Province of Ontario is working with the Public Health Agency of Canada, local health units, hospitals and health care providers across the Province, as well as with international partners, to monitor the current situation regarding H1N1 Flu Virus. The Ministry of Health and Long-Term Care has the lead for responding to the H1N1 Flu Virus matters.

General questions and answers for all OPS staff are currently posted on the MyOPS Wellness Portal. The following questions and answers have been prepared to help managers respond to questions and concerns from employees in a sensitive, timely and direct manner.


We will keep you updated as more information becomes available for distribution.

General

Q1 What should I do if staff have travelled to Mexico and then develop symptoms of H1N1 Flu Virus when they return?

If an employee has traveled to Mexico and then develops respiratory illness with fever and cough or shortness of breath within 7 days of returning home they are advised to:

- ✓ Stay at home and avoid contact with others for 24 hours after symptoms have resolved or 7 days from time of onset of symptoms, whichever is longer
- ✓ Wash their hands frequently
- ✓ Cough and sneeze into their sleeve and not into their hand
- ✓ Contact their health care provider to inform him/her of their symptoms and recent travel history to Mexico and to help determine if investigation for H1N1 Flu Virus is recommended



Should symptoms worsen, medical attention should be sought:

- ✓ Before seeking medical attention, it is recommended that they call ahead to their health care provider or urgent care facility to inform them of symptoms and recent travel history.

Q2 Should I send an employee home, or ask them to stay away for 7 days if they have returned from Mexico?

A2 No. Current advice from the Ministry of Health and Long-Term Care (MOHLTC) is that people do not need to self-isolate immediately upon their return from countries that have travel health warnings. However, they should monitor their health for 7 days following their return to Canada. If they develop symptoms of H1N1 Flu Virus during that period, they should self isolate as described in question 1 and contact medical authorities.

Q3 What should be done if an employee in the workplace displays symptoms consistent with H1N1 Flu Virus?

A3 Speak to the employee. Depending on their symptoms, you may want to suggest that they call their health care provider or TeleHealth Ontario at 1-866-797-0000 (TTY: 1-866-797-0007) and/or go home and seek medical advice. You should remain in touch with the employee. Contact your Health and Safety Consultant from the Centre for Employee Health Safety and Wellness (CEHSW) if you require further assistance. A listing of ministry contacts is posted on the OPS Wellness Portal.


Anyone who has symptoms consistent with H1N1 Flu Virus, should be directed to contact their health professional or TeleHealth Ontario at 1-866-797-0000 (TTY: 1-866-797-0007).

Information on H1N1 Flu Virus is available on the Ministry of Health and Long-Term care (<http://www.health.gov.on.ca>) and the OPS Wellness Portal located under “All Services” on MyOPS.



Q4 What should I do if staff develop symptoms of H1N1 Flu Virus while on business travel to impacted countries?

A4 Current direction from the Public Health Agency of Canada and Ministry of Health and Long-Term Care advises that if a person develops symptoms of H1N1 Flu Virus while on travel, the employee should seek medical care.

A list of physicians can be obtained through the nearest Canadian Embassy or consulate. A listing of these establishments can be accessed through the web site of the Department of Foreign Affairs and International Trade .

In addition, if illness occurs while on business travel, the employee must notify their supervisor or manager. In such cases, the manager should contact Angie Heinz (angie.heinz@ontario.ca), Manager, Injury & Illness Section, Centre for Employee Health, Safety and Wellness for specific advice on supporting employees with illnesses when traveling.

Q5 How can I support my employees? What supports are available?

A5 You can be available to your employees to discuss their concerns. Confidential counselling services of the OPS Employee Assistance Program (EAP) are available to assist individual employees and managers in addressing workplace concerns. If an employee asks about individual EAP services, refer them to the EAP provider.

The current EAP provider is Shepell-fgi and the contact number is 1-800-268-5211. For more information regarding EAP services available to OPS staff, visit the OPS Wellness Portal under “All Services” on MyOPS. You can also direct your employees to the MOHLTC website, which provides up-to-date information on H1N1 Flu Virus at:

http://www.health.gov.on.ca/english/public/updates/archives/hu_09/swine_flu.html .



The MOHLTC has also developed an interactive e-learning module designed to provide managers and staff across the OPS with a basic foundation on influenza pandemic and personal preparedness. The module can be accessed at

http://intra.moh.gov.on.ca/Emergency_Information/Emergency_Training_Education_and_Awareness.html

Q6 Employees have expressed concern about traveling to work on public transit for fear of contracting H1N1 Flu Virus and are asking, do they have to report to work or can they work from home?


A6 The Employer expects employees to report to their assigned workplace. To this point, there has been no information from public health authorities to suggest that taking public transit poses a risk. Employees can be encouraged to look at alternative means of transportation if they have concerns (e.g. bicycling, walking/roller blading, car pooling etc.).

Q7 What precautions can staff take when dealing with or encountering the public (i.e. staff working in a privately owned building with doctors' offices, working in a strip mall, etc.)?

A7 You should reassure staff that the best protection against H1N1 Flu Virus is to practice good hygiene including thoroughly washing their hands with the soap provided in workplace washroom facilities, several times during the day for at least 15 seconds, or use a 60% - 90% alcohol based cleaning gel.

If staff have questions, but don't have symptoms, a dedicated ServiceOntario Infoline (1-800-476-9708) is now in place to answer basic questions that the public may have. The line is open from 8 a.m. to 8 p.m. daily. For OPS-specific information, the ServiceOntario line may direct staff to submit their questions to the following email addresses:

- Safety.central@ontario.ca
- Safety.east@ontario.ca

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- Safety.west@ontario.ca
 - Safety.north@ontario.ca

The Centre for Employee Health, Safety and Wellness will coordinate providing responses as quickly as information becomes available.

Q8 What should I do if I hear about employees going to the doctor on their own time because they think they may have H1N1 Flu Virus?

A8 A situation where an employee is taking care of his/her own medical needs on his/her own time is his/her personal business. Managers should consider the source of the information or rumour, and if it appears that staff are targeting individuals based on their race, ethnic origin or disability, the manager is obligated to ensure such employees are not subject to discrimination and that unacceptable behaviour is appropriately addressed.

Q9 How do I re-integrate an employee returning from having H1N1 Flu Virus or having demonstrated influenza symptoms?

A9 Welcome the employee back into the workplace, and ask him/her if they want to talk to you about it.

Anticipate that there may be some anxiety by the returning employee and other employees in the workplace. Take steps to help them address their anxiety. If need be, consider the services of the OPS Employee Assistance Program provider. The current EAP provider is Shepell-fgi and the contact number is 1-800-268-5211. For more information regarding EAP services available to OPS staff, visit the OPS Wellness portal under "All Services" on MyOPS.

Whatever integration scenario you follow, you need to ensure that the returning employee is not subject to discrimination and harassment, and is supported by you. Encourage all employees to continue checking the Ministry of Health and Long-Term Care website for up-to-date information.



Protective Equipment and Supplies

Q10 Will the employer provide surgical masks or respirators as personal protective equipment?

A10 Staff should continue to take normal precautions to protect themselves as they would from a regular seasonal flu. The best advice is to continue to wash their hands frequently, cover coughs and sneezes, and stay home when ill.


The Public Health Agency of Canada does not recommend that members of the general public wear surgical masks to protect against contracting H1N1 Flu Virus. Evidence shows that this is not effective in preventing transmission of influenza to the general public. People often use masks incorrectly, or contaminate them when putting them on and taking them off, which could actually increase the risk of infection.

The requirement for protective equipment, such as masks and respirators, depends on the circumstances of each workplace and the nature of the services provided. In determining whether protective equipment is necessary, the Employer will follow the advice of the MOHLTC and other medical officials.

Q11 If an employee started showing influenza symptoms while at work, should we disinfect surfaces and objects they've come into contact with?

A11 While influenza virus may be present on surfaces and objects, the risk of another person contracting influenza by contact with those surfaces and objects is likely to be very low.

As well, public health advises that the best defense remains sound hygiene practices, including washing hands thoroughly throughout the day for at least 15 seconds using soap provided in workplace washroom facilities.



Nonetheless, disinfections can be performed strictly for personal hygiene purposes, or to lessen fears that failing to disinfect could result in transmission of influenza. If 48 hours or more has elapsed between the time that the sick person had contact with a surface or object, any virus deposited by the sick person is likely to have become inactive and disinfection would be unnecessary.

Refer to the OPS Wellness Portal for information on hand washing and soon to be posted surface cleaning information.

Q12 What advice can you offer when my staff, who haven't been issued personal protective equipment (and I am told they don't need it), work along side staff from another organization who are wearing personal protective equipment?

A12 First, examine the working situation of your staff to determine if there is a need for personal protective equipment. At this point in time, the primary focus for people requiring personal protective equipment is for those working in health care. Just because another organization outside of the OPS issues personal protective equipment does not mean it is appropriate, or necessary for OPS staff.



Work Refusals

Q13 How should I handle work refusals related to H1N1 Flu Virus?

A13 An employee's right to refuse to work under the *Occupational Health and Safety Act* is no different in this situation. A key consideration will be the ability to verify that there is a hazard. Allegations and hypothetical situations are not indicators of a hazard.

A flow chart is provided in Appendix A that summarizes this Work Refusal Process.


Health and Safety Consultants in the Centre for Employee Health, Safety and Wellness are available to provide support and information on the work refusal process. If you do not know who the contact is for your ministry, refer to the OPS Wellness Portal contact listing. A copy of the *OPS Guide to Managing Work Refusals* is available on the OPS Wellness Portal.

Joint Health and Safety Committees

Q14 What is the role of the manager in communicating and working with the Joint Health and Safety Committees (JHSCs) and Health and Safety (HS) Representatives?

A14 As a manager, you need to ensure that you communicate openly on employee health and safety matters and work with the local JHSC or HS Representative to support the maintenance of a safe workplace environment where health and safety concerns are quickly resolved. Specifically, managers should:

- ✓ ensure, where required, JHSCs or HS representatives are in place and functioning in accordance with the *Occupational Health and Safety Act*
- ✓ have regular open dialogues with your staff, the worker members of the JHSC, the HS Representative and bargaining agent representatives, as applicable

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- ✓ work with the JHSCs or HS Representatives to create a positive work environment so staff can feel comfortable reporting potential health hazards or their own flu-like symptoms
 - ✓ share corporate employee communication materials related to H1N1 Flu Virus
 - ✓ consult with the JHSC or HS Representative on training, protocols, procedures or PPE recommended by the employer
 - ✓ track, monitor and report work refusals to your ministry response team.

As a reminder, the JHSC and HS representatives have legislated rights under the OHS Act which include:

- ✓ identifying workplace hazards
- ✓ inspecting the workplace at least once a month
- ✓ being consulted about workplace testing
- ✓ making recommendations to the employer
- ✓ being notified about and investigating work refusals
- ✓ being notified about and investigating critical injuries and fatalities that occur in the workplace.

If you need further information on the role of the JHSC or HS Representatives contact your ministry Health and Safety Consultant. A listing is provided on the OPS Wellness Portal.



Discrimination and Harassment

Q15 People say that H1N1 Flu Virus originated in Mexico -- am I more likely to contract H1N1 Flu Virus if I interact with people from Mexico?

A15 No. While there is heightened attention to the H1N1 Flu Virus outbreak in Mexico, it is incorrect to suggest that people of a particular race or national/ethnic origin are likely to pose a greater risk than others of transmitting the virus.


That being said, many OPS employees do have real anxiety about H1N1 Flu Virus and the risks that it poses. The best way to counteract these fears is with accurate information about this illness, how it is spread, and what the risks, recommended precautions and treatments are.

Information is available at <http://www.health.gov.on.ca> (MOHLTC website) and the OPS wellness Portal located under "All Services" on MyOPS.

In addition, some employees may benefit from discussing concerns with an Employee Assistance Program (EAP) Counsellor. Employees are encouraged to take advantage of this service during stressful times.

Q16. Some of my staff are afraid to serve some clients because they don't want to get sick. What should I do?

A16. Remember, the best way to counteract these fears is with accurate information about this illness, how it is spread, and what the risks, recommended precautions and treatments are. Some people may think there's a greater risk of contracting H1N1 Flu Virus when dealing with people of a certain race or ethnic origin--there is no public health justification for this fear. Talk to the employee about their specific concerns. Provide them with the general information from question 1.



The OPS must at all times uphold its value of providing services in a way that is not discriminatory. It is essential for all public servants to work together to face challenges like those posed by H1N1 Flu Virus, so that we can continue to provide the best possible service to the people of Ontario.

However, treating clients differently because of their race or origin has a very real impact. Failure to serve clients because they belong to a certain race or ethnic origin denies them government services which they have an equal right to receive, and which are very important to their well-being. This failure would likely constitute discrimination under the *Ontario Human Rights Code*. Such behaviour will not be tolerated in the OPS, and could result in disciplinary action.


Both you and your employees must ensure that all our clients receive service and are treated in the usual manner, unless it is confirmed that the client has H1N1 Flu Virus. If you believe that a public health issue exists, take appropriate steps to protect employees' health and safety and that of their clients. Normal infection control measures should be applied (see Question 7 for additional information). You should also refer to your ministry pandemic plan for further details about client service.

Q17. What policies or laws are in place to ensure employees are protected from discrimination?

A17. The OPS Workplace Discrimination and Harassment Prevention Policy and the *Ontario Human Rights Code* prohibit discriminatory or harassing behaviour by one employee toward another, based on a prohibited ground such as race, ancestry, colour, citizenship, ethnic origin or place of origin. They also apply to a situation where someone is discriminated against or harassed because of their association with someone else (e.g., a friend, spouse, or house-mate) who is a member of a certain racial or ethnic group.

Examples of unacceptable behaviour include:

- refusal to work with others
- demeaning comments or behaviour

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- demanding that others be removed from the workplace or relocated in the absence of a public health justification
 - demanding to be relocated so as to avoid working with someone
 - pressuring a co-worker to go off on sick leave

As in the case of discrimination against clients, such behaviour will not be tolerated in the OPS, and could result in disciplinary action. If an employee believes there is a public health issue they should be advised to speak to their manager promptly so that any appropriate steps can be taken.


Handling Absences Related to H1N1 Flu Virus

Q18. How do I treat an employee's absence while sick due to H1N1 Flu Virus or while off with influenza symptoms?

A18. As with other illnesses, employees who are unable to attend work due to having H1N1 Flu Virus, are entitled to short-term sick leave or attendance credits under the respective collective agreement or employment policy as applicable.

Q19. An employee has asked for a change in their vacation plans, what should I do?

A19. The current situation may give rise to requests for vacation time or the cancellation of vacation time, depending upon the employee's individual needs and circumstances. You should consider the requests in a positive manner, subject to the immediate operational requirements of the workplace.



Q20. In addition to vacation leave are there other types of leaves that can be considered?

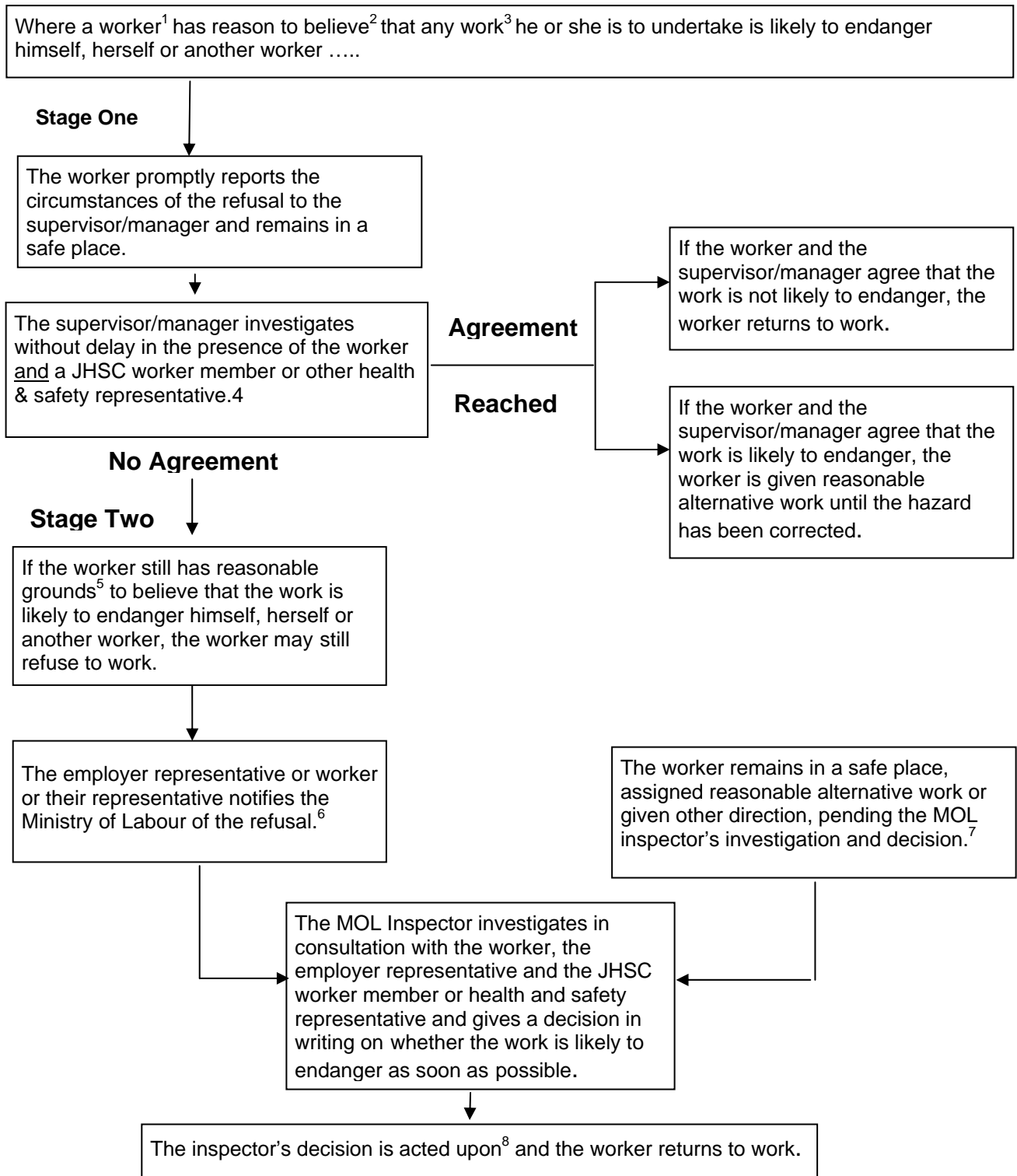
A20. You may be dealing with situations where other types of leave may be considered. Examples include, but are not limited to, the immediate need to respond to child or elder care situations arising from the H1N1 Flu Virus situation.

Other leaves such as Management Compensation Option Credits, Compensation Option Credits, Special and Compassionate leave, leave without pay, and emergency leave may also be available provided the nature of the absence is not inconsistent with the granting of the leaves and the *Employment Standards Act 2000*.

Requests for special and compassionate leave must be considered on a case-by-case basis based on management discretion. Consult the relevant collective agreement or Management Board of Cabinet Compensation Directive, 2008 provision. Your Human Resources Advisor would be available to advise you.

At this time, it is not anticipated that long periods of leave are required to address these special circumstances.

Appendix A
REFUSAL TO WORK WHERE HEALTH OR SAFETY IS IN DANGER
 Section 43, *Occupational Health and Safety Act*





Appendix A Footnotes

REFUSAL TO WORK WHERE HEALTH OR SAFETY IS IN DANGER

Section 43, *Occupational Health and Safety Act*

1. Persons employed in the following types of workplaces only have a limited right to refuse work (taken from section 43(2) of the *Occupational Health and Safety Act* - refer to the *Act* for precise wording):
 - (a) a person employed in, or a member of, a police force to which the *Police Services Act* applies;
 - (b) a firefighter as defined in subsection 1 (1) of the *Fire Protection and Prevention Act, 1997*;
 - (c) a person employed in the operation of,
 - (i) a correctional institution or facility,
 - (ii) a place of secure custody designated under section 24.1 of the *Young Offenders Act* (Canada), whether in accordance with section 88 of the *Youth Criminal Justice Act* (Canada) or otherwise,
 - (iii) a place of temporary detention under the *Youth Criminal Justice Act* (Canada), or
 - (iv) a similar institution, facility or place;
 - (d) a person employed in the operation of,
 - (i) a hospital, sanatorium, nursing home, home for the aged, psychiatric institution, mental health centre or rehabilitation facility,
 - (ii) a residential group home or other facility for persons with behavioural or emotional problems or a physical, mental or developmental disability,
 - (iii) an ambulance service or a first aid clinic or station,
 - (iv) a laboratory operated by the Crown or licensed under the *Laboratory and Specimen Collection Centre Licensing Act*, or
 - (v) a laundry, food service, power plant or technical service or facility used in conjunction with an institution, facility or service described in c(i) to c(iv) above.



Appendix A Footnotes (*continued*)

These persons may exercise their right to refuse where:

- the circumstance which prompted the refusal is **not** inherent in the work;
 - the circumstance which prompted the refusal is **not** a normal condition of the worker's employment; and
 - a refusal would **not** directly endanger the life, health or safety or another person (worker, client or the public).
2. At this stage, the worker's "reason to believe" may be based on the worker's subjective opinion that the work poses a hazard. The worker can be mistaken in this opinion. It is the supervisor's responsibility during his or her investigation to establish, in consultation with the worker, what the perceived hazard is and whether or not a hazardous condition is actually present.
 3. The worker's potential grounds for refusing to work are:
 - a) that the equipment, machine, device or thing the worker is required to use is likely to endanger the worker or another worker
 - b) that the physical condition of all or part of the workplace is likely to endanger the worker or another worker; or
 - c) that the equipment, machine, device or thing the worker is required to use or the physical condition of the workplace contravenes the Act and, as such, is likely to endanger the worker or another worker.
 4. The supervisor must ensure that a JHSC Worker Member or Health and Safety Representative is in attendance during a work refusal investigation even in cases where a worker member is not on site at the time of the refusal. If possible the JHSC Worker Member should be certified. If the certified JHSC Worker Member, another Worker Member or the Health and Safety Representative cannot be reached the union should select a worker with knowledge, experience and training to represent the worker.
 5. Unlike the "reason to believe" in stage one, the worker's "reasonable grounds" to continue to refuse work must be based on true fact or authority that the work is hazardous.



Appendix A Footnotes (*continued*)

6. For Ministry of Labour Office locations and phone numbers, refer to the listing in the back of the *Occupational Health and Safety Act*. To contact Ministry of Labour after normal business hours (i.e., between 5:00pm -8:30 am), on weekends or holidays call 1-800-268-6060.
7. The disputed equipment or work area is not to be used pending an investigation and a written decision by the Ministry of Labour Inspector. Another worker may be assigned to the refused work if the second worker is informed of the original refusal to work and the reasons for the refusal in the presence of the JHSC Worker Member or Health and Safety Representative and the second worker agrees to do the work.
8. The employer may file an appeal of an order made by an inspector under *the Occupational Health and Safety Act* or regulations within 30 days.

Where a supervisor requires assistance in responding to a work refusal, contact the Regional Health & Safety Consultant within the CEHSW assigned to your ministry. These contacts can be found on the [OPS Wellness Portal](#).