

Operations Division Occupational Health and Safety

Field Visit Report

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OHS Case ID: **03835PJLL303**

Field Visit no: **03835PJLL304**

Visit Date: **2020-MAY-07**

Field Visit Type: **INITIAL**

Workplace Identification: **BAYCREST HEALTH SCIENCES**

Notice ID:

3560 BATHURST STREET, NORTH YORK, ON, CANADA M6A 2E1

Telephone:
(416) 785-2500

JHSC Status:
Active

Work Force #:
1800

Completed %:

Persons Contacted: **MOIN SHEIKH, HEALTH AND SAFETY SPECIALIST**

Visit Purpose: **INSPECTION REGARDING PPE IN THE COVID ASSESSMENT CENTRE**

Visit Location: **BY TELEPHONE**

Visit Summary: **ORDER ISSUED.**

Detailed Narrative:

A complaint was filed with the MLTSD regarding personal protective equipment in the facility's COVID assessment centre. A nurse had previously engaged in a work refusal on this issue April 20, 2020 and the union is now seeking to have the same concerns be investigated as a complaint, particularly in light of decisions made elsewhere in the Province.

On May 5, this inspector phoned the complainant for clarification and then phoned the workplace and spoke with an employer representative. This inspector asked whether the facility had made N95 masks available to the worker performing the nasopharyngeal swabs in the Covid assessment centre. The representative stated that they had not. This inspector encouraged the employer representative to discuss the availability of N95 respirators to the nurse working in the Covid Assessment Centre in light of the ONA v. Eatonville decision with the other employer representatives. The employer representative stated that they would discuss it the next day and inform this inspector if they were now going to be making N95 respirators available for the nurse working in the Covid Assessment Centre. At the time that this inspector is preparing the report, the inspector has received no further communication from the employer and so their position is presumed to be unchanged.

The Chief Medical Officer of Health (CMOH) Directive #5, dated April 10, 2020, page 4 states, 'If a health care worker determines, based on the PCRA, and based on their professional and clinical judgement, that health and safety measures may be required in the delivery of care to the patient or resident, then the public hospital or long-term care home must provide that health care worker 'with access to the appropriate health and safety control measures, including an N95 respirator. The public hospital or long-term care home will not unreasonably deny access to the appropriate PPE.'

The ONA v. Eatonville Decision dated April 23, 2020 disposition in paragraph 96 states, '[96] The Respondents and their agents, employees, and those acting under their instruction are ordered to provide nurses working in their respective facilities with access to fitted N95 facial respirators and other appropriate PPE when assessed by a nurse at point of care to be appropriate and required, as set out in Directive #5 issued by the CMOH.

Recipient	Inspector Data	Worker Representative
Name <u>Andrea Przybylo</u>	VALENTINA PARKER	Name <u>L. Holynaty</u>
Title <u>Interim HR Program Director</u>	OCCUPATIONAL HEALTH & SAFETY INSPECTOR PROVINCIAL OFFENCES OFFICER 5001 Yonge St. Rm 1600 North York ON M7A 0A3 MOLCOMPLIANCEIHSTORN@ONTARIO.CA Tel: (416) 459-1882 Fax: (416) 777-5014	Title <u>Certified Occupational Health Worker</u>
Signature <u>Andrea Przybylo</u>	Signature <u>V. Parker</u>	Signature <u>L. Holynaty</u>

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.

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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As this employer is not providing access to N95 respirators when assessed by a nurse at the point of care to be appropriate and required and in consideration of the available supply, an order is issued.

A copy of this report shall be provided to the Joint Health and Safety Committee and posted in the workplace.

Recipient

Inspector Data

Worker Representative

Name Andrea Przybylo
Title HR Program Director
Signature [Signature]

VALENTINA PARKER
OCCUPATIONAL HEALTH & SAFETY INSPECTOR
PROVINCIAL OFFENCES OFFICER
5001 Yonge St. Rm 1600 North York ON M7A 0A3
MOLCOMPLIANCEIHSTORN@ONTARIO.CA
Tel: (416) 457-1882
Fax: (416) 777-5014
Signature [Signature]

Name Lucie Holynaty
Title Certified JOHSC
Signature [Signature]

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

To:

Org/Ind Role

BAYCREST CENTRE FOR GERIATRIC CARE

Owner

Mailing Address:

3560 BATHURST ST, NORTH YORK, ON, CA M6A 2E1

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	Time	OHS	1990	25	2	h	The employer shall take every precaution reasonable in the circumstances to protect registered nurses from Covid-19 where the worker's Point of Care Risk Assessment in relation to a suspected or Covid-19 positive patient has established a need for specific personal protective equipment in consideration of the level of risk posed by this activity and available supply of this type of personal protective equipment. At the time of inspection, registered nurses were denied N95 respirators as required by their Point of Care Risk Assessment and in consideration of the available supply of N95 respirators when performing a nasopharyngeal swab in the facility's Covid Assessment Centre. The employer declined to provide these workers access to N95 respirators when performing a nasopharyngeal swab in the facility's Covid Assessment Centre.	2020-MAY-08
03835PJLM305								

Recipient

Inspector Data

Worker Representative

Name Andrea Przybylo
Title Interim Program Director
Signature Andrea Przybylo

VALENTINA PARKER
OCCUPATIONAL HEALTH & SAFETY INSPECTOR
PROVINCIAL OFFENCES OFFICER
5001 Yonge St. Rm 1600 North York ON M7A 0A3
MOLCOMPLIANCEIHSTORN@ONTARIO.CA
Tel: (416) 459-1882
Fax: (416) 777-5014

Name Lucia Holypate
Title Certified Occ H Worker
Signature Lucia Holypate

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