

# Your Workplace Health & Safety Rights Amid COVID-19

November 12, 2020

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# Internal Responsibility System

**Legislation is based on the principle of shared responsibility.**

**EVERYONE in the workplace has a personal and shared responsibility for prevention.**

**Responsibility is assigned according to the person's authority and ability to control hazards:**

- **Employers**
- **Supervisors**
- **Workers**



# Workplace Safety and Health Act

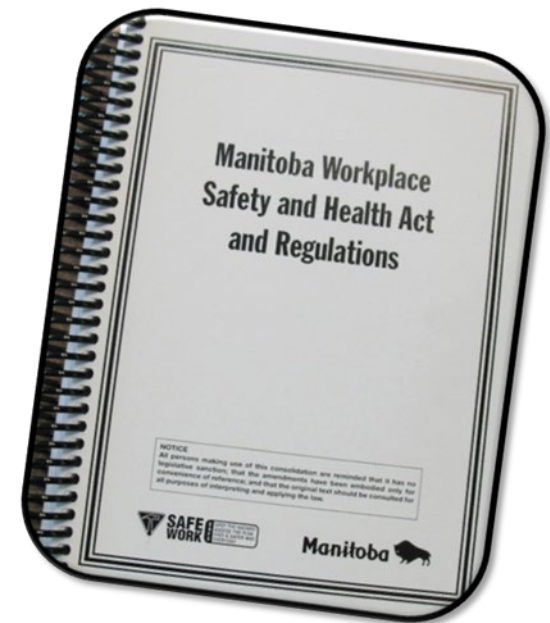
**The Act applies to all provincially regulated workplaces.**

**ALL workers are covered, regardless of:**

**Age**

**Full time/part time**

**Paid/not-paid**





# Workers 4 Legislated Rights in the workplace

Manitoba  
**nurses**  
Union

A COMMITMENT TO CARING

# Right to Know

**The employer must ensure the worker is:**

- **Informed about the hazards at work**
- **Trained to recognize hazards**
- **Informed about his or her rights under the law**
- **Trained in safe work procedures and provided information to protect their safety and health**



# Point of Care Risk Assessment

- **Is the hazard present in this situation?**
- **What is the patient's health status?**
- **What type of task/interaction am I doing/having?**
- **Where am I doing my task/interaction?**
- **What action do I need to take?**

<https://sharedhealthmb.ca/files/covid-19-point-of-care-risk-assessment-tool.pdf>



# Right to Participate

**Every worker has the right to participate in safety and health issues by:**

- **Being a safety and health committee member**
- **Electing worker members to the safety and health committee**
- **Bringing forward safety and health concerns**



# Right to Protection from Discriminatory Action

**A worker cannot be discriminated against for safety and health reasons, such as:**

- **Exercising a right under the Act or Regulation**
- **Testifying in a proceeding under the Act**
- **Giving information about workplace conditions**
- **Performing duties as a member of a committee**
- **Refusing dangerous work**
- **Complying with the Act and Regulation and/or attempting to have Act/Regulation enforced**





# Right to Refuse Unsafe Work

**Under section 43 of the Act, workers have the right to refuse work that the worker *believes is dangerous* to themselves or others:**

- ❖ **A danger that is not normal for the job**
- ❖ **A danger that would normally stop work**
- ❖ **A situation for which the worker isn't properly trained, equipped, or experienced**



# Right to Refuse Unsafe Work

[https://professionals.wrha.mb.ca/old/professionals/safety/files/Safety/R to R WRHA\\_algorithm.pdf](https://professionals.wrha.mb.ca/old/professionals/safety/files/Safety/R%20to%20R%20WRHA_algorithm.pdf)

- “Reasonable grounds”
- Follow proper process (e.g. WRHA - The Report and Resolution of Safety Concerns Process)
- Notify Manager
- Document - form
- Discussion
- Resolution



# Your 4 Legislated Rights in the Workplace

- **Right to Know**
- **Right to Participate**
- **Right to Refuse Dangerous Work**
- **Right to Protection from Discriminatory Action**



# MNU PPE Settlement: MOA & Joint Statement

MNU has signed a Memorandum of Agreement and issued a Joint Statement with Shared Health on issues involving PPE use and other important health and safety controls, including access to N95 masks.

Highlights of the agreement are found on the MNU website:

<https://manitobanurses.ca/message-to-members-ppe-settlement-announcement>

Four situations/rights agreed upon regarding N95 masks:

Next 4 slides...



# **Nurses' Rights re: N95 under PPE MOA**

- 1) Nurses have the right to request a N95 when providing patient care to suspect or confirmed COVID-19 patients.**

**If requested, it (N95) shall be automatically provided.**



# N95 rights continued

2) Nurses performing a nasopharyngeal swab have the right to request a N95 should their PCRA suggest that a N95 or higher level of PPE is justified in the circumstances. Agreed upon guidelines that the Nurse can use in exercising professional judgment include:

- the patient's symptoms and volume of respiratory secretions, and ability to control secretions and coughing;
- the Nurse's assessment of the likelihood of coughing or sneezing being induced by the swab;
- the environment in which the swab is performed;
- the patient's ability to comply with Infection Prevention Control measures.

If requested, it (N95) shall be automatically provided.



## **N95 Rights continued**

- 3) In all other circumstances, including non-COVID-19 patients, a Nurse has the right to request appropriate PPE including a N95 based on a point of care risk assessment, which should include the probability and frequency of AGMP's.**

**If requested, it (N95) shall not be unreasonably denied.**



## **N95 Rights continued**

- 4) All Nurses present in a room where AGMP's are being performed on suspect or confirmed COVID-19 patients shall be provided with a N95.**





# WCB Definition of an Accident

- **A willful and intentional act that is not the act of the worker,**
- **Any event arising out of, and in the course of, employment,**
- **Any thing that is done and the doing of which arises out of, and in the course of employment,**
- **An occupational disease**

**and as a result of which a worker is injured.**



## **MNU Collective Agreement (2303):**

**A nurse who becomes injured or ill, in the course of performing her/his duties must report such injury or illness as soon as possible to her/his immediate supervisor.**

**A nurse unable to work because of a work-related injury or illness will inform the Employer immediately, in accordance with established procedures, so that a claim for compensation benefits can be forwarded to the Workers Compensation Board (WCB). Workers Compensation payment will be paid directly to the nurse by WCB.**



# Reporting Covid-19 Exposure:

If you have had direct exposure to a confirmed Covid-19 + patient/co-worker (in the course of your work):

- Report the exposure to your Manager and to WCB
- Inform your Manager that you are submitting a claim with the WCB.

**\*Let your Manager know verbally, but follow-up with an email so that you have the documentation, if needed.**



# Reporting Covid-19 Exposure to Manager & WCB:

## Important information to Include:

- **Date of exposure**
- **What care did you provide to the patient; how long were you with the patient, co-worker etc**
- **Was the patient /co-worker wearing a mask?**
- **Was the patient /co-worker coughing, sneezing?**

**Confirm what PPE you were wearing (surgical or a N95 mask, etc)**



# **WCB contact information:**

**Workers Compensation Board of Manitoba**

**204-954-4321**

**1-855-954-4321**

**[claims@wcb.mb.ca](mailto:claims@wcb.mb.ca)**



# WCB and Covid-19

**If you are symptomatic and get tested:**

- **Let your manager know that you have gone for testing,**
- **Let the WCB know that you have gone for testing**
- **Let manager and the WCB know the test results.**



# WCB and Covid-19

**In order for the WCB to accept a claim for Covid-19:**

- 1. There has to be direct contact with a confirmed Covid-19 + patient/co-worker,**
- 2. You must have a positive Covid-19 test result.**

**\*If test results are negative, there may have been a hazard in the workplace, but it did not result in an injury.**



## When is a COVID-19 claim accepted?

- **The WCB must determine that a worker contracted the virus as a result of an exposure arising out of and in the course of employment.**

## How will the WCB make this determination?

- **The WCB adjudicates work relatedness and benefit entitlement based on the specific and unique circumstances of each individual case. The WCB gathers information from you and other sources to assist in making this decision.**





# WCB Covid-19 FAQ

**How is work-relatedness determined?**

- **The WCB looks at details such as the person's employment activities, their symptoms and whether they have a diagnosis of COVID-19.**

**Does the WCB cover workers during self-isolation or quarantine when they are not sick?**

- **No, the WCB does not provide coverage to workers when they are quarantined, self-isolating or sent home on a precautionary basis and are symptom free.**
- **Should a worker develop symptoms during quarantine, they may be eligible for compensation.**



# Self Isolation: Who pays?

If you are Asymptomatic during the self-isolation period:

- Request the administrative leave as per the Government of Manitoba.

If you are Symptomatic during the self-isolation period:

- Request income protection (sick leave benefits)
- **Get tested!**
- Contact the WCB

\*If test results are positive, and you have had direct exposure to a Covid-19 + patient/coworker, the WCB may cover wage loss benefits.

