
MEMORANDUM

To: OSBCU Local Presidents, Executive, Stewards and members of JHSC, IW/disability committees

From: Mike Saliba and Michele Lalonge-Davey, representative[s] to OSBCU's Health and Safety/Injured Workers Committee and Paul Sylvestre, CUPE Health and Safety Representative

Date: October 29, 2020

Subject: **COVID-19 – recent and updated information from CUPE/OSBCU**

Hello, everyone! We hope you are well and “taking care of yourselves first.” 😊

We have received many inquires and requests for support as we continue to hold employers accountable on topics like:

- Personal Protective Equipment (PPE);
- Complaints to the Ministry of Labour, Training and Skills Development (MLTSD, formerly known as the Ministry of Labour, or MOL);
- WSIB reporting;
- Reporting employee injuries (e.g. rashes from masks, face shields, exposure, etc.).

We wish to share a few tidbits of information and strategies we hope will help you. Together we will get through these unique times. We are in regular contact with other affiliates from the PWGHS (Provincial Working Group Health and Safety) and OSBCU regularly communicates with the Ministry of Education – these are opportunities to gather our ideas and strategies and get questions answered for us all.

We remind you to keep your CUPE National Servicing Representative in the loop and when stuck for language etc. to push your agenda forward please use these individuals as a resource.

Our role here is to share information and share practices we have seen work. We flag repeat items and concerns we hear from you to the PWGHS and to the Deputy Minister, but the work is yours at the local level.

We must be brave and bold: some of these issues are out of our wheelhouse and they can feel scary to deal with. Within her local, Michele Lalonge-Davey has offered to help members to craft scripts and rehearse, if they are nervous about addressing issues themselves with supervisors. This is an excellent leading practice that could be tried in all our locals

Personal Protective Equipment (PPE)

Some general PPE information: In general, PPE worn by the worker must be clean, free of hazards and not cause any additional hazards such as heat/discomfort or impair mobility, dexterity, and vision issues.

Workers must bring their PPE concerns to the supervisor so that an accommodation can be arranged.

A risk assessment will assist the employer in determining the appropriate measures to protect the workers. If the accommodation is refused and the worker continues to be exposed to a hazard, a grievance can be filed, or a complaint can be filed with the MLTSD.

- a) **Vision:** The **visors** should not be pressing up against the worker's glasses. We are also aware that vision impairment from foggy glasses is becoming a huge issue for our members. We will forward leading practice to locals, as they become available.
- b) **Masks** should not be removed from their original packaging. More the handling, the less likely they are to be clean. The lack of original packaging is a result of the centrally procured items going to one shipping location for a board and then distributed accordingly. OSBCU is considering what if anything can be done in this regard.
- c) **Gloves:** We are hearing of situations where the school boards have asked workers to buy their own disposable gloves. In general, the Act says that PPE is **provided** by the employer, but not necessarily paid for by the employer. That said, workers usually do not pay for disposable/one-time use items. We would not expect workers to pay for gloves if the employer requires workers to wear them.

Wearing **gloves** as PPE is based on a risk assessment. The employer should be able to demonstrate if the equipment is required. The JHSC/union should evaluate the assessment to determine if the controls in place will adequately protect the worker, keeping in mind other engineering/administrative controls (i.e. hand hygiene, frequent disinfecting of surfaces).

New information regarding face shields

Regarding face shields, Ministry of Government and Consumer Services (MGCS) has been shipping supplies from several different manufacturers. The issue of the lifespan of the current product has been raised with MGCS and the Ministry of Education – per most manufacturers, it has an approximate 15 use/2-3-week lifespan. As a result, school board shipments for October will contain 2 face shields per month per staff. It is also worthwhile to note that, based on the feedback received from the school boards re: the face shields, MGCS colleagues are in the process of looking at procuring face shields with a longer lifespan.

Risk Assessments

If you have not seen risk assessments to support the PPE required, you can push for these if you need to. The selection of PPE is based on a risk assessment of the job or task. Risk assessments are not mentioned in the Occupational Health and Safety Act, except in the

context of workplace violence. Still, they are part of an employer's duty to take all reasonable precautions in the circumstance to protect the worker.

MLTSD Complaints

If you have exhausted the Internal Responsibility System (IRS) – that is, you have already taken your concerns to the Supervisor/Employer – you can make a complaint to the MLTSD. You can either call in or email. We are hearing that the online complaints are getting quicker results/replies. Also, depending on your preference, it may be a bit more relaxed and less stressful to report online.

You can make a complaint by phoning MLTSD by phoning 1-877-202-0008 or going online to file a [workplace health and safety complaint](#) and clicking on the blue box, "File a complaint online."

During the pandemic, MLTSD inspectors have been reluctant to write orders when they see violations of the Act. Often the inspectors will write in their report "reminders" or "instructions" for employers to comply with the Act, instead of writing orders. If this happens, we urge locals/JHSC to follow up with the inspector after 5 days, if the employer does not follow through any reminder or instruction given by the inspector.

Public Health

You can also make complaints to your local Public Health office and there are also inspectors who can write orders.

WSIB Exposure Form

A reminder that all members should be completing a WSIB exposure form each time that they have been exposed to a confirmed case of COVID 19 in their workplace. The form can be found by following this [link](#).

COVID Link to School Cases Resource

Cases of COVID 19 are tracked using this [site](#). CUPE and OSBCU are also working on a tracking tool to be used by local presidents and national staff.

OSBCU webinars

A reminder that OSBCU has created two webinars to assist you and your members in learning your rights under the Occupational Health and Safety Act and how to navigate the WSIB system in case of exposure. The links below will take you to these presentations:

[WSIB Webinar](#)

[Health and Safety Webinar](#)

Additional CUPE resources

[COVID-19 Health and Safety Practices](#)

[Preventing exposure to COVID-19 - Education Sector](#)

Additional government resources

Members may also be interested in the following federal government sites; the lists are updated frequently.

[List of approved hand sanitizers](#)

[List of approved disinfectants](#)

[List of recalled hand sanitizer and the rationale for their recall](#)

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