

Pandemic: What If....

Questions and Answers relating to Work

Question	Answer
Workplace Health and Safety Questions	
In the event of a pandemic, what are the employer responsibilities under the <i>Occupational Health and Safety Act, Regulation and Code</i> ?	Employers are required to ensure the health and safety at the workplace and should establish a plan for addressing and responding to emergency situations such as those that may arise during a pandemic.
I'm concerned about my health because my co-worker is at work with symptoms of the flu during a pandemic emergency situation. What can I do?	<p>Every employer should have a plan to address this type of situation and if health and safety is at risk, steps must be taken to minimize the risk. At the same time, workers who are sick are also responsible to care for their own health and protect the health and safety of their co-workers.</p> <p>As a concerned worker, tell your supervisor, and ask about the plan that your employer has for addressing emergency situations. Workers who are ill with highly contagious and serious infections must take measures to prevent the spread to coworkers.</p>
My co-worker has symptoms of the flu during a pandemic emergency situation. Is this “imminent danger” for the purposes of Section 35 of the <i>Occupational Health and Safety Act</i> ?	For the purposes of Section 35 of the <i>Occupational Health and Safety Act</i> , this would <u>not</u> be considered imminent danger. There are two considerations for determining imminent danger. The first is whether a hazard is dangerous and would likely cause an injury or put a worker's life at risk. The second is whether the hazard is normal for that occupation. In the case of a co-worker with the flu, neither consideration applies. While a potential exposure exists, illness may or may not ensue. Workers who are concerned with any uncontrolled hazards should discuss with the employer the steps to be taken to effectively control the hazard. Also, in a pandemic outbreak situation, the danger of contracting the flu becomes normal to all occupations. When dealing with workplace hazards, employers have the obligation to take effective steps to minimize worker exposure to the health and safety hazards.

Question	Answer
Would the health and safety legislation related to workers being competent still apply during a pandemic?	Yes, all legislated requirements would continue to apply. Part of the employer's emergency plan should address essential services, cross-training needed for the essential services, and other contingency plans.
Must an employer ensure that a worker is trained in the safe operation of the equipment that the worker is required to operate during a pandemic?	Employers will be expected to meet the requirements of the Occupational Health and Safety legislation regardless of whether a pandemic exists. If an employer cannot ensure that a worker is trained in the safe operation of equipment, then the worker must not operate that equipment.
Does an employer need to involve employees in pandemic planning for the work site?	Yes. It is prudent for an employer to include employees to obtain input, hear concerns and address issues that may arise. It would also help in communicating the emergency plan to everyone.
Where do employers and workers get information about health effects and precautions related to a pandemic?	<p>Alberta Health and Wellness provides information about health effects and preventing the spread of infection. In the event of a pandemic, Alberta Health and Wellness will lead the health sector response, and will establish a Pandemic Response Centre. It will support coordination among regional health authorities, coordinate vaccine delivery across the province, provide information, collect data on the spread of the disease in Alberta and help resolve any health care issues that may arise.</p> <p>Alberta Municipal Affairs and Housing will lead the response regarding the non-health consequences of a pandemic, primarily through Emergency Management Alberta (EMA). EMA will communicate with municipalities, monitor the effect of the pandemic on essential services, coordinate volunteer activities and federal assistance programs and monitor the need for support among families of victims.</p>

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	<p>Each provincial government department will have contingency plans for the delivery of provincial services, and will assist Alberta Health and Wellness, Emergency Management Alberta, regional health authorities and municipalities. For additional information, go to</p> <p> www.health.gov.ab.ca/influenza/pandemic.html Alberta Health and Wellness</p> <p> http://aema.alberta.ca/ema/Business_Pandemic_checklist_final.pdf Alberta Municipal Affairs and Housing</p>
Is the employer required to meet first aid requirements for services when there are fewer workers on site?	Yes, the legislation still applies. First aid services and supplies are needed for the number of workers that are at the work site.
As a first aider am I responsible for providing first aid to someone who has flu symptoms?	Yes, as the designated first aider at the worksite you will be responsible for providing first aid and recording the first aid provided. Standard precautions must always be used, regardless of whether there is a pandemic. All legislated requirements still apply.
How do I protect myself from exposure to influenza at work?	<p>The goal is to keep exposure as low as reasonably possible. Strategies to minimize exposure can include workers working altering shifts or working from home. The controls should be in the employer's plan.</p> <p>Alberta Health and Wellness along with your local health authority will give advice about personal protective equipment such as masks.</p>
Is the employer obligated to provide protective equipment to workers potentially exposed to influenza pandemic at work? Does an employer need to provide respiratory protective equipment?	If a hazard exists and exposure cannot be prevented or minimized in any other way (i.e., by engineered or administrative controls), then the employer is required to provide personal protective equipment as the last line of defense to protect worker health and safety.
If respiratory protection is needed, does fit testing need to be done?	Yes.

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If wash basins are not available at work, will waterless hand cleaners be suitable?	Yes.
Employment Standards and Labour Relations Questions	
What provisions exist in the <i>Employment Standards Code</i> for sick leave or compassionate leaves?	The <i>Employment Standards Code</i> does not require an employer to grant sick leave, compassionate leave or bereavement leave; or provide job protection for employees who stay home from work due to illness, family illness or other family issues.
Do unionized employees have sick leave or compassionate leaves?	Collective agreements may contain various provisions for paid or unpaid leaves of absence, including sick leave or compassionate leave. Check your collective agreement.
If an employee does not go to work because of the illness of other employees and the employer fires the employee, what remedies does an employee have?	The employee could claim he or she was fired without cause and make a claim for termination pay under the <i>Employment Standards Code</i> . Employment Standards would assess each claim on its own merits. The employee could also decide to seek independent legal advice and pursue a civil claim for damages.
Are there a specific number of days of absence, without notification by the employee, after which an employer may fire that employee?	Not in the <i>Employment Standards Code</i> . This is decided by the contract of employment between the employer and the employee.
Could an employer require an employee to provide a note from a doctor to confirm absence due to illness?	The <i>Employment Standards Code</i> has no such requirement. However, an employer's policy or a collective agreement binding on an employee could contain this provision.
If an employee is fired without notice or termination pay because of a pandemic and the employer claims that the economic hardship of the pandemic justifies the action, what remedy does an employee have?	The employee could file a claim for termination pay. There are exemptions for unforeseeable and unpreventable causes that result in termination. Claims and exemptions are judged on their own merits.
Does the <i>Employment Standards Code</i> allow employers and employees to exceed the maximum hours of work in a day when urgent work is necessary, for example; where emergency medical services are needed?	Yes. Section 16 of the <i>Employment Standards Code</i> , sets the maximum hours of work in a day and unforeseeable or unpreventable circumstances where the maximum daily hours may be exceeded.

Question	Answer
What legislation specifically addresses employment of emergency service personnel?	<p>The <i>Labour Relations Code</i> prevents firefighters and employees of approved hospitals or regional health authorities from striking or being locked out.</p> <p>The <i>Public Service Employee Relations Act</i> prohibits an employer, a bargaining agent or employees subject to the act from striking or being locked out.</p> <p>The <i>Police Officers Collective Bargaining Act</i> prevents police officers from striking or being locked out</p>
What emergency provisions exist in the <i>Labour Relations Code</i> ?	Division 18 of the <i>Labour Relations Code</i> addresses public emergencies arising from a labour dispute. This provision grants the Lieutenant Governor in Council authority to order the parties back to work if a dispute threatens public safety.
During a pandemic do minimum standards of employment still apply?	Yes. Any employment conditions or agreements for lesser standards are against public policy and void.
Professions and Occupations Questions	
In the event of a pandemic emergency, can trained health care professionals not currently registered in Alberta be allowed to practice their occupation?	Each profession's regulatory organizations is responsible for ensuring that professionals are qualified to perform restricted activities identified in their legislation. You can contact the appropriate College or Professional Regulatory Organization for further information in the event of a pandemic emergency.
Can a veterinarian be allowed to assist health professionals in the event of a pandemic?	Alberta Health and Wellness would be responsible for determining what restricted activities, if any, that veterinarians or other trained professionals may be allowed to perform in the event of a pandemic emergency.