

## Workplace Guide to Right-to Refuse during Covid-19 Virus

The following information is meant to guide workplaces in the event that an individual exercises their right-to-refuse during a pandemic. These are some of the questions health and safety officers will be asking if the matter is referred to WorkSafeNB after the proper steps are followed. This can also be used as a guide to identify additional measures that can be taken to protect employees. [More information about the right to refuse.](#)

Questions		Comments
1. Has the employee advised their supervisor of the right-to refuse? (It is suggested to use a <a href="#">Right to Refuse</a> form.) <i>OHS Act 20(1)</i>	Y	
	N	
2. Has the Supervisor provided a written decision?	Y	
	N	
3. Does your workplace have a Joint Health and Safety Committee (JHSC) (required for workplaces with 20 or more employees)? If so, has the employee advised their JHSC of the right-to-refuse? <i>OHS Act 20(4)a</i>	Y	
	N	
4. Has the JHSC provided a written decision?	Y	
	N	
5. Has the employee remained available at the worksite? If no, has there been an agreement between the employer and employee to address work refusals where the employee has not gone to or remained at the worksite?	Y	
	N	

6. Which of the following precautionary measures has the employee been trained on (check those elements that have been covered during training)

- The employer's pandemic policies and procedures
- Proper hand washing technique
- Cough & sneeze etiquette
- Social distancing (at least 2 meters)
- Required personal protective equipment (PPE)
- Procedures for removal and decontamination of equipment if required
- Procedure for proper decontamination of the work area if required
- Risk of exposure training
- Symptoms of Influenza-like-Illness (ILI) and what to do in the event of such illness

*The Officer will ask for written documentation or verify verbally that training occurred*

7. Is this a non-healthcare setting?

- If the answer is yes, please proceed to question 8
- If the answer is no, proceed to question 9

Y

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	<b>N</b>	
8. What is the level of risk performed by the non-health care worker?	<b>L o w</b>	Customer service interaction with the general public i.e. Office workers, clerks, cashiers, tellers, customer service representatives, school system, all non-health care
	<b>M o d 1</b>	Indirect interaction i.e. not within 2 meters, with persons exhibiting symptoms, and/or direct contact with their environment or belongings) i.e. Has contact with a contaminated environment: cleaning contaminated areas or equipment e.g. correctional facility, etc.
	<b>M o d 2</b>	Direct face to face interaction (within 2m) with persons exhibiting symptoms, in the context of providing personal care or supervision i.e. Care activities like assisting with personal care, cleaning a room with a person with known contamination, inter-facility transport e.g. correctional officer in facilities, etc.

Questions	Comments					
9. What is the level of risk performed by the <b>healthcare</b> worker?	Level of Precautions Matrix-Healthcare Setting					
	Physical Setting and Level of Patient Interaction					
	Patient Clinical Status and Source Control Capability	No Patient Interaction Non clinical	No Direct or Indirect Patient Interaction	Indirect Contact	Direct Patient Interaction	Direct Patient Interaction with *AGMP
	Recovered from Contamination	I	I	II	II	II
	Contamination and Compliant or Weak Cough and Not Compliant	I	I	II	III	IV
	Contamination and Forceful Cough and Not Compliant	I	I	II	III	IV
Contamination and *AGMP	I	I	II	IV	IV	

\* AGMP (Aerosol Generating Medical Procedures) that can cause vaporization of respiratory secretions generally **involve coughing or air expelled under pressure** and include but are not limited to:

- Oro-tracheal and naso-tracheal intubation procedures
- Oro-tracheal and naso-tracheal suctioning
- Care of a tracheotomy
- Some inhalotherapy/respiratory treatments
- Ventilator related procedures and care testing
- Bronchoscopy and gastroscopy
- Pulmonary function testing

These procedures are performed primarily by medical staff, i.e.: doctors, nurses and respiratory therapists. These procedures are generally done in high acuity areas: Intensive care (adult & children), Emergency services, Operating and recovery rooms, Pediatric. EMTs also routinely perform these kinds of procedures.

Questions		Comments
<p>10. If a respirator is offered/required has the employee been fit tested?</p> <p><i>Officer will ask for the date of test, type of respirator (s) used and name of person who conducted the test</i></p>	Y	
	N	
<p>11. If a respirator is offered/required has the employer developed a code of practice?</p>	Y	
	N	
<p>12. Are there any other issues that may affect the employee's health &amp; safety with respect to the Right-to-Refuse? Please check all those that apply.</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Hand washing facilities readily available</li> <li><input type="checkbox"/> Housekeeping cleaning protocols</li> <li><input type="checkbox"/> Adequate supplies of PPE</li> <li><input type="checkbox"/> Other issues</li> </ul>		

Questions				
<p>13. For non-healthcare setting, identify the precautionary measures required based on your opinion of the identified risks and compare with measures taken by the employer.</p> <p>These measures must meet the minimum standards established by NB's <a href="#">Office of the Chief Medical Officer</a>.</p>		Low Risk	Moderate Risk 1	Moderate Risk 2
		Customer service interaction with the general public	Indirect interaction i.e. not within 2 meters, with persons exhibiting symptoms, and/or direct contact with their environment or belongings)	Direct face to face interaction (within 2m) with persons exhibiting symptoms, in the context of providing personal care or supervision
	<b>Sample Work Settings</b>	Office workers, clerks, cashiers, tellers, customer service representatives, school system, all non-health care	Has contact with a contaminated environment: cleaning contaminated areas or equipment e.g. correctional facility, etc.	Care activities like assisting with personal care, cleaning a room with a person with known contamination, inter-facility transport e.g. correctional officer in facilities, etc.
	<b>Hand Hygiene</b>	YES	YES	YES
	<b>Respiratory Hygiene</b>	YES	YES	YES
	<b>Disposable Gloves</b>	NO	YES	YES
	<b>Apron or Gown</b>	NO	YES	YES
	<b>Eye Protection</b>	NO	NO, but avoid touching eyes, nose or mouth	YES
	<b>Surgical Mask</b>	NO	NO	YES
	<b>N95 Respirator</b>	NO	NO	NO

Questions		
14. For Health Care setting, are the measures established in the Infection and Protection Control (IPC) guideline document (NB Department of Health) being met?  If No, indicate what is needed.	Y	
	N	