

COVID-19: Protecting the Health and Safety of Workers in Emergency Childcare Centres

****Please note: Information contained herein is current as of April 2, 2020****

** This document is not intended to replace any training on protocols and procedures that you are entitled to from your employer.**

Introduction

On March 22 the Ontario Government announced that childcare centres will re-open in a limited capacity throughout Ontario in order to provide emergency childcare for families of workers who are continuing to provide critical services during the pandemic. In response CUPE provided locals that represent childcare workers with a series of questions to ask employers to ensure that returning to work was as safe as possible for both workers and children.

This document is intended for ECEs and ECA's in childcare centres and schools who may be asked to go back to work to provide emergency childcare for essential workers during the COVID-19 pandemic to understand their rights in the workplace.

As outlined below, the pandemic of COVID-19 has not changed how we apply health and safety legislation in Ontario. The basic principles remain the same. Workers maintain the right to know, the right to participate, the right to refuse work where there is a danger to health and safety, and the right to be free from reprisal for exercising their rights under the *Occupational Health and Safety Act*.

Local Public Health Authority

Any childcare centre that is re-opening must work with the local or regional public health authority to establish health and safety protocols. These protocols should be shared with you prior to returning to work and proper training should be provided where required to adhere to the established health and safety protocols.

The health and safety protocols established by your employer and the local public health authority will represent the minimum standards that should be adhered to in your workplace. CUPE has provided locals with a guide to negotiating higher health and safety standards for emergency childcare centres.

Ensuring the workplace is safe for everyone

Q: If I must report to work, what does my employer have to do to make sure that I can report safely to work?

A: Employers should be following their pandemic plans and modifying the plan based on the latest information about COVID-19. Any changes made to the plan should be communicated to the workers, joint health and safety committee and the local.

Childcare centres should work with their Joint Health and Safety Committee and their local Public Health to develop a protocol for returning workers to work that meets or exceeds the minimum standards approved by the local health authority. Some of the things that should be included in that protocol are elaborated below, but see the Ministry guidelines for further ideas (see Appendix).

Q: What kind of screening is required?

A: Your employer and your local public health unit will put Health and Safety protocols in place that the employer must adhere to. These are the minimum requirements set out and we encourage locals to try to negotiate enhanced health and safety measures. This may include temperature checks multiple times a day of both children and staff, a drop off space outside of the classroom to screen before children enter.

Q: What Personal Protective Equipment (PPE) should my employer provide to me?

A: The list of provided PPE will be identified by the local public health authority, but could include things like gloves and gowns. Staff who are doing the initial screening each day should ensure that they are trained to meet the protocols as stipulated by the public health authority. Staff must be trained on the use and care of PPE.

Q: What are the specific cleaning requirements during the COVID-19 in a childcare setting?

A: Specific cleaning requirements related to frequency and what spaces will be cleaned will be outlined in the protocol established between the employer and the local public health authority. However, a protocol above the minimum standard could be established by your Joint Health and Safety Committee (JHSC).

Q: What kind of solutions are needed for proper cleaning

A: The employer must provide information and instruction on the hazards, safe handling, use, storage, and disposal of any new chemical. For surfaces that **are likely contaminated** with SARS-CoV-2, WHO, PHAC and EPA have recommended the following disinfectants:

- Ethanol (+62%) – found in most hand sanitizers
- Hydrogen Peroxide (0.5%) - used primarily in health care settings to kill virus and bacteria, e.g. Virox
- Sodium Hypochlorite – Bleach, however these cleaning products can be caustic to humans and surfaces
- Quaternary ammonium disinfectants – the most common

There are other disinfectants (phenol compounds and glycol acid) that have similar claims. These products are normally used in workplaces receiving or treating patients with COVID-19. The products listed above can also be used on surfaces where the public has access and where there is no screening process. What is essential is the contact time also called dwell time (usually 5-10 minutes on the surface).

Refer to supplier label and the safety data sheet for additional information. Most disinfectants labeled for use in schools and hospitals, although less effective, should be adequate for routine disinfecting.

Working with the employer to ensure health and safety of workers

Q: What are my rights to participate in health and safety in my workplace during the COVID-19 pandemic?

A: The union's right to participate in workplace health and safety remains the same. The employer must ensure:

- Regular communication with the joint health and safety committee (JHSC).
- Implement policies and programs, in consultation with the JHSC on all aspects of occupational health and safety, including infection prevention and control. Worker safety must be prioritized.
- Provide to the JHSC and to workers information about changes in processes, new cleaning methods, new PPE, new equipment, etc.
- Provide training to workers on new processes and new equipment that creates a hazard for workers.
- Meetings of the JHSC and regular updates to ensure the internal responsibility system is working.

Q: Given the increased responsibility and risks, will I receive an increase in pay for working in an emergency childcare centre?

A: Salaries are expected to continue as per the Collective Agreement.

Refusing Unsafe Work

Q: Can I refuse to go to work during the pandemic?

A: Any worker who has reasonable grounds to believe that the work constitutes a danger to health and safety can exercise their rights under section 43 of the Occupational Health and Safety Act (OHSA). If possible, discuss this option with your local or the worker members of the JHSC in advance.

So far, there have been a few “right to refuse” investigations in response to COVID-19 and none have established reasonable grounds to refuse and no orders have been issued.

Inspectors are treating investigations on a case-by-case basis and are largely deferring to government health agencies to determine if the employers are exercising their due diligence with respect to COVID-19. Where workers are asked to do unsafe work, the local can make a complaint with the Ministry of Labour or file a grievance under the collective agreement alleging a violation of the Occupational Health and Safety Act.

Some examples where a right to refuse may be exercised include:

- No PPE provided where workers are required to wear or use it.
- No training on the PPE provided to workers.
- Workers with underlying health conditions are not isolated to reduce their exposure.

Q: I am worried about infecting the family members that I live with (eg. Elderly, ill, immune-compromised etc.). Can I refuse to go to work?

A: From a health and safety perspective you cannot refuse to work on these grounds. Refusing unsafe work only applies when it is you or a co-worker that is put in danger by the situation. If you are worried about being exposed to COVID-19 at work due to an at-risk family member you may want to explore a request for accommodation on the basis of family status.

Q: I have young children at home and I am their primary caregiver. Am I required to go to work?

A: You are entitled to take an unpaid leave to provide care to a person for a reason related to COVID-19 such as a school or day-care closure. If you take an unpaid leave, you may be entitled to income supports from the government. Details on income supports from the federal government are rapidly changing. We will aim to provide the most up to date information on income supports in a future document.

Q: If I go to work will my children be eligible for emergency childcare?

A: Childcare workers are on the list of eligibility for emergency childcare. Availability may be subject to limited spaces.

Q: What can I do if I get fired for raising my concerns about health and safety?

A: Under the Occupational Health and Safety Act (OHSA) there shall be no repercussions for raising health and safety concerns on the job. The COVID-19 pandemic has created challenges for workers, employers and governments, however health and safety legislation still applies to workplaces that are open during this time. The local can file a grievance alleging that the termination was a violation of the OHSA.

Self-screening or self-monitoring

Self-screening is vital to prevent the potential transmission of COVID-19 to co-workers and the public. Self-screening protocols must be in place and should be adapted by centres at the beginning and the midpoint of each shift. Additionally, workplaces should have a single point of entry.

Ontario Health has created the following self-assessment:

1. Are you experiencing any of the following symptoms?

- severe difficulty breathing (for example, struggling for each breath, speaking in single words)
- severe chest pain
- having a very hard time waking up
- feeling confused
- lost consciousness

If no, proceed to question 2.

If yes*, workers should call 911 or seek medical help.

2. Are you experiencing any of the following symptoms (or a combination of these symptoms)?

- fever
- new cough
- difficulty breathing (for example, struggling for each breath, cannot hold breath for more than 10 seconds)

If no proceed to question 3.

If yes:

- Have you travelled outside of Canada in the last 14 days?

Or

- Does someone you are in close contact with have COVID-19 (for example, someone in your household or workplace)?

Or

- Are you in close contact with a person who is sick with respiratory symptoms (for example, fever, cough or difficulty breathing) who recently travelled outside of Canada?

If yes*, self-isolation is recommended. Contact either:

- your primary care provider (for example, family doctor) for a virtual assessment;
- Telehealth Ontario at 1-866-797-0000 and speak with a registered nurse.

3. Are you experiencing any of the following symptoms (or a combination of these symptoms)?

- muscle aches
- fatigue
- headache
- sore throat
- runny nose
- symptoms in young children may also be non-specific (for example, lethargy, poor feeding).

If yes*, self-isolation is recommended. Contact either:

- your primary care provider (for example, family doctor) for a virtual assessment
- Telehealth Ontario at 1-866-797-0000 and speak to a registered nurse

If no, it is unlikely you have COVID-19

*Note: The employer must also be notified.

Appendix: Ministry of Health Guidelines for Emergency Child Care Centres

Version 1: March 29, 2020

In order to support health care and frontline workers during the COVID-19 pandemic, certain childcare centres are exempt from the order to close all licensed childcare centres, pursuant to the emergency declared in Ontario on March 17, 2020.

These childcare centres are required to follow all existing health and safety requirements as directed by the local medical officer of health and as outlined in the Child Care and Early Years Act, 2014 and other policies and guidelines issued by the Ministry of Education. Plans must also be in place to respond should any staff, children, or parents/guardians be exposed to COVID-19.

Requirements for health and safety

1. Ensure all current infection prevention and control practices are adhered to, this includes but is not limited to:
 - Ensuring all toys used at the centre are made of material that can be cleaned and disinfected (e.g. avoid plush toys);
 - Increasing the frequency of cleaning and disinfecting objects, toys and frequently touched surfaces;
 - Frequently touched surfaces are most likely to become contaminated, including doorknobs, light switches, toilet handles, and tabletops, and must be disinfected at least twice a day;
 - Only using disinfectants that have a Drug Identification Number (DIN). Low-level hospital grade disinfectants may be used;
 - Expiry dates of products used and always following manufacturer's instructions;
 - Performing proper hand hygiene (including assisting children with hand hygiene); and,
 - Incorporating additional hand hygiene opportunities into the daily schedule.

2. Encourage more physical space between children by:
 - Spreading children out into different areas;
 - Staggering, or alternating, lunchtime and outdoor playtime; and,
 - Incorporating more individual activities or activities that encourage more space between children.

3. Do not use water or sensory tables.
4. Do not use community playgrounds; however outdoor play at licensed childcare sites is encouraged in small groups in order to encourage physical distancing (check with the local public health unit regarding the use of playground equipment on site).
5. Increase the distance between nap mats, if possible. If space is tight, place children head-to-toe or toe-to-toe. Cots and cribs should be disinfected after each use. Please refer to section 4 of the Ontario Child Care Centre Licensing Manual (September 2019) for more information.
6. Linens must be laundered between children.
7. Children must not share soothers, bottles, sippy cups, toothbrushes, facecloths, etc. Label these items with the child's name to discourage accidental sharing.
8. Reinforce "no food sharing" policies.
9. If meals or snacks are provided, ensure each child has their own individual meal or snack. Multi-use utensils must be sanitized.
10. Pick-up and drop-off of children should happen outside the childcare setting unless it is determined that there is a need for the parent/guardian to enter the setting.
11. When holding infants and toddlers, use blankets or cloths over childcare providers clothing and change the blankets or cloths between children.
12. Avoid getting close to faces of all children, where possible.
13. Clearly communicate to parents/guardians:
 - Check their children's temperature and ask staff to check their own temperature daily before coming to the childcare setting.
 - If the temperature is equal or greater than 38 degrees Celsius or if the child/children have any cold-like symptoms or vomiting and/or diarrhea, they should stay home.
14. More information on self-monitoring can be found on Public Health Ontario's website.

Screening

15. All individuals, including children, parents/guardians and staff must be screened upon arrival using the criteria below. Deny entry to any person including the child of a parent/guardian who meets the following criteria:
 - Signs or symptoms of respiratory infection, such as cough, shortness of breath, sore throat, and/or fever.
 - Anyone who have travelled outside of Canada in the last 14 days.
16. Thermometers must not be used between children/staff without single-use protective covers or disinfecting between use.
17. Do not permit children who are ill to attend childcare.
18. Childcare centres must have protocols in place to notify parents/guardians if their child begins to show symptoms of COVID-19 while in childcare, including the need for immediate pick up.

Management of children with possible COVID-19

19. If a child begins to experience symptoms of COVID-19 while attending childcare, it is recommended that:
 - Symptomatic children are immediately separated from others in a supervised area until they can go home. In addition, where possible, anyone who is providing care to the child should maintain a distance of 2 metres.
 - If a 2-metre distance cannot be maintained from the ill child, advice from the local public health unit will be necessary to prevent/limit virus transmission to those providing care.
 - While contacting the public health unit, at minimum the child and childcare worker should wear a surgical / procedure mask (if tolerated).
 - Hygiene and respiratory etiquette should be practiced while the child is waiting to be picked up.
 - Tissues should be provided to the child for proper respiratory etiquette, with proper disposal of the tissues and proper hand hygiene.
 - Environmental cleaning of the space the child was separated should be conducted once the child has been picked up.
 - Contact the local public health unit to notify them of a potential case and seek input regarding the information that should be shared with other parents of children in the childcare centre.
 - Children with symptoms must be excluded from childcare for 14 days after the onset of symptoms.
 - Children or staff who have been exposed to a confirmed case of COVID-19 or symptomatic person(s), should be excluded from the childcare setting for 14 days.

Occupational Health & Safety

20. Childcare centres must have written measures and procedures for worker safety, including measures and procedures for infection prevention and control. Detailed guidelines for COVID-19 are available on the Ministry of Health COVID-19 website.
21. If a childcare worker is suspected to have or diagnosed with COVID-19, the childcare worker must remain off work until symptoms are fully resolved and negative laboratory tests have been confirmed.
22. The employer should consult with the local public health unit to determine when the care provider can return to work. Childcare workers should also report to their Employee Health/Occupational Health and Safety department prior to return to work.
23. If the care provider's illness is determined to be work-related: In accordance with the Occupational Health and Safety Act and its regulations, an employer must provide a written notice within four days of being advised that a worker has an occupational illness, including an occupationally-acquired infection, or if a claim has been made to the Workplace Safety and Insurance Board (WSIB) by or on behalf of the worker with respect to an occupational illness, including an occupational infection, to the:
 - Ministry of Labour;
 - Joint health and safety committee (or health and safety representative); and
 - Trade union, if any.
24. Any instances of occupationally acquired infection shall be reported to WSIB within 72 hours of receiving notification of said illness.