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bulletin - Human Resource Services

Influenza

Every winter a strain of influenza virus emerges and circulates around the globe. This year, in addition to the traditional influenza virus strain, the emergence of H1N1 has caused anxiety, uncertainty and confusion. Every employer has the responsibility to mitigate the spread of infectious diseases in the workplace and with this comes the opportunity to manage this issue to ensure continuity of business. CLR has developed templates for company Influenza Exposure Control Plans, site specific Influenza Exposure Control Plans and Information to Workers which can be used as a basis for training. For more information or to obtain copies, please contact Dave Earle or Diana Zurbuchen at CLR.

What is it?

H1N1 is described as a pandemic influenza, which is different than the seasonal flu as it is a global epidemic that occurs when a powerful new strain of human influenza virus appears. Originated as a Zoonotic disease, a disease caused by infectious agents that can be transmitted between animals and humans, the H1N1 influenza should be of great concern for businesses, as employers must remember that they have the statutory duty to protect workers from work-related hazards, including exposure to any infectious diseases such as influenza. The H1N1 flu virus – also known as human swine influenza – is a respiratory illness that affects the nose, throat and lungs.

How does it spread?

All influenza viruses (H1N1 included) are highly contagious and are spread in respiratory droplets of coughs and sneezes. This can happen when droplets from a cough or sneeze of an infected person are propelled through the air and deposited on the mouth or nose of people nearby. Influenza viruses may also be spread when a person touches respiratory droplets on another person or an object and then touches their own mouth or nose (or someone else's mouth or nose) before washing their hands.

Most healthy adults may be able to infect others beginning one day before symptoms develop and up to 5-7 days after becoming sick. Children may pass the virus for longer than seven days. Symptoms start one to four days after the virus enters the body. That means that you may be able to pass on the flu to someone else before you know you are sick, as well as while you are sick.

This makes managing the spread of influenza very difficult, but a few simple precautions have been shown to be very effective.

Beware of symptoms

Almost always:	Common:	Sometimes:
<ul style="list-style-type: none"> Cough & fever 	<ul style="list-style-type: none"> Fatigue Muscle aches Sore Throat Headache Decreased appetite Runny Nose 	<ul style="list-style-type: none"> Nausea Vomiting Diarrhea

How can I stop the spread in our workplace?

The transmission of influenza (and all diseases that are spread through the air) can be managed through a combination of engineering controls, administrative controls (including safe work practices), and PPE. Preventative measures include:

- Follow proper hand washing procedure. Hand washing is the simplest, most effective means of controlling the spread of infectious disease.
- Educate staff about safe work practices (hygiene and the use of PPE if necessary).

- Disinfect contaminated surfaces regularly.
- Encourage staff who have signs and symptoms of illness to stay home until they feel better.
- Encourage cough and sneeze etiquette among staff. Cough into sleeves instead of hands, as germs die quicker on clothing rather than skin surfaces.
- If running water for proper hand hygiene is not available at the worksite, ensure that sanitary stations equipped with alcohol-based hand sanitizers are located on work sites, especially at designated break and lunch areas.

Can getting the flu be a Workers' Compensation Claim?

In the vast majority of cases, no. While influenza is not recognized by WSBC as a disease that is peculiar to a specific industry or process, nor as a disease of general application, each claim is adjudicated on its own merits. In order for a claim for any infectious disease to be accepted by WSBC, certain criteria must be met. The first question asked is "does the nature of the employment create for the worker, a risk of contracting a kind of disease to which the public at large is not normally exposed." For the vast majority of construction workers, in the case of influenza, this is clearly not the case.

The next question is "does the nature of the employment create for the worker, a risk of contracting the disease significantly greater than the ordinary exposure risk of the public at large?" In order to meet this requirement, it is not sufficient to show only that the worker meets more people than workers in other occupations. It must be shown that in the particular employment the worker meets a much larger proportion of people with the particular disease than is found in the population at large. In extremely rare circumstances, it may be possible to show that a construction worker is exposed to a greater number of influenza-infected persons than the public at large. For example, a worker working at a long-term care facility where residents are suffering a high-incidence of influenza may be able to show this link.

It is anticipated that very, very few workers in the construction industry would have this type of exposure, but it is important that site supervisors working in environments where influenza outbreaks are possible, be aware of this issue and take appropriate steps.

The Right to Refuse Unsafe Work

In some industries (e.g. health care and educational institutions), workers have exercised their right to refuse unsafe work due to severe influenza outbreaks. While it would be extremely unusual for a construction worker to exercise this right due to exposure to influenza, it is important for employers to understand what this right entails and how to prevent it from becoming a workplace issue in the first place.

The right to refuse unsafe work is provided by Occupational Health and Safety Regulation 3.12 which sets out a three step, escalating process. Throughout this process, there are several things to keep in mind:

1. Exercising the right to refuse unsafe work does NOT mean that the worker is free to leave to worksite or to refuse other available and appropriate work.
2. The worker may be reassigned to other work that does not expose them to the same hazard that they have indicated they believe is unsafe.
3. In order for a refusal of unsafe work to be validated by WSBC, the refusal must be based on a "reasonable belief" that the work would expose them to an "undue hazard."

The two elements of the last item above provide an opportunity for employers to reduce the risk of a refusal of unsafe work complaint. In the case of exposure to influenza, education is critical. A worker who is provided with clear, credible information from independent sources (BC Center for Disease control for example) that provide them with accurate risk assessment, mitigating strategies and an understanding of the actual risk of exposure to influenza, is more likely to feel secure in their work and less likely to exercise a right to refuse unsafe work.

What do I need to do?

The Occupational Health & Safety Regulation requires that an exposure control plan be implemented when workers may be exposed to an air contaminant. This applies to workplaces where exposure to influenza is possible – yours! Like any other hazard analysis, your exposure control plan should contain the following:

1. Statement of purpose and responsibilities
2. Risk identification, assessment, and control
3. Education and training
4. Written work procedures (when required)
5. Hygiene facilities and decontamination procedures
6. Health monitoring (when required)
7. Documentation (when required)

Contact Dave Earle or Diana Zurbuchen for assistance in creating your Exposure Control Plan. They can be reached by phone at 604604-524-4911 or by email: davee@clra-bc.com or dianaz@clra-bc.com.